



The Meghalaya Residents Safety and Security Act, 2016

Act 6 of 2016

Keyword(s):

District Task Force, Existing Tenant, Facilitation Centre, Landlord, Rented House

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PART-IV

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 27th September, 2016.

No.LL(B).48/2013/109.—The Meghalaya Residents Safety and Security Act, 2016, (Act No. 6 of 2016) is hereby published for general information.

MEGHALAYA ACT NO. 6 OF 2016.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 26th September, 2016.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 27th September, 2016.

THE MEGHALAYA RESIDENTS SAFETY AND SECURITY ACT, 2016.**An****Act**

to ensure enhanced security vetting of the tenants and to ensure the safety and security of the citizens of the State by preventing anti-social elements from gaining shelter in the State which might be detrimental to peace and tranquillity, to maintain public order and peace, to verify and regulate the tenants residing in rented houses in the State, to establish District Task Force and facilitation centres, to facilitate effective enforcement of various laws for safety and security of the citizens and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-seventh Year of the Republic of India as follows:-

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Meghalaya Residents Safety and Security Act, 2016.
- (2) It extends to the whole of Meghalaya.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (a) "Act" means the Meghalaya Residents Safety and Security Act, 2016;
 - (b) "District Task Force" means the task force constituted under section 5 of this Act;
 - (c) "existing tenant" means all tenants residing in rented houses prior to or at the commencement of this Act and also those covered under the existing Tenancy law in force and such land on rent or lease for the purpose of residing or any commercial activity by person other than owner of the land;
 - (d) "Facilitation Centre" means a centre established under Section 17 and includes any other Centres notified by the Government under this Act;
 - (e) "Government" means the State Government of Meghalaya;

- (f) "Landlord" means a person or a group of persons, or a firm or a company and the like, who is the owner of a house or rental unit that has been rented or lease out to a tenant and shall include his successor-in-interest or assignee;
- (g) "Local Authority" means traditional tribal bodies which includes Nokma, Sordar, Syiem, Sirdar (Sardar), Doloi, Wahehshnong, Wahadadar, Lyngdoh and Rangbah Shnong of Garo Hills, Khasi Hills and Jaintia Hills, or any other such body constituted as per the tradition, customs and practices in the tribal areas and other authorities which may be notified by the Government or the Deputy Commissioner of the District concerned in the Official Gazette;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "relative or members of family" means members of a family and includes husband, wife, father, mother, mother's brother, son, daughter, including step-son, step-daughter, adopted daughter, adopted son;
- (j) "rented house or rented unit" means any building, apartment, permanent or temporary settlement, colony of industrial workers or miners or labourers or construction workers and such like, hut or shed, such land on rent or lease for the purpose of residing or any commercial activity by person other than the owner of the land or any part thereof, let for residential or non-residential purposes;
- (k) "State" means the State of Meghalaya; and
- (l) "tenant" means any person who uses or occupies a house or rental unit on payment of rent and includes relatives or members of family, successor to a tenant.

Tenants required to furnish information.

3. All persons occupying in rented houses in the State of Meghalaya shall furnish to both the Police Station and to the Local Authority the requisite documents as mentioned under Section 9 of this Act.

Exemptions.

4. (1) Nothing in this Act shall apply to any house or rental unit owned by the Central or State Government or a Government undertaking or any other Government establishment as the case may be.

(2) The Government may, by notification in the Official Gazette and for reason to be recorded in writing, exempt any area from the purview of this Act.

District Task Force, powers and functions.

5. (1) The Government shall constitute a District Task Force in each district to exercise powers under Section 6 of this Act.

(2) The District Task Force shall consist of :-

- (a) Deputy Commissioner as the Chairperson;
- (b) three members from amongst the officials of the district, one of whom shall be from the Anti-Infiltration Directorate, Meghalaya, posted in that district, to be appointed by the Government by a notification in the Official Gazette;
- (c) two non official members, one member from amongst the Local Authority and one from amongst the prominent citizens of the District to be appointed by the Government by a notification in the Official Gazette;
- (d) Additional Deputy Commissioner or Extra Commissioner to be designated by the Deputy Commissioner of the concerned district shall be the Secretary of the District Task Force.

(3) A non official member shall hold office for a term of _____ years from the date of his _____ and may be eligible for re-nomination for the second term.

(4) For performing journey in connection with the work related to the District Task Force, a non official member entitled to travelling and daily allowances and sitting fees as be prescribed by the Government from time to time.

Duties of the District Task Force, Police Stations and Local Authority.

6. (1) The local Police Station and Local Authority shall maintain the database of all the tenants residing in their jurisdiction.

(2) Once in every quarter, a copy of the database of the tenants maintained at the local Police Station and the office Local Authority shall be submitted to the District Task Force.

(3) The District Task Force, after receiving the database the Police Station and the Local Authority, after due and with observations, shall submit the same to the Government once in every quarter.

