

OFFICE OF THE SECRETARY OF LAND REVENUE

Government of Sikkim

Dated Gangtok, the 28th August, 1975.

It is hereby notified for general information of all concerned that Land Revenue is payable to the Government of Sikkim in respect of all lands in the State of Sikkim and all the district Officers and all others connected with the collection of land revenue in respect of any land in the states of Sikkim are directed to collect land revenue and all other public dues relating to lands in the State of Sikkim and to get them deposited in the government account under proper heads relating to Land Revenue with immediate effect. It is notified further that land Revenue will include among others Damthey Khazana.

By Order

R.B. MUKHUIA

Secretary,

Department of Land Revenue,

Government of Sikkim

Gangtok

SIKKIM

GOVERNMENT. GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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BILL NO. 2 OF 1975.

THE SIKKIM REGULATION OF TRANSFER AND USE OF LANDS BILL 197

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To make provision for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith..

WHEREAS :the Government of Sikkim has undertaken the task of introducing necessary and suitable measures relating to land reforms in Sikkim and of giving effect to the policy that lands are so distributed as best to sub-serve the common good and that land properties are not concentrated to the common detriment.

AND WHEREAS to facilitate the implementation of the said task and to give effect to such policy it is expedient to make provisions for the regulation of transfer and use of lands by the landowners and other person and for other matters connected therewith;

It is hereby enacted as follows:-

Short title. 1. (1) This Act may be called the Sikkim Regulation of Transfer and Use of *Extent Commencement* Lands Act, 1975

(2) It extends to the whole of Sikkim

(3) It shall come into force on such date as the State Government may, by notification in the Sikkim Government Gazette, appoint and different dates may

be appointed for different areas in Sikkim.

Regulation of transfer 2.(1) Notwithstanding anything to the contrary contained in any other

And use of lands. Law or custom or contract.

(a) no landowner shall transfer by sale, lease or anyway whatsoever any land or right or interest in any land,

(b) no person shall fell , remove or dispose of any trees in any land and

(c) no person shall quarry any land or remove any sub soil material from anylandwithout the permission in writing of the District Officer within whose jurisdiction the land is situated or of such other officer as may be specially empowered by the State Government in this behalf.

2. The State Government may make rules laying down the principles, terms and conditions in accordance with which the permission referred to in sub-section (1) may be granted.

Explanation:-

(1) “Land “ means any land used or capable of being used for nay agricultural or non agricultural purpose and includes forests;

(2)

(3) “Landowner” means any person owing lands more than ten acres in areas, whether in his own possession or otherwise in the State of Sikkim.

Contravention and 3. (1) Any transfer made in contravention of the provision of clause *penalties:* (a) of subsection (1) of section 2 shall be void:

(4) If any person commits a breach of provision of clause (b) or clause (c) of sub section (1) of Section 2 he shall be punished with fine not exceeding two thousand rupees and if the breach is a continuing one , with a further fine not exceeding two hundred rupee for each day during which the brech continues and the trees or sub-soil materials, as the case maybe shall be forfeited to the State Government.

Repeal and savings: 4. (1) The Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance , 1975 is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance , any proceeding or remedy in respect of any right, obligation or liability under the said Ordinance and relating to the periods before such repeal maybe instituted , continued or enforced as if the said Ordinance had been in force and had not been repealed.

STATEMENT OF OBJECTS AND REASONS

The Government of Sikkim have under taken the task of introducing necessary and suitable measures relating to

landforms in Sikkim and to give effect to the policy that land properties are no concentrated to the common

detriment and lands are so distributed as best to sub erve the common good, In order to implement the said task

and to give effect to such policy , the Government have thought it necessary to regulate transfer and use of lands

and have felt that unregulated or indiscriminate transfers of lands by way of sale, lease or otherwise will create

serious impediments and obstacles to the proper distribution of lands to sub-serve the common good and will enable persons to evade the provisions of the land reform legislation or may result in concentration of land properties to common detriment . The Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance 1975 has been promulgated with the above objects in view. The Bill has been framed with the above objects in view and seeks to replace the Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance 1975.

B.P. KHAREL,
Minister of Land Revenue Department Deptt.
Member in- Charge