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MEGHALAYA ACT I OF 1972

THE MEGHALAYA APPROPRIATION (VOTE ON ACCOUNT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 31st March, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 31st March, 1972]

An

Act

**to provide for the withdrawal of certain sums from and out of the Consolidated Fund of
Meghalaya for the services
of a part of the financial year 1972-73.**

Be it enacted in the Legislature of Meghalaya in the Twenty- third Year of the Republic of India as follows:

*Short title
and com-
mencement.*

1. (1) This Act may be called the Meghalaya Appropriation (Vote on Account) Act, 1972.
- (2) It shall come into force on the first day of April, 1972.

*Withdrawal
of
Rs.7, 19,96,180
from and out of
consolidated
Fund of
Meghalaya for
the financial year
1972-73.*

2. From and out of the Consolidated Fund of Meghalaya there may be withdrawn sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate [inclusive of the amounts already authorised for expenditure by the Governor exercising his powers conferred by sub-sections (3) and (4) of section 44 of the North Eastern Areas (Re-organisation) Act, 1971 (Central Act 82 of 1971) pending the sanction of such expenditure by the Legislative Assembly of Meghalaya] to the sum of seven crores, nineteen lakhs, ninety – six thousands and one hundred rupees towards defraying the several charges which will come in course payment during the period of three months beginning on the first day of April, 1972 in respect of the services specified in column (2) of the Schedule.

Appropriation

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of Meghalaya by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the financial year 1972-73.

SCHEDULE

(See sections 2 and 3)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
1.	Taxes on income other than Corporation Tax.	...	...	...
2.	Land Revenue	62,900	...	62,900
3.	State Excise Duties	57,600	...	57,600
4.	Taxes on Vehicles	82,500	...	82,500
5.	{ Sale Tax	61,400	...	61,400
	{ Other Taxes and Duties	20,600	...	20,600
6.	Stamps	2,500	...	2,500
7.	Registration Fees	3,800	...	3,800
	Interest on Debt and Other obligations.	...	9, 94,300	9, 94,300
	Appropriation for Reduction or Avoidance of Debt.	...	...	...
8.	– Do- B.- State Legislature	2,61,000	15,600	2,76,600
9.	–Do- C. - Elections	1,62,500	...	1,62,500
10.	General Administration – I – Heads of States and Ministers.	2,30,000	...	2,30,000
11.	–Do- II- Secretariat and attached offices.	6,79,100	...	6,79,100
12.	–Do- III – Commissioners and District Administration.	2,95,200	...	2,95,200
13.	–Do - IV- Director of Land Records.	16,000	...	16,000
14.	–Do- V- Local Fund, Audit Establishment and Accounts Offices.	16,800	...	16,800
15.	Administration of Justice ...	99,000	...	1,49,408
16.	Jails	1,49,400	...	1,49,400
17.	Police	56,41,700	...	56,41,700
18.	Miscellaneous Departments –I- National Savings Organisation.	2,000	...	2,000

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
19.	- Do - II – Trade Commiss- -ions.	...	...	...
20.	-Do – III – Weights and Measures	1, 43, 800	...	...
21.	-Do – IV – Municipal Administration	...	...	...
22.	-Do – IV – Civil Supplies Department	1,70,900	...	1,70,900
23.	Scientific Departments	76,000	...	...
24.	Education (General)	65,60,000	...	65,60,000
25.	Education (Technical)	2,57,500	...	2,57,500
26.	Medical	2,88,400	...	2,88,400
27.	Public Health – I – Public Health	12,52, 900	...	12,52,900
28.	-Do- II- Public Health ... Engineering.	24, 90,000	...	24, 90,000
29.	Agriculture 	18, 41,200	...	18,41,200
30.	-Do- II – Fisheries ...	56,200	...	56,200
31.	Rural Development ...	1,85,000	...	1,85,000
32.	Animal Husbandary ...	9,45,900	...	9,45,900
33.	Co-operation ...	4,44,500	...	4,44,500
34.	Industries – I – Sericulture and Weaving	5,14,900	...	5,14,900
35.	- Do- II Cottage Industries	6,24,600	...	6,24,600

