

The Meghalaya Heritage Act, 2012

Act No. 9 of 2012

Amendment appended: 11 of 2025

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The 4th April, 2012.

No.LL(B) 62/2011/16.—The Meghalaya Heritage Act, 2012 (Act No. 9 of 2012) is hereby published for general information.

MEGHALAYA ACT NO. 9 OF 2012.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 3rd April, 2012.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 4th April, 2012.

THE MEGHALAYA HERITAGE ACT, 2012.

An

Act

to provide for conservation and protection of heritage sites which shall include buildings, artefacts, structures, areas, streets and precincts of historic or cultural or environmental significance (heritage buildings and heritage precincts) and natural features of environmental significance and sites of scenic beauty and also to provide for conservation and protection of areas of environmental sensitivity.

Be it enacted by the Legislature of the S tate of Meghalaya in the Sixty-third Year of the Republic of India as follows -

Short title, extent

1. (1) This Act may be called the Meghalaya Heritage Act, 2012.

and commencement.

- (2) It extends to the whole State of Meghalaya.
- (3) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and

any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

- 2. In this Act, unless the context otherwise requires, -
- (a) "Act" means the Meghalaya Heritage Act, 2012.
- (b) "Authority" means the Meghalaya Heritage Authority constituted under Section 6;
- (c) "conservation" means protection, preservation and restoration of herit age areas, heritage buildings and heritage precincts sites and shall include only such developmental activity that will enhance the heritage significance of the heritage within the framework of this Act;
- (d) "development" with its grammatical variations means the carrying out of building, engineering mining or other operations in or over or under, land or the making of any material change, in any building or land or in the use of any building or land or change to heritage site including any material or structural change in or pinting of any heritage building, or in a heritage precinct or on a listed natural fracture and includes demolition of any existing building, structure or erection or prt of such building, structure or erection and reclamation, redevelopment and layout and sub-division of any land "to develop" shall be construed accordingly;
- (e) "development right" means right to carry out development or to develop land or building or both and shall include the transferable development right in the form of right to utilise the floor area ratio of land utilisable either or the remainder of the landaptially reserved for a public purpose or elsewhere, as may be provided in the heatige regulation as per the Master Plan;
- (f) "floor area ratio" means the ratio derived by dividing the tot all covered area of all floors by the area of the plot;
- (g) "Meghalaya" means the State of Meghalaya;
- (h) "heritage areas" means those areas of archaeological or historic or architectural or aesthetic of scientific or environmental or cultural significance including natural features and sites of scenic beauty (hereinatter referred to as "listed areas" or "heritage areas" which are included in a list(s) published by a notification in the Oficial Gazette, by the Authority from time to time;
- (i) "heritage building" means and includes any building of one or more premises or any part thereof, of structure or artefact which requires conservation or preservation for historical or architectural or artistic or artisanry or aesthetic or culture or environmental or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical or architectural or aesthetic or culture or environmental value of such building;
- (j) "heritage precincts" means and includes sp aces that require conservation or preservation for historical and architectural or aesthetics or cultural or environment al or ecological purpose and walls or other boundaries of a p articular area or place or building which may enclose such space by and imaginary line drawn around it;
- (k) "heritage sites" means those buildings, artefact s, structures, street s, area and precincts of historic of aesthete or architectural or cultural of environment significance (hereinafter referred to as "listed buildings" or "herit age buildings" and listed precinct or "heritage precincts") and those natural features of environment al significance and

site and scenic beauty including but not instructed to, sacred groves, mountains, hills, hillocks, lakes, river and other water rides, bridle pths (hereinafter referred to as "listed natural fractures") which are included in a list(s) published by notification in the Official Gazette, by the Authority from time to time;

- (I) "listing" means archaeological or other systematic study or document ation of a heritage site to reveal it s history and other special features and shall include the recording and analysis of artefact s, features and other material necessary for the purpose of determining the heritage value or environmental significance;
- (m) "owner" includes-
- (i) a joint owner invested with power of management on his own behalf and other joint owners and successors in title of any such owner; and
- (ii) any manager or trustee exercising powers of management and the successor in office of any such manager or trustee;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "regulations" means a regulations made by the Authority under section 18 of this Act by notification in the Official Gazette;
- (p) "rules" means rules prescribed under this Act; and
- (g) "section" means a section of this Act.

