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## PART-IIA

GOVERNMENT OF MEGHALAYA  
HOME (POLITICAL) DEPARTMENT

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**NOTIFICATION**

The 27<sup>th</sup> August, 2024.

**No.POL.86/81/212** -In exercise of powers conferred by Section 9 of the Meghalaya (Benami Transactions Prohibition) Act, 1980 (Meghalaya Act 24 of 1980), the Governor of Meghalaya is pleased to notify the Meghalaya (Benami Transactions Prohibition) Rules, 2024 which will come into force with effect from the date of notification in the Official Gazette of Meghalaya.

**C. V .D. DIENGDOH,**  
Secretary to the Government of Meghalaya,  
Home (Political) Department.

**No. POL.86/81/211-**In exercise of Powers conferred by section 9 of the Meghalaya (Benami Transactions Prohibition) Act, 1980, (Meghalaya Act 24 of 1980), the Governor of Meghalaya is pleased to make the following Rules, namely;

The Meghalaya (Benami Transactions Prohibition) Rules, 2024.

- 1. Short title, extent and commencement:-** (1) These Rules may be called The Meghalaya (Benami Transactions Prohibition) Rules, 2024.
  - (2) It shall extend to the whole of Meghalaya.
  - (3) It shall come into force on such a date as the State Government may, by notification in the Official Gazette appoint.
- 2. Definition:-** In this Rules, unless the context otherwise requires;
  - (1) "Act" means the Meghalaya Benami Transactions Prohibition Act, 1980, as amended from time to time;
  - (2) "Authority" means the district authority constituted under Sub-section (1) of Section 4 of the Meghalaya (Benami Transactions Prohibition) Amendment Act, 2016;
  - (3) "Beneficial owner", means a person, whether his identity is known or not, for whose benefit the benami property is held by the benamidar;
  - (4) "Benami Transaction or Transaction in Benami" means the acquiring or holding of any property (movable or immovable), or carrying of any business trade or any transaction by a non-Tribal in the name or on behalf of a Tribal;
  - (5) "Benamidar" means a person or a fictitious person, as the case may be, in whose name the benami property is transferred or held and includes a person who lends his name;
  - (6) "Non-Tribal" means a person who is not Tribal;
  - (7) "Tribal" means a person belonging to any Scheduled Tribes pertaining Meghalaya and as specified in the Constitution (Scheduled Tribes) order, 1950 as amended from time to time;
- 3. Constitution of District Authority:-** The State Government may by notification in the official gazette constitute an Authority to be called "District Authority", under sub-section (1) of Section 4 of the Meghalaya (Benami Transactions Prohibition) Act, 1980 to receive and cause verification of a complaint or information of a transaction in benami.
- 4. Composition of the District Authority:-** The District Authority constituted under Sub-section (1) of Section 4 of the Meghalaya (Benami Transactions Prohibition) Act, 1980 shall comprise of 6 (six) members, of which at least 2 (two) members shall be nominated by the State Government, by Notification, of which
  - (1) One of members may be from amongst the eminent persons of the District having experience on matters of Public Administration and another member shall be from amongst the legal practitioners with not less than 10 (ten) years of practice experience in District Court.
- 5. The members of the District Authority shall include:-** (1) The Deputy Commissioner of the District who shall be the Chairperson of the District Authority;
  - (2) The Deputy Commissioner of Taxes or the Assistant Commissioner of Taxes or the Superintendent of Taxes of a District;
  - (3) The General Manager, District Commerce and Industries Centre;

- (4) 2 (two) non-official members to be nominated by the State Government, by Notification in the State gazette under rule 4 of these Rules;
- (5) The Additional Deputy Commissioner of the District, to be nominated by the Deputy Commissioner shall be the Member Secretary of the District Authority.

**6. Registration of Documents:-** (1) The officer appointed as District Registrar or as Sub Registrar under the Registration Act, 1908, or any other law for the time being in force, shall for the purpose of registration of any document or instrument, satisfy himself that the document or instrument being presented for registration before the registering officer does not in any manner violates the provision of the Act.

- (2) If the Registering Officer finds that a document or instrument presented for registration is purportedly in violation of the Act, such matter shall be referred to the Chairperson of the District Authority.
- (3) The Registering Officer shall register such document or instrument referred under Rule 6 (2) only on the approval of the Chairperson of the District Authority.