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
36.	– Do- III – Major Industries	92,500	...	92,500
37.	I – Community Development Project, National Extension Service.	33, 11,000	...	33, 11,000
38.	II – Local Development Works.	...	...	...
39.	Labour & Employment – I - Labour.	26,000	...	26,000
40.	–Do- II – Factories ...	12,000	...	12,000
41.	–Do- III – Inspector of Steam Boilers.	5,000	...	5,000
42.	–Do-IV – Employment and Training. Miscellaneous, Social and Development Organisation---	1,48,700	...	1,48,700
43.	–Do- Statistics –I-Directorate of Statistics.	1,70,900	...	1,70,900
44.	– Do- Statistics – II – Vital Statistics,Raingauges,etc.	...	...	...
45.	–Do- Other Miscelleaneous Organisations-III-Plan- -ning Organisation.	30,200	...	30,200
46.	–Do- IV-Directorate of Adver -tising and Visual Publicity.	1,49,000	...	1,49,000
47.	–Do- Other Miscelleaneous Organisation – V – Directorate of Housing.	...	...	...

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
48.	Labour- Other Miscellaneous -IV – Directorate of Social Welfare.	26, 38,500	...	26, 38,500
49.	–Do – Other Miscellaneous Organisations – VII –Soldiers’ Sailors’ and Airmen’s Board.	16,000	...	16,000
50.	–Do-VIII – Town and Country Planning Organisation.	3, 40,000	...	3, 40,000
51.	–Do- IX – Tourist. Organisa-tion.	2, 82,200	...	2, 82,200
52.	–Do-X – Preservation and Translation of Ancient Manu-script.	5,000	...	5,000
53.	–Do- Other – Miscellaneous Organ-isation – XI – Pooled Transport.	62,600	...	62,600
54.	Do- XII – Dairy Development.	7, 28,700	...	7, 28,700
55.	Irrigation , N.E.D. Works and 100 – C.O. on N.E.D etc.	1,50,000	...	62,600
55 A	Electricity Schemes ...	...	...	...
56.	Public Works,etc. ...	92, 85,000	...	92, 85,000
57.	Do-Establishment Tools and Plant.	19,00,000	...	92,85,000
57 A	Road and Water Transport Schemes – A- Road Trans-port.	1, 00,000	...	1,00,000
58.	Famine Relief ...	1,20,000	...	1,20,000

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
59	Pension and other Retirement Benefits.
	Territorial and Political Pensions.
	Payment of Commuted value of Pensions.
	Payment to Retrenched Personnel.
	60. Stationary and Printing	3,73,100	...	3,73,100
61. Forest ...	1,90,500	...	...
62. –Do- II- Soil Conservation.	8,71,600	...	...
63. Miscellaneous – I – Expenditure on account of State Prisoners and Deterus, etc.	59,300	...	...
64. II- Donations for Charitable Purposes, etc.	57,100	...	...
65. Do-III- Grants-in-aid, Contributions, etc.	15,000	...	...
66. Do- IV- Expenditure on Issue of Free Ration and Rice Concession.	9,53,800	...	...
67. –Do- IV- Expenditure on Displaced Persons.	1,00,000	...	...
68. . –Do- V- Advanced Technical Training and Scholarship.	...	...	...
69. –Do- VII- Miscellaneous and Unforeseen Charges.	...	...	...