Declaration of heritage site,

3. (1) The Authority may from time to time by notification in the Oficial Gazette and by publication in leading newspapers from time to time declare.

buildings, artefacts, structures, streets, area and precincts of historic or architectural or aesthetic or cultural or environment al significance and those natural features of environmental significance and sites of scenic beauty including, but not restricted to, sacred groves, mountains, hills, hillocks, tablelands, sand dunes deserts, lakes, river, other water bodies and wet lands and the areas adjoining the same, open areas, wooded areas, points walks, rides bridle paths as heritage site to be protected under this Act and grade them as may be prescribed by regulations.

- (2) Where the Authority is of the opinion that it is necessary so to do, it may from time to time by notification in the Official Gazette as well as publication in leading newspers, give thirty days notice of its intention to declare as a heritage site, any building artefact structure, street area and precinct of historic or aesthetic or architectural or cultural or environmental significance and natural feature of environmental significance and site of scenic beauty including, but not restricted to, a sacred grove, mountans, hills, hillocks, tablelands, sand dunes deserts, lakes, rivers, other water bodies and wet lands and the areas adjoining the same, open areas, wooded areas, point s walks, rides bridle paths for inviting objections or suggestion in writing from the person of the public or any organisation and any such notification and news paper published shall be affixed in a conspicuous place near the site.
- (3) On the expiry of the said period of thirty days, Authority may after considering the objections and suggestions, if any received by it, declare by notification in the Official Gazette the building, artefact, structure, street, precinct area or natural features to be a heritage site. (4) A heritage site so declared shall be graded according to it heritage significance by the Authority and the Authority will also determine the scope for change in the heritage site, if required.

Acquisition of heritage site.

4. The Government may, by notification in the Official Gazette from time to time acquire or take possession of any heritage site for maintenance.

Temporary protection orders. 5. If the Authority considers that a property has or may have herit age value or environmental significance, or scenic beauty and is likely to be adhered for any reason whatsoever, it may issue to the owner or lessee an order stopping work that prohibits any alteration of the property for a period of up to one hundred and twenty days subject to such conditions or requirement as the Authority may consider appropriate.

Constitution of Authority.

- 6. (1) The Government shall constitute an Authority known as the "Meghalaya Heritage Authority" for the purpose of exercising powers and performing the function assigned under this Act.
- (2) The Authority constituted under sub-section (1) shall consist of the following: -

Chief Secretary Chairman Additional Chief Secretary/ Principal Member Secretary/Commissioner & Secretary/ Secretary, **Finance Department** Principal Secretary/Commissioner & Secretary/ Member Secretary, Urban Affairs Department Principal Secretary/Commissioner & Secretary/ Member Secretary, Arts and Culture Department Principal Secretary/Commissioner & Secretary/ Member Secretary, Tourism Department Principal Secretary/Commissioner & Secretary/ Member Secretary, District Council Principal Chief Conservator of Forest/Chief Member Conservator of Forest, Forest Department Principal Secretary/ Commissioner & Secretary/ Member Secretary, PWD Department Deputy Commissioners of all Districts Member Chief Executive Member of District Council Member Chief Executive Officer/Executive Officer, Municipal Member Boards

Member

Member Member

Secretary, MUDA

specialisation in Urban Design

One Representative from INTACH, Meghalaya Chapter

membership of the Council of Architecture and having

One Architect having ten years experience and

One Structural Engineer having experience ten years - Member

and membership of Institution of Engineers

One Historian having knowledge of the region and ten - Member

years experience in the field

One Environmentalist - Member

3 (Three) Representative from NGO's groups - Member

Director, Urban Affairs - Member

Secretary for Urban Areas

Director, Arts & Culture - Member

Secretary for Rural Areas

- (3) The Authority shall have the power to co-opt upto five additional members.
- (4) For the purpose of eficient functioning of the Authority, the Authority as deemed fit, may include any other member as invitee.

Power and Functions of the Authority.

- 7. The functions and powers of the Authority shall be as under.-
- (1) to make regulations for the conservation, protection and administration of heritage sites, including the function of granting or refusing permission for development which may affect heritage sites or their surroundings;
- (ii) to list and grade the heritage sites;
- (iii) to advise the Government on conservation policies relating to heritage sites;
- (iv) to evolve guidelines for listing, grading and inspection for the conservation of heritage sites;
- (v) to identify priorities for implementing conservation project relating to heritage sites;
- (vi) to administer the Meghalaya Heritage Conservation Fund;
- (vii) to constitute, if deemed necessary one or more committees and suchcommittees to perform such functions as may be assigned to them, including function of granting or refusing permission for development which may affect heritage sites or their surroundings;
- (viii) to monitor the implementation of heritage conservation plans and bringany lapses or shortcomings in the implementation thereof to the notice of the Government;
- (ix) grant of incentives including but not restricted to grant of development rights, if deemed necessary for conservation of heritage of environment; and
- (x) any other function as may be assigned by the Government.

