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PART-IIA

GOVERNMENT OF MEGHALAYA NOTIFICATIONS

The 10th January, 2023.

The Meghalaya Protection of Interest of Depositors (In Financial Establishments)

Rules, 2022.

No.FIF 8/2014/194. - In exercise of the powers conferred under sub-section (1) of section 20 of the Meghalaya Protection of Interest of Depositors (in Financial Establishment) Act, 2018, the Governor of Meghalaya is pleased to hereby make the following rules, namely,

1. Short title and commencement. - (1) These Rules may be called the Meghalaya Protection of Interest of Depositors (In Financial Establishments) Rules, 2022.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. Definitions.
 1. In these Rules, unless the context otherwise requires, -
 - (a) "Act" means the Meghalaya Protection of Interest of Depositors (In Financial Establishments) Act, 2018.
 - (b) "Government" means the Government of the State of Meghalaya.
 - (c) "Form" means the form appended to these Rules; and
 - (d) "Rules" mean the Meghalaya Protection of Interest of Depositors (In Financial Establishments) Rules, 2022.
 - (e) Words and expressions used but not defined in the rules shall have the meanings respectively assigned to them in the Act.
3. Manner of issuing notice and causing of enquiry and investigation.
 - (1) On receipt of complaint(s) the Deputy Commissioner shall issue notice in Form No. 1 upon the Financial Establishment(s) or the person against whom complaint is lodged. The notice in Form No. 1 shall be issued in duplicate and served upon the party(s) and a copy shall be signed by the party(s) as a token of receipt and returned to the Deputy Commissioner.

- (2) To further ascertain/confirm the complaint(s) as per section 4 of the Act, the Deputy Commissioner/Superintendent of Police may engage their subordinate officers not below the rank of Additional Deputy Commissioner (ADC) or Circle Officer to investigate the complaint.

The service of the notice shall be in the manner as in Schedule-II.

- (3) The Deputy Commissioner in whose office the complaint is lodged shall hear the case and take evidence if necessary. If the allegation(s) are prima facie established, the Collector shall forward the complaint with his report to the Government indicating the amount involved for recovery and shall send a copy of the complaint to the Superintendent of Police of the concerned District for investigation and report to the Government at the earliest.

The Deputy Commissioner in his report shall specifically mention about immovable property or other properties of Financial Establishment or person(s).

4. Manner of attachment of property on default.

- (1) In line with Section 3 of the Act, on receipt of the report from the Collector if the Government is satisfied that the Financial Establishment(s) is/are not likely to return the deposit or make payment of interest or other benefits assured to or to provide the services against which the deposit is received may, in order to protect the interest of the depositors of such Financial Establishment(s) pass an interim order by attaching the money or other property alleged to have been procured in the name of the financial establishments.

- (2) In the attachment order detailed particulars of property or properties should be indicated specifically. Immediate after the issuance of the said attachment order, the holder(s) of the said property shall be prohibited and restricted until further of the Special Court, continued as per section 10 of the Act, from transferring or changing the property as specified by sale, gift or otherwise and all persons be in like manner prohibited from receiving the same by purchase, gift or otherwise.

- (3) The Competent Authority on receipt of attachment order issued by the Government the same issue shall be affixed at a conspicuous part of the property and shall be proclaimed in the locality or otherwise. The Competent Authority may authorize any of his subordinates not below the rank of Revenue Inspector for execution of the attachment order.

5. Sale of attached property.

If the Special Court created under the Act passes the order making the attachment absolute, and issue such direction as may be necessary for disposal of assets attached and for the equitable or otherwise distribution among the depositors of the money realized out of the property attached, the Competent Authority shall dispose the attached property by sale.