(4) The District Task Force and the Police Stations shall maintain the list of Local Authorities within their jurisdiction.

(5) If any violation of the provisions of the Act comes to the notice of the Police Station or Local Authority, the same shall be reported to the District Task Force immediately.

(6) On receipt of a report under sub-section (5) section, the District Task Force shall cause verification same by the police or the Local Authority within one month.

(7) Based on the findings submitted by the police or Authority, the District Task Force shall take such further as deemed appropriate under the provisions of this Act.

Landlord to obtain ('one time'- deleted) clearance for letting his house or rental unit from the Local Authority.

7. Any landlord who intends to let his or her house or rental unit on rent to a tenant, he or she shall obtain clearance from the Local Authority subject to renewal.

Verification of existing tenants.

8. (1) In case of existing tenants, the landlord and his shall comply with all the provisions of this Act within six months from the commencement of the Act.

(2) In case of new tenants, the landlord and his tenants comply with all the provisions of this Act before the occupation.

Landlord legally bound to furnish documents to the Police Station and Local Authority.

9. (1) After the commencement of this Act, the landlord who let out his or her house or rental unit, shall furnish the documents mentioned below related to the tenants to the Police Station to the Local Authority-

- (a) a residential certificate from the Local Authority of the place of his earlier residence in case of a person who was not a tenant earlier, and supported by declaration typed in rupees ten non-judicial stamp paper in Form A, with two references of persons one of whom should belong to permanent residence of the tenant;
- (b) a copy of Election Photo Identity Card or ration card.
- (c) two copies of recent passport size photograph of individual family member residing with him;
- (d) if a student, a certificate from the concerned educational institution and student photo identity card issued by the school or college or university or educational institution where studying.

(2) Details of information in respect of a tenant and the acknowledgement thereof shall be given as per Form-B of this Act.

Power of police and Local Authority to verify.

10. Notwithstanding anything contained in Section 9, officer of the rank of Officer-in-Charge of the Police Station having jurisdiction and the Local Authority shall have the jointly verify the credentials of any tenant if so required:

Provided that no police officer and Local Authority shall undertake the verification under this section except with the approval of the District Task Force.

Imposition of penalty on the Landlord.

11. (1) Notwithstanding anything contained in section 12 and such other laws in force in the State, a landlord shall be liable to pay a fine of rupees one thousand on the order of the District Task Force if he fails to furnish the particulars to the Police Station or to the Local Authority as required under this Act.

(2) In case of continuous default beyond six additional fine of similar amount shall be levied for each month of default extending upto six months.

(3) On expiry of the period specified under sub-section (2) above, in case of continuing failure, the landlord shall be punishable as prescribed under Section 176 of the Indian Penal Code, 1860.

Offence to be non-cognizable and bailable.

12. An offence under this Act shall be non-cognizable and bailable.

Imposition of penalty on the tenant.

13. If any tenant intentionally furnishes false information under the Act he or she shall be punished under Section 176 and 177 of the Indian Penal Code, 1860:

Provided that any foreigner, is residing without valid document shall be punishable under section 14 of the Act, 1946.

Chairperson, member and staff of the District Task Force and Local Authority to be public servant.

14. The Chairperson, members, officers, employees of the District Task Forces as notified shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code and section 2(c) of the Prevention of Corruption Act, 1988.

Protection of acts done in good faith.

15. No suit, prosecution or other legal proceedings shall lie against any member of the District Task Force or any officer of the District Task Force or the member of Local Authority for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power of State Government to amend Forms.

16. If the Government is of the opinion that it is expedient in the interest of general public so to do, it may, by notification in the Official Gazette, add to, or omit from or otherwise amend the Forms and thereupon the Forms shall be deemed to have been amended accordingly.

Establishment of facilitation centres.

17. (1) The State Government may establish Facilitation Centres at such places and at such locations particularly at the entry into and exit from the State as may be notified in the Official Gazette.

(2) The Facilitation Centres so established in each shall be under the general direction, control and the respective District Task Force.

Functions of facilitation centres.

18. (1) The duties and responsibilities of the Facilitation and the procedure to be followed shall be in such manner be prescribed from time to time by the Government.

(2) In particular and without prejudice to the generality of the foregoing sub-section (1), the functions may provide for any of the following matters, namely,-

- (a) to achieve the aims and objectives enshrined in the preamble of this Act;
- (b) to maintain, for a sharp look out, the list of wanted criminals, known anti-social elements, and other known depredators provided by the local police stations from time to

- (c) to solicit the help of local Police Station and Authorities in enforcing the provisions of this and when required;
- (d) to facilitate the entry of tourists, or visitors to the State without causing any inconvenience;
- (e) to facilitate verification of identification documents, wherever necessary, in the furtherance, of safety and security of the residents;
- (f) any other matter as may be specified by the Government through a notification published in the Official Gazette;

(3) The Facilitation Centre shall ensure that no India shall be put to inconvenience or restraint from or her rights guaranteed under the Constitution of India.