Appointment of officers and staff.

8. The Authority may appoint such of ficers and staff to assist it in preparation and implementation of heritage conservation plans as deemed fit.

Preparation, approval and sanction of heritage conservation plans.

- 9. (1) The Authority shall within such time as may be prescribed, prep are heritage conservation plans, in respect of heritage sites.
- (2) The heritage conservation plan may propose or provide for all or any of the following matters namely: -
- (a) regulation for preservation and administration of heritage sites; (b) listing and grading of heritage sites;
- (c) prescriptions for development control for conservation of heritage sites;
- (d) specific design proposals in the case of heritage sites;
- (e) specific urban design proposals in the case of herit age sites in order to preserve and protect the character of the area;
- (f) proposals for incentives such as tax exemptions, transfer, of development rights or acquisition of property, if found necessary, for the protection of the herit age value of such heritage sites; and
- (g) proposals on a case to case basis, for any relaxation of development control regulations necessary for the protection and enhancement of the herit age value of heritage sites:

Provided that all such provision of heritage conservation plan shall, as far as possible, be in conformity with the Building Bye Laws applicable to the urban areas and the Master Plans. However, in case of any conflict, the heritage conservation plans shall take precedence over the building bye laws and other planning and land revenue rules and regulation.

- (h) such other matter as may be deemed necessary.
- (3) After submission of the heritage conservation plans but not later than such date as may be prescribed, the Government through the S tate Cabinet may, after consulting the Authority either approve such plans or approve them with such modifications as the Government may consider necessary or return them to the Authority to modify the plans to prepare fresh plans in accordance with such directions as the Government may issue in this behalf and the modified plans as prepared by the Authority shall be resubmitted to the Government for its approval.
- (4) The heritage conservation plan approved by the Government shall be published by the Government by notification in the Of ficial Gazette and in leading newsp aper for inviting suggestions or objections from the public. If objections and suggestion are received from the public within the period aforesaid, the Government shall consider the same and after getting opinion of the Authority, modify the heritage conservation plan accordingly, if necessary and grant sanction to the same:

Provided that once the said plans are prep ared by the Authority, all permissions for development that might affect the heritage sites shall be in conformity with the said plans

Control of developments.

10.(1) After the date of preparation of the heritage conservation plans by the Authority under Section 9, all planning permissions and building licences affecting heritage sites including the views and lines of sight of or from it shall be issued by the Authority only in conformity with the provisions of the herit age regulations made and the herit age conservation plans approved.

- (2) Any relaxation of the building bye laws or incentives provided under a herit age conservation plan or otherwise shall require the owner , lessee or power of attorney holder, as the case may be to execute a signed affdavit agreeing to maintain the listed heritage building in a state of good repair and to preserve its heritage value with due maintenance and such owner, lessee or power of attorney holder as the case may be, shall permit herit age inspections after due notice by the Authority and shall duly implement the suggestions made in this regard.
- (3) The owners, lessees and power of attorney holders of listed heritage sites shall not carry out development on heritage sites nor shall they demolish, alter, or add to it or undertake repairs thereof, without the prior permission of the Authority. Such permission may be refused or granted as the case may be, based on the findings of the inspections carried out by the Authority or any officer authorized by the Authority.
- (4) In case demolition or major damages of a heritige building or a building in a heritige precinct, or a major development or a listed natural feature is recommended under extraordinary circumstances or major rep air are to be undert aken as a result of the heritage inspection report, the Authority shall give thirty days notice in the newspapers calling for objections and suggestion from the public andatke a decision after considering the objection and suggestion received if any.
- (5) When the Authority comes to the conclusion that a listed heritage site is not being maintained properly or that such site needs repairs, the Authority shall serve a notice on the owner lessee or power of attorney holder, as the case may be, to maintain the heritage properly or to repair the site within thirty days of the service of the notice and such steps as to carry out the necessary repairs and recover the cost from such owner lessee or power of attorney holder, as the case may be and if the latter fails to make the payment, the amount shall be recoverable by the Government as Arrears of land revenue.
- (6) A Conservation Cell shall be created by the Authority for the maintenance and restoration of all listed heritage buildings, heritage sites and heritage areas which shall be headed by a chief architect with such specialisation in conservation architecture as may be prescribed.
- (7) Such chief architect shall be supported by technical stff with prescribed qualifications and shall follow the prescribed and established guidelines for the conservation of such buildings and sites.