6. Notice of sale.
- (1) Before effecting the sale of any movable property or land or other immovable property the Competent Authority shall issue proclamation in Form No. 2 and in Form No. 3 respectively in the manner as below:
 - (a) The Officer authorized by the Competent Authority conducting the sale shall cause wide publicity of the proclamation of sale to be made in addition to other processes provided for such publicity in Schedule - II.
 - (b) The proclamation of the intended sale shall state the date, time and place of the sale and specify the following as clearly and accurately as possible—
 - (i) the property to be sold;
 - (ii) estimated value of the property;
 - (iii) the amount for the recovery of which the sale is ordered ; and
 - (c) The place of sale to be specified under sub -rule (b) shall be either the office of the Competent Authority or any place near the property to be sold.
7. Sale by auction.
- All sales of property, movable or immovable shall be made by public auction, held in the manner as below:-
- (1) Auction shall be held at the spot unless officer ordering the auction is of the opinion that the auction if held in any other place would bring a higher price in which case auction may be held at such other place.
 - (2) If the auction is not held at the spot due publicity thereof shall be made on where the auction will take place.
8. Distraint of Movable property other than the procedure of land.
- (1) When the property to be distrained is movable property (other than the procedure of the land) land in the possession of the defaulters the distraint shall be affected by actual seizure and the distraining officer shall keep the property in his own custody or in the custody of any one of his sub-ordinates who shall be responsible for the due custody thereof:

Provided that when the property so distrained be subject to speedy or natural decay, or if the expenses of keeping it in custody are likely to exceed its value, the distraining officer may if so authorized by the Competent Authority sell it at once and the amount shall be deposited into Treasury as "Civil Deposit (Security)" till order passed by the Designated Court:

Provided further that if the property distrained consists of live-stock, agricultural implements or articles which cannot be conveniently removed, and the distraining officer does not act under first proviso he may;

 - (i) leave it in-charge of any person claiming to be interested in such property or any other person, who is willing to undertake to keep and be responsible for the custody of such property on his entering into a bond with one or more sureties for an amount not less than the value of the

- property that he will take proper care of the property and produce it when called for or,
- (ii) in the case of Livestock leave it in-charge of the pound keeper, if any.
- (2) The distraining officer shall make a list of the property distrained and obtain thereon an acknowledgement from the person in whose custody the property is left, and if possible, also of the defaulter and at least two other persons in attestation of the correctness of the list. If the property distrained includes both Live-Stock and other articles, separate list thereof shall be prepared and get attested.
9. Distraint of produce of land. (1) Where the property to be distrained is the produce of the land, the distraint shall be made by affixing a copy of the order where, -
- (i) such produce is growing on the land on which the produce is growing.
- or
- (ii) such produce has been cut or gathered on the threshing floor or the place for treading out grains or the like in which it is deposited. This service will be in addition to normal process of service provided in Schedule-II.
- (2) The distraining officer shall make such arrangement for the custody of produce of the land as he may consider sufficient and also to tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it.
- (i) The cost incurred under sub-rule (2) shall be payable by the defaulter if the attachment is made absolute by the designated court.
10. Custody of distrained property. (1) Where the distrained Live-Stock is not left in the charge of the defaulter the expenses of feeding it shall be charged at such reasonable rate as the Competent Authority may, by general or special order fix.
- (2) Where the property distrained is movable property, other than produce of the land or Livestock and has not been left in charge of the defaulter, the expenses for its safe custody shall be charged at such reasonable rate as the Competent Authority may, by general or special order fix.
- (3) The cost incurred under sub-rules (1) and (2) shall be a charge on the sale price of the property.
11. Leaving Livestock in charge of Pound-Keeper. Where the distrained Live-Stock is left in the charge of the Pound-Keeper, the provision provided in Schedule-II regarding Live-Stock attached in execution of decrees of attachment will be applicable.
12. Management of attached property. When the property attached consists of immovable property, the Competent Authority shall be entitled to manage the property so attached or entrust its management to such person or authority on such conditions as it deems fit and to receive all rents and profits accruing there from, to the exclusion of the defaulter. The collection charges in respect of the property so attached and managed shall after the cost of attachment and