**7. The Roles and Functions of the Authority Constituted under sub-section (2) of Section 4 of the Act.** (1) On receipt of a complaint or information specifying of any Benami Transaction, the District Authority shall acknowledge the receipt of the information or complaint.

Provided that the District Authority shall acknowledge only such complaint or information submitted in writing by the complainant or informer, along with complete residential address, including email ID, mobile No and Photo copy of Electoral Photo Identity Card of the complainant, duly self-attested.

Provides further that the Complainant may also submit documentary proof in support of the complaint.

- (2) On receipt of the information or complaint, the District Authority shall inform the Registering Officer appointed under Registration Act, 1908 not to register such document or instrument, if it is presented for registration, pending verification by the District Authority.
- (3) The District Authority will refer such information or complaint to the Superintendent of Police of the District under the signature and seal of the Chairperson of the District Authority, with a direction to the Superintendent of Police of the District to appoint a police officer not below the rank of the Sub-Inspector of Police for initial verification of the registered case as per Sub-section 2 of Section 4 of the Act.

Provided that Police officer appointed by the Superintendent of Police under Rule 7(b) shall be designated as "the verifying officer".

- (4) The verifying officer shall submit his verification report, to the Superintendent of Police of the District, within a period of 30 (thirty) days, from the date of receipt of the order.
- (5) If the verifying Officer believes that more time is required for the verification of the case, he shall submit a representation, with justification, to the Chairperson of the District Authority, through the Superintendent of Police.
- (6) The Chairperson shall grant extension of time, as deemed fit by the District Authority, after which the verifying officer shall submit the report to the Chairperson of the District Authority.
- (7) The District Authority, on receipt of a report from the Superintendent of Police determine on the basis of the material evidence on record, whether a *prima facie* case is well established in relation with the case as per Sub-section 2 of Section 4 of the Act.

- (8) The Chairperson of the District Authority shall issue a Show-cause Notice to the person complained against, with a direction to submit the Show-cause reply within 30 (thirty) days from the date of receipt of the order and to also appear before the District Authority, on such date, time and place as may be specified in the show cause notice, for a personal hearing, either in person or by a legal representative duly appointed by the person against whom the District Authority has issued a show cause.
- (9) If on the basis of preliminary hearing, the committee found no *prima facie* case is established against the benamidar or and against the beneficial owner, the District Authority shall pass an appropriate order to that extent and dispose of the complaint or information accordingly. A copy of the order so passed by the District Authority shall also be informed to complainant or informer and also to the respondents or benamidar and to the beneficial owner.
- (10) If the District Authority found that a *prima facie* case is established against the benamidar, and or against the beneficial owner, it shall accordingly pass an appropriate order to that extent, with a direction for further investigation of the case by the Superintendent of Police as laid down in Sub-section 2 of Section 4 of the Act.

Provided that orders passed by the District Authority under the Act shall be signed by all the members of the District Authority.

8. **Report by the Chairperson of the District Authority:-** A quarterly report and the annual report shall be submitted by the Chairperson of the District Authority to the Government in prescribed form Annexure-I

[See Rule 8]

**Annexure -I**

Sl No	Particulars	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Cumulative report for the reporting year
1	No. of complaint received.					
2	No. of sitting held by the District Authority.					
3	No. of reports received from the Superintendent of Police.					
4	No. of registered cases referred to SP for initial verification.					
5	Reports disposed of by the authority on the basis of the preliminary investigation report.					
6	No. of cases referred to the Superintendent of Police for criminal investigation of the cases.					
7	No. of cases returned by the Superintendent of Police.					
8	No. of cases disposed of by the District Authority due to lack of evidence.					
9	No. of cases recommended by the authority to the SP, for submission of charge sheet to the competent Court.					
10	No. of charge sheeted cases submitted by SP to the competent Court for trial.					
11	No. of cases which trial has commenced.					
12	No. of cases which the Court has framed the charges.					
13	No. of cases dispose of by the Court.					
14	No. of cases dispose of by the Court with conviction.					
Total						

**C. V. D. DIENGDH,**  
Secretary to the Govt. of Meghalaya,  
Home (Political) Department.