Heritage Building, Site in Environmentally Sensitive Areas.

- 11. (1) The Government may take steps to declare areas where heritage building, site falling in environmentally sensitive areas. Within such areas, any class of industries, operations, processes construction or development activities shall be regulated, or shall not be carried out without certain safeguards.
- (2) Without affecting the generality of sub-section (1), the regulations can apply to, but not restricted to, the following land use especially conversion of land from green uses such as horticulture areas, agriculture, parks, open space, wetlands, grasslands, etc., to non green use, building including floor area ratio, height, coverage and design, location and type of industries carrying out mining, tree felling, tourism activities ground water usage, use of plastic and other non degradable subst ances hazardous substances, construction on hill slopes, discharge of effuents soil waste disposal, noise pollution, traffic development at around or effecting heritage sites.
- (3) Government shall stipulate the preparation of Master Plan in a time bound manner

which will regulate such areas under such plan and such other related matters.

- (4) Before declaring any area where heritage building, site falling in an environmentally sensitive area and before sanctioning the above guidelines, the Government shall, by notification in the Official Gazette and in leading newsp apers invite suggestions and objections from the public within a period of sixty days.
- (5) Notwithst anding anything mentioned in sub-section (4), the restrictions and stipulations specified in sub-sections, (1), (2) and (3) mentioned above shall come into force as soon as they are formulated.

Constitution of Heritage Fund.

- 12. (1) The Government may constitute a fund known as the Meghalaya Herit age Fund for the purpose of maintenance and improvement of herit age areas, herit age buildings, heritage precincts and heritage sites and environmental sensitivity.
- (2) Government may, from time to time, allocate to the Funds money from the Consolidated Fund of the State and contributions to the Fund may also be received by way of donations, grant s etc. from individuals, trust s, local bodies, comp anies and other agencies towards heritage conservation.
- (3) Money may be advanced by the Government to the Authority, as grants of loans, on such terms and conditions as the Government may determine, for the performance of its functions under this Act.
- (4) The said fund shall be administered by the Government and audited by the Accountant General every year.
- (5) The Authority shall utilise the Fund for meeting -
- (a) the cost of acquisition of heritage building or heritage or heritage area for the purpose of conservation.
- (b) the expenditure for any development or works contemplated in the herit age conservation plant.
- (6) The Authority may disburse funds to the owners, leases or power of attorney holders of Sites/ herit age buildings even if they are private, for maintenance of the buildings in good condition if such repairs are found necessary after the inspections as per clause (iv) of Section 7.
- (7) The Authority shall prepare every year, a budget in respect of the next financial year with it s estimated receipt s and expenditure under the fund and forward to Government for approval of the same. The Government shall approve the same with or without modification.

Dissolution of the Authority.

- 13. (1) Where the Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary that Government may, by notification in the official Gazette, declare the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly.
- (2) From the said date-

- (a) all properties, funds and dues which are vested in or realisable by the Authority shall vest in or be realisable by, the Government;
- (b) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and
- (c) for the purpose of carrying out and development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the Government.

Penalties.

14. (1) Whoever contravenes any provision of this Act of the rules and regulations made thereunder or fails to comply with any directions or order lawfully given to him or any requisition lawfully made upon him, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both and for any subsequent of fence, with imprisonment for a term which may extent to 6(six) months or with fine which may extend to five thousand rupees for every day of continuance of of fence thereafter or with both. (2) In case of lawful damage, neglect, demolition or major charge to the whole or portion of a herit age site, the offender shall forfeit his right to construct any further structure of the site of to carry out any further development and the removal of the structure already constructed in a contravention of the provisions of thisAct, rules, regulations or orders made or issued thereunder , shall be at the cost of the owner , lessee or power of attorney holder as the case may be, or even the builder making the construction.

Compounding of offences.

15. (1) The Authority by general or special order in this behalf, may in special circumstances and for reasons to be recorded in writing, either before or after the institution of the proceedings, compound any of fence made punishable by or under this Act:

Provided that no offence shall be compounded which is committed by failure comply with a notice, order or requisition issued by on behalf of the Authority unless and until the same has been complied with so far as the compliance is possible.

(2) Where an of fence has been compounded, the of fender, if in custody , shall be discharged and no further proceedings shall be t aken against him in respect of the offence so compounded.