- management have been deducted there from be applied to the payment of money for which the property was attached.
13. Prohibition to bid at auction. No officer having any duty to perform in connection with any such sale and no person employed by or sub-ordinate to such officer shall, either directly bid for or acquire any such property.
14. Sale of perishable articles. Perishable articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the same.
15. The sales to be proportionate to the amount. Every sale property, movable or immovable, shall, as far as may be practicable, be proportionate to the amount to be recovered together with expenses of attachment and sale as directed by the Special Court.
16. Deposit by purchaser of immovable property. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately 25% of the amount of his bid, and the balance within 15 (fifteen) days of sale.
17. Failure to make deposit.
- (1) In default of the payment of the deposit referred to in rule-16 the property shall be put up for re-sale and the expenses incurred in connection with first sale shall be borne by the defaulter bidder.
 - (2) In default of payment of the balance of the bid amount within the period prescribed in rule-17, the deposit after defraying there from the expenses of the sale shall be forfeited and the property shall be re-sold.
 - (3) When the proceed of the re-sale are less than the amount required to be realized the difference shall be bridged, as far as practicable, by the balance amount of the deposit forfeited under sub-rule (2). However, if there is no difference and the resold value is enough to meet amount or the difference is such it does not require entire forfeited amount then the forfeited deposit or part thereof as the case may be, shall vest with the State Government.
18. Confirmation of purchase. When a sale held under this chapter is confirmed the Competent Authority shall put the person declared to be the purchaser in possession of the property and shall grant a certificate in form No.4 to the effect that he has purchased the property specified therein and such certificate shall be deemed to be valid transfer of such property.
19. Application of proceeds of sale. The proceeds of the sale of any such property shall be applied to defray the expenses of the sale which shall be determined in the manner as below and the balance shall be applied to the payment of depositors money as directed by the designated court on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

- (i) In calculating the cost of sale, the Special Court shall take into account the cost of notice of demand, attachment of property and its maintenance and publication of the sale and any other cost incurred in conducting the same.
- (ii) If the proceeds of the sale fall short of such money for which it was held the balance remaining due from the defaulter may be recovered from him by further proceeding authorized by law.

20. Liability of certified purchase.

The person who has purchased any such purchase; and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of that land for any period prior to the date of sale.

VIJAY KUMAR D,

Commissioner & Secretary to the Government of Meghalaya,
Finance Department.

FORM 1

[(See Rule-3(2)]

Office of the Collector

To _____ (Jurisdiction)

(Name and address of Financial Establishment or person(s) involved)

Whereas, it has been reported that you have defaulted in repayment of deposit on maturity along with any benefit in any form of interest, bonus etc. as promised/has reason to believe that you are acting in a manner detrimental to the interest of the depositors with intimation to defraud them.

You are hereby asked to appear before the undersigned on _____ at _____ along with all supporting documents to defend.

Take notice that, in default of your appearance on the day before mentioned, the case will reported to the Government for taking action against you according to law:-

Dated 20

Collector

FORM 2**[(See Rule-6 (1))]****Proclamation of sale of movable property**

Whereas movable property specified below has been attached by the Government of Meghalaya and order passed by the _____
 (Name of Special Court) in case No. _____
 for recovery of _____ (Name and
 address of Financial Establishment or person(s) involved).

Proclamation is hereby made that unless the amount be paid by _____
 (Name of Financial Establishment or person(s) involved) _____
 before the day fixed for the sale, the said property shall be sold by public auction at _____
 on the _____ day of _____, 20 _____ at about _____ O'clock.

Sl. No.	Description of movable property	Number of article(s)
1	2	3

Dated 20

Competent Authority.

FORM 3

[(See Rule-7(1))]

Proclamation of sale of immovable property

Whereas movable property described below have/has been attached by Government of Meghalaya and order passed by the (name of Designated Court) in case No. for recovery of ₹ (Rupees) only on account of default in repayment of maturity value or for otherwise defrauding the depositors by..... (Name and address of Financial Establishment or persons(s) involved).

Proclamation is hereby made that, unless the amount be paid by (Name of Financial Establishment or person(s) involved) before the day herein fixed for the sale, the said property shall be sold by public auction at on the day of 20 at about O'clock.

Description of immovable property with assessment if any, (in case of land, schedule to be indicated).

.....
.....
.....

Dated..... 20

Competent Authority

FORM 4
(See Rule-19)
Certificate of purchase

This is to certify that (Name and address of purchaser) has been declared the purchaser of the immovable property specified below at a sale by public auction held on the day of 20 and the sale has been confirmed.

The sale transferred the right, title and interest of (Name and address of Financial Establishment or persons(s) involved) to the purchaser.

Detail of property

Description/land schedule	Place of location	Assessment if any	Name of recorded owner/occupant	Amount for which purchased
1.	2.	3.	4.	5.

