

MEGHALAYA ACT 8 OF 1986
THE MEGHALAYA SUCCESSION TO SELF ACQUIRED PROPERTY
KHASI AND JAINTIA SPECIAL PROVISION ACT, 1986

(As passed by the Assembly)

[Received the assent of the Governor on the 23rd May, 1986]

An

Act

to provide special provision enabling the Khasis and the Jaintias to dispose of self-acquired property by will.

Be it enacted by the Legislature of Meghalaya in the Thirty-sixth Year of the Republic of India as follows:-

- Short title and 1. (1) This Act may be called the Meghalaya Succession to Self
Commencement. Acquired Property (Khasi and Jaintia Special Provision) Act, 1986.
(2) It shall come into force on such date as the State Government
may, by notification, appoint.
- Application. 2. The Act applies to the Khasis and Jaintias.
- Definitions. 3. In the Act, unless the context otherwise requires-
(a) "Khasi and Jaintia" includes Khasi, Jaintia, Synteng Pnar, War, Bhoi and Lyngngam;
(b) "Minor" means a person who has not attained the age of eighteen years;
(c) "Probate" means the copy of a will certified under the seal of a court of competent jurisdiction with a grant of administration to the estate of the testator;
(d) "Self-acquired property" means any property, whether movable or immovable, or any right, title or interest on any such property, which is vested in any Khasi and Jaintia which is not inherited as ancestral property.
- Person capable of 4. On and after the commencement of this Act and notwithstanding making will
Central Act XXXIX of 1925. anything contained in the Indian Succession Act, 1925 or customs, it shall be lawful for a Khasi and Jaintia of sound mind, not being a minor, to dispose of his self-acquired property by will.
- explanation:-**1. A person who is deaf or dumb or blind is not thereby incapacitated for making a will if he is able to know what he does, by it.
- explanation:-**2. A person who is ordinarily insane may make a will during an interval in which he is of sound mind.
- explanation:-**3. No person can make a will while he is in such a state of mind, whether arising from intoxication or from illness or from any other cause, that he does not know what he is doing.
- Will may be revoked or 5. A will is liable to be revoked or altered by the maker of it at any time altered.
when he is competent to dispose of his property by will.
- Void will. 6. A will or any part of it, -
(a) the making of which has been caused by fraud or coercion or by such importunity as taken away the free agency of the testator, or
(b) disposing any self-acquired property or conferring any benefit or interest arising out of any such property to or in favour of a person who is not a Khasi and Jaintia shall be void.

Provided that Clause (b) of this Section shall not apply to-

- (i) will in respect of self acquired movable property made to or in

favour of any institution, association, group of persons or body established or formed within the territories of India for religious, charitable or educational purposes or for welfare or sports activities.

(ii) will in respect of self-acquired immovable property made to or in favour of any institution, association group of persons or body established or formed for the purpose mentioned in the above first Proviso and composed solely of Khasis and Jaintias as members thereof.

- Testamentary guardian. 7. A father or mother, whatever his or her age may be in respect of his or her self-acquired property may, by will appoint a Khasi and Jaintia Hills guardians for his or her child during minority.
- Mode and manner of 8. The mode, manner and procedure for and all matters relating to making will and
procedure for its probate, etc. making a will under this Act and for its execution, probate and administration shall be in accordance with such of the provisions of the Indian Succession Act 1925 as the Government of Meghalaya may, by notification apply, or may apply them with such exceptions or modifications as may be specified in the notification.
- Powers to alter or 9. The notification made under Section 8 may be altered modified or revoke
notification. amended or may be revoked or cancelled by the Government of Meghalaya by subsequent notification.
- Notification to be laid 10. Every notification made under Sections 8 and 9 shall be laid before before the House.
the House of the Legislature of Meghalaya immediately after it is made, if it is made, if it is in session and , on the first day of the commencement of next session of the House if it is not in session, and shall cease to operate at the expiration of sixty days from the date of its being so laid or from the re-assembly of the Legislature, as the case may be , unless before the expiration of the period a resolution approving the making of the order is passed by the House of the State Legislature.