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceedings shall lie against person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules or regulations made hereunder.

Powers to make rules.

17. The Government may by notification in the Official Gazette make rules to carry out any of the purposes of this Act including prescription of the date for approval of conservation plans.

Powers to make regulations.

18. (1) The Authority may, with the approval of the Government, make regulations concerning any matter which is to be, or may prescribed under this Act or in respect of the Act makes no provision or makes insufficient provision and where such provision is, in the opinion of the Authority or any for the implementation of this Act.

- (2) Without prejudice to the generality of its power, under sub-section (1) the Authority may make regulations to provide for all or any of the following matters, namely: -
- (a) Gradation of heritage sites declared as such for protection;
- (b) prescription of the specialisation in conservation architecture as required of the Chief Architect to head the Conservation Cell;
- (c) prescription of the qualifications of the technical staff of the Chief Architect;
- (d) prescription of the guidelines to be followed by the ChiefArchitect for conservation of heritage buildings and sites; and
- (e) any other matter which is to be, or may be, prescribed under this Act.

Placing of rules and Regulations.

19. Every rules and regulations made under this Act, shall, as soon as after they are made, be placed in the State Legislature of the State of Meghalaya.

Power to remove difficulties.

20. If any difficulty arising in given effect to the provisions of this Act, the Government may, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made af ter the expiration of two years from the commencement of this Act.

L. M. SANGMA,
Secretary to the Government of Meghalaya,
Law Department.



The Gazette of Meghalaya

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PART-IV

GOVERNMENT OF MEGHALAYA LAW (B) DEPARTMENT

NOTIFICATION

The 25th September, 2025.

No.LL(B).62/2011/30.—The Meghalaya Heritage (Amendment) Act, 2025 (Act No. 11 of 2025) is hereby published for general information.

MEGHALAYA ACT NO. 11 OF 2025

(As passed by the Meghalaya Legislative Assembly)
Received the assent of the Governor on the 24th September, 2025.
Published in the Gazette of Meghalaya Extra-Ordinary issue dated 25th September, 2025.

THE MEGHALAYA HERITAGE (AMENDMENT) ACT, 2025

An

Act

to amend the Meghalaya Heritage Act, 2012.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-Sixth Year of the Republic of India, as follows:-

Short title and Commencement 1.

- (1) This Act may be called the Meghalaya Heritage (Amendment)
 Act, 2025.
 - (2) It shall come into force from the date of Notification in the Official Gazette.

Amendment of Section 2

- 2. In section 2 of the Meghalaya Heritage Act, 2012 (hereinafter referred to as the principal Act), the existing sub-clause (j) shall be marked as Sub-clause (j) (a) and a new Sub-clause (j) (b) shall be inserted as below:
 - "2 (j)(b) 'Living heritage' refers to cultural practices, knowledge, and skills that are passed down from generation to generation. It includes oral traditions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, and the knowledge and skills related to craftsmanship."

Amendment of Section 4

- 3. In section 4 of the principal Act, after the existing section 4 a new section 4(a) shall be inserted as follows, namely:-
 - "4(A) Government may however, exempt acquisition of land or possession of the Living Heritage sites provided the same is vested with the Community or society."

Amendment of Section 6

- 4. In section 6 of the principal Act, after the existing sub-section 4 a new sub-section (5) shall be inserted as follows, namely:-
 - "6(5) For the purpose of declaration of 'Living Heritage' of any particular area, the Authority shall co-opt at least two Community Representatives of that particular Living Heritage site or community as Members of the Authority."

Amendment of Section 7

- 5. In Section 7 of the principal Act, after the existing sub-section (x) of section 7, a new Subsection (xi) shall be inserted as follows:-
 - "7 (xi) For the purposes of Research, preservation and strengthening of traditional culture concerning particular Living Heritage, the Authority shall constitute a Sub-committee under the Chairmanship of Deputy Commissioner/SDO (Civil) of that particular District, where the Living Heritage is located and comprising of members of departments and Society Members, Scholars as deemed fit by the concern Deputy Commissioner/SDO (Civil)."

Amendment of Section 9

6. In Section 9 of the principal Act, after the existing sub-clause (h) of sub-section (2), a new sub-clause (i) shall be inserted as follows, namely:-

"9(2)(i) Notwithstanding any provisions contained in this Act, Government may exempt acquisition of land or possession of the Living Heritage sites provided the same is vested with the Community or Society."

D. LYNGDOH,Joint Secretary to the Govt. of Meghalaya,
Law Department.