Dated..... 20

Competent Authority

SCHEDULE-II

[See Rule 9 (i) (ii)]

1. Issue of Notice:-
A person noticed shall be bound to appear at the time and place mentioned in the notice(s) in person or, if the notice(s) allows, by his recognized agent or a legal practitioner.
2. Persons summoned bound to appear and to take truth:-
The person attending in obedience to the notices shall be bound to state the truth upon any matter respecting which is examined to makes statement and to produce such documents and other things relating to any such matter as the court may require.
3. Service of notice:-
 - (1) A notice shall, if practicable, be served (a) personally on the person to whom it is addressed or failing him (b) on his recognized agent or (c) on any adult make member of his family usually residing with him.
 - (2) If service cannot be affected as above, or if acceptance of service so made is refused, the notice(s) may be served by pasting a copy thereof on the door of the usual or last know place of residence of the person to whom it is addressed or by publication in a newspaper.
4. Acknowledgement when notice pasted at person's door:-
When a notice be pasted on the door or a place of a residence and acknowledgement of its having been so pasted shall be taken from two respectable neighbors.
5. Substituted service:-
A notice may be served by publication in a newspaper which is/are most likely to be brought to the notice of the person to be served. The name of the person addressed in the notice or summons shall be printed in bold letters at the top, the particulars of the case being given thereafter.
6. Service when persons to be served are numerous:-
If the notice/summons related to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the court or other authority so directs, be served by delivery of a copy thereof to such of those persons as the court nominates in this behalf; and by proclamation of the contents thereof for the information of other persons.
7. Service by registered post:-
A notice/summons may, if the court or other authority so directs served on the person named therein, either in addition to or in substitution for, any other mode of service by post in a letter addressed to the person and registered under Part-III of India Post Office Act, 1866.
8. Presumption of service by post:-
When a notice is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the court or other authority may presume that the notice/summons was served at the time when the letter would have been delivered in the ordinary course of post.
9. Service of summons/notice out of Union of India:-
The provisions of the Code of Civil Procedure, 1908 along with any rules or notification issued by State Government as amended from time to time, for service of notice/summons out of Union of India or service of summons received from other countries, shall apply in Meghalaya.

10. Modes of serving notice:- Every notice/summons under the act may be served either by tendering or delivering a copy thereof, or sending such copy by post to the person on whom it is to be served, or his authorized agent or, if service in the manner aforesaid cannot be made by affixing a copy thereof at his last known place of residence or at some place of public resort in the village in which the property to which the notice relates is situated.
11. Mode of issuing proclamation:- Whenever a proclamation is issued copies thereof shall be pasted in some conspicuous place of the office of the officer issuing it in his jurisdiction within which the properties to which it refers is situated, and some place of public resort on or adjacent to the properties to which it refers, and, unless the officer issuing it otherwise directs, the proclamation shall be further published in which the properties to which it refers is situated, or if such village is uninhabited, the village from which the properties maintained.
12. Notice of proclamation not void for error:- Notice of proclamation shall be deemed void on account of any error in the name or designation or any person or in the description of any land referred to therein, unless such error has produce substantial injustice.
13. For every animal committed to the custody of the Pound-Keeper a charge shall be levied as rent for the use of the pound for each 15 days or part thereof during which such custody continues, according to the scale prescribed under section-12 of the Cattle Trespass Act of 1871. And the sums so levied shall be sent to the treasury for credit to the State of Meghalaya as the case may be, under whose jurisdiction the pound is, or made over to the Pound-Keeper.
14. The Pound-Keeper shall take care of feed and water, animals distrained and for committed as aforesaid until they are withdrawn from his custody as therein after provided and shall be entitled to be paid for their maintenance at such rates as may be, from time to time prescribed under proper authority.
15. The charges for the maintenance of live-stock shall be paid, to the Pound Keeper by the distraining Officer for the first 15 days at the time the animals are committed to his custody and thereafter for such further period as the court may direct, at the commencement of such period, payment for such main amount so made in excess of the sums due for the number of days during which the animals may be in the custody of the Pound Keeper shall be refunded by him to the distraining officer.
16. Live-Stock distrained and committed as aforesaid shall not be released from custody of the Pound-Keeper except on the written order of the Court concerned or of the distraining Officer or of the Officer appointed to conduct the sale. The person receiving animals on their being so released shall sign a receipt for them in the register.