Setting up of additional security

19. The State Government may install CCTVs in the State Central District head quarter and others strategic locations including the highways which will be connected to the central monitoring unit, maintained and managed by the police, as a measure further to augment the capabilities of the police force to maintain public order, peace and security.

Power to make rules.

20. (1) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall, as soon as is made, be laid before the Meghalaya Legislative Assembly.

Power of the State to remove difficulties.

21. (1) If any difficulty arises in giving effect to the this Act, the State Government may, by order, make provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order under this section shall be made State Government after a period of four years from the commencement of this Act.

(2) Every order made under this section shall, as as may after it is made, be laid before the Meghalaya Legislative Assembly.

FORM "A"

[See section 9 (1) (a)]

Affidavit

[To be typed on a Rupees Ten Non-Judicial Stamp Paper]

I.....(Name of deponent), S/o / D/o,....., age about.....years, by profession and permanent resident of..... do hereby solemnly affirm and declare as follows:-

1. That I am a bonafide resident of India and presently reside at.....

2. That I was a previous resident of village/ town/ city within the jurisdiction of the Police Station, District, State, from.....to..... (period).

3. That this Self Declaration is for declaring my earlier residence for purpose of Section 9 (1) (a) of the Meghalaya Residents Safety and Security Act, 2016 and submitting the same before the concerned authority with supporting documents referred to in section 9.

4. That the statements in this Declaration made in paragraphs 1, 2 and 3 above are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therein.

5. That if any information given by me in this or any document support of any residential address shall be found untrue or incorrect or false I be liable for penalties under Sections 199 and 200 of the Indian Penal Code, 1860.

**References- Name and address/ Signature and Address of Tenant /
Phone/Mobile. Phone/Mobile.**

1.

2.

Form-B
[See Section 9(2)]

Details of information of resident for verification by Police and Local Authority.

Particulars of Landlord where the tenant resides.

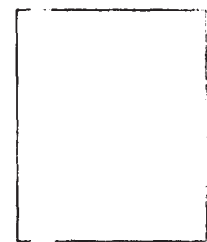
1. Name of the Landlord: _____
2. Occupation: _____
3. Details of permanent address: _____
4. Telephone/ mobile number: _____
5. Present address: _____
6. Details of domestic help or other workers staying along with the landlord:

Name	Age	Permanent Residential Address	Signature/Thumb Impression
_____	_____	_____	_____
_____	_____	_____	_____

(*NB: Separate sheet be used to affix photograph of domestic help or other worker along with name and signature or thumb impression below the photograph)

Particulars of Tenant

1. Name: _____
2. Father's name/ mother's name/spouse's name: _____
3. (a) Nationality: _____ (b) Age : _____
4. Address: _____
5. Phone number: _____
6. Mobile number: _____
7. Email address: _____
8. Occupation: _____
9. Documents produced in support of address and identification:
 - (a) If student, certificate and identity card from the educational institution: _____
 - (b) If Government servant, employment certificate, transfer order or appointment order or office identity card: _____
 - (c) For doctors / lawyers/ engineers/ architects/ professional drivers/ self and other professionals - registration certificate/ number: _____
 - (d) For migrant workers or those engaged in business/ trade: trading license District Council or labour registration certificate/ license under relevant law: _____
 - (e) For others - Permanent Account Number card/ electricity bill/ ration Card/Adhaar card: _____



10. Details of family member residing with the tenant and includes sub-tenants tenants:

Name	Age	Relationship	Occupation	Signature/Thumb

11. Details of domestic help or other workers staying along with the tenant:

Name	Age	Permanent Residential Address	Signature/Thumb

(*NB: Separate sheet be used to affix photograph of family members and domestic help along with name and signature or thumb impression below the photograph)

12. Present Address:
& Telephone and Mobile Number:

13. Previous address:
& Telephone and Mobile Number:

14. Date of leaving the previous address:

15. Permanent address:
& Telephone and Mobile Number
(to be supported by documentary proof)

*Strike out whichever not necessary

Name and Signature of tenant with date / address and Phone/ Mobile.	Name and Signature of Landlord with date / address and Phone/Mobile.
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A c k n o w l e d g e m e n t

Received from Shri/ Smti. _____ S/o / D/o _____ R/o
_____ Phone / Mobile Number _____ i
letting out of _____ to Shri/ Smti. _____

Date _____ Diary No. _____

Signature of recipient _____

Name & Designation _____

Police Station _____

Office Seal

A c k n o w l e d g e m e n t

Received from Shri/ Smti. _____ S/o / D/o _____ R/o
_____ Phone / Mobile Number _____
letting out of _____ to Shri/ Smti. _____

Date _____ Diary No. _____

Signature of recipient _____

Name & Designation _____

Police Station _____

Office Seal

W. KHYLLEP,
Secretary to the Govt. of Meghalaya,
Law Department.