The 14th June, 2022.

No.FEG.49/99/179. - In pursuance of the Minutes of the Finance Departmental Review Meeting held on 10th June, 2016, in connection with the subject allocation to different Branches of Finance which was duly chaired by the Principal Secretary, Finance Department, it was decided that “**the Finance (Revision of Rules) Branch shall henceforth be amalgamated with Finance (Establishment) Branch**”. All posts and manpower shall be transferred to Finance (Establishment) Branch accordingly.

This Order was implemented since 10th June, 2016.

VIJAY KUMAR D,

Commissioner & Secretary to the Govt. of Meghalaya,
Finance Department.

The 30th September, 2022.

No.PLR.41/2020/118. - In pursuance to the Request for Empanelment (RFE) of Consulting Organisations for providing Consultancy Services to Departments/ Boards/ Corporations under the Government of Meghalaya called for by Meghalayan Age Limited *vide* letter No.MEGHAAGE/44/2022/27, dated 23rd August, 2022, the following firms are hereby empanelled by the State Government for providing consultancy services to Government Departments especially for those implementing Externally Aided Projects:

1. Ernst & Young LLP
2. Grant Thornton Bharat LLP
3. KPMG Advisory Services Private Limited.

Further, the discovered price for the resources are as indicated below:-

Sl. No.	Experience of Resources	Discovered rate.
1.	> = 15 years	4,58,158
2.	> = 10 years and < 15 years	3,91,423
3.	> = 5 years and < 10 years	3,57,549
4.	> = 2 years and < 5 years	3,14,508

All Departments who wish to engage the services of consultants may float limited RFP from among the empanelled Consultancy/Agencies.

VIJAY KUMAR D.,

Commissioner & Secretary,
Government of Meghalaya,
Planning Department.

The 20th December, 2022.

***Appointment of Presiding Officer, Subordinate District Council Court,
Jaintia Hills Autonomous District Council, Jowai.***

No.JHADC/GENL/4/2019/117. - With the approval of the Governor of Meghalaya as laid down in the Sub Rule 20 of the Jaintia Hills Autonomous District Council (Administration of Justice) Rules, 2016 notified in Government of Meghalaya, District Council Affairs Department Notification No.DCA.52/2014/148, dated 7th December, 2022 *read* with approval of the Hon'ble High Court of Meghalaya in letter No.HCM.II/176/2016-Estt/3524, dated 21st October, 2022, the Executive Committee, Jaintia Hills Autonomous District Council is pleased to appoint Shri Wankerry Steven Gayang as the Presiding Officer in Subordinate District Council Court, Jaintia Hills Autonomous District Council, Jowai in the Level - 17 pay of ₹ 55,500 - 1,16,200/- p.m. *plus* other allowances as admissible under the rules with effect from the date of assumption of charge.

His service will be regulated by the Jaintia Hills Autonomous District Council Service Rules in force as provided in Rule 59 of the above mentioned Rules.

ENEK SHYLLA,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council,
Jowai.

The 7th December, 2022.

No.DCA.52/2014/148. - In exercise of the powers conferred by sub-Rule (2) of Rule 20 of the Jaintia Hills Autonomous District (Administration of Justice) Rules, 2016 the Governor of Meghalaya is pleased to approve the appointment of Shri Wankerry Steven Gayang as Presiding Officer Sub-ordinate District Council Court of the Jaintia Hills Autonomous District Council.

M. R. SYNREM,
Commissioner & Secretary to the Govt. of Meghalaya,
District Council Affairs Department.

The 14th December, 2022.

No.GHADC-GAD/CML-SD/315/2011/523. - In pursuance of section 9 of the Indian Marriage Act, 1872 *read* with section 3 and 4 of the Garo Hills Autonomous (Christian Marriage) Act, 1954, the Garo Hills Autonomous District Council, Tura is pleased to grant Marriage Licence to the following hereby Authorising to Solemnise and grant Certificate of Marriage between people belonging to Christian Community in the Autonomous District of Garo Hills.

1. Shri Barwin Marak, Serving the Church in Full Pledged.
2. Shri Heridebitston Momin, Serving the Church in Full Pledged.

S. R. R. MARAK,
Secretary,
to the Executive Committee,
Garo Hills Autonomous District Council,
Tura.