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the Consolidated Fund Rs.	Total Rs.
70.	–Do- VIII-Civil Defence	1,13,800	...	1,13,800
71.	Other Miscellaneous Compensa- -tion and Assignment.	...	...	...
72.	Extraordinary Charges ...	100	...	100
73.	Pre-partition Payments ...	...	...	...
74.	Payment of Compensation to Land Holders,etc., on the abolition of the Zamindary System.	...	...	...
75.	Do-I – Investment in other Comm- -ercial and Industrial undertakings.	...	...	...
76.	Do-II- Investment in Co-operative Societies.	5,75,000	...	5,75,000
77.	Do-III – Other Miscellaneous undertakings.	23,000	...	23,000
78.	Capital Outlay on Public Works outside the Revenue Account.	92,00,000	...	92,00,000
79.	Capital Outlay on other Works.	...	...	...
80.	A Capital Outlay on Roads and Water Transport Schemes – A - Road Transport.	3,25,000	...	3,25,000
80.	Capital Outlay on Schemes of Government Trading.	3,50,000	...	3,50,000
81.	Appropriation to Contingency Fund.	50, 00,000	...	50, 00,000
	O – Public Debt Loans and Advances by State Government -	...	51,30,300	51,30,300

SCHEDULED – (contd)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
82.	I-Loans to Municipal Corporation and Municipalities.	...	...	...
83.	II – Agricultural Loans ...	17,000	...	17,000
84.	III – Loans to Autonomous District Council.	...	...	...
85.	IV – Loans under Community Project.	...	...	...
86.	V – Loans Co-operative Societies.	1,01,500	...	1,01,500
87.	VI – Industrial Loan ...	...	...	...
88.	VIII – Loans to displaced Persons	1,500	...	1,500
89.	VIII – Educational Loans ...	...	...	...
90.	IX – Tea Garden Land Utilisation Loans, etc.,	...	...	...
91.	X – Housing Loans ...	75,000	...	75,000
92.	XI – Loans to major Industries	...	...	...
93.	XII – Loans to Electricity Board	...	...	...
94.	XIII – Advances to Government Servants, etc.	1,82,500	...	1,82,500
95.	XIV – Loans to Panchayati Raj Institutions.	...	...	...
96.	XV – Loans for development of Live-stock Industries.	...	...	...
97.	XVI – Miscellaneous Loans and Advances.	2,000	...	2,000
	Total	6, 58, 55,900	61, 40,200	7,19,96,100

MEGHALAYA ACT 2 OF 1972

THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (SPEAKER AND DEPUTY SPEAKER
SALARIES AND ALLOWANCES)
ACT, 1972

(As passed by the Assembly)

(Received the assent of the Government on the 21st April, 1972)

(Published in the Gazette of Meghalaya, Extraordinary, dated
24th April, 1972)

An

Act

**to fix the salaries and all allowances and allowances of the Speaker and Deputy Speaker of the
Legislature Assembly of Meghalaya**

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

*Short title and
commencement*

1. (1) This Act may be called the Legislative Assembly of Meghalaya.
(Speaker and Deputy Speaker Salaries and Allowances)
Act, 1972
- (2) It shall be deemed to have come into force on the 21st of
January, 1972.

*Salary of Speaker and
Deputy Speaker*

2. There shall be paid to the Speaker of the Legislative Assembly of
Meghalaya a salary of rupees one thousand two hundred and fifty
per mensem and the Deputy Speaker a salary of rupees eight
hundred and fifty per mensem throughout their term of office.

*Residential
accommodation for
Speaker and Deputy
Speaker*

3. (1) The Speaker and the Deputy Speaker shall each be entitled
without payment of rent to the use of a free-furnished residence in
Shillong, and also at any other place which the Government may for
the purpose of this Act declare to be the headquarters of Government
for the time being, for so long as such declaration remains in force.
- (2) Such residence shall be maintained at the public expense
which shall not exceed the amount prescribed by rules.

Explanation: -For the purpose of this section "maintenance"
in relation to a residence shall include in the payment of local rates
and taxes and the provision of electricity and water.

Allowance in lieu of residence in certain cases.

4. Where the Speaker or the Deputy, as the case may be, does not occupy any such residence provided by the Government as is referred to in section 3, a house rent allowance at the rate of rupees hundred and fifty per mensem in the case of the Speaker and at the rate of rupees three hundred and fifty per mensem in the case of the Deputy Speaker and such services allowance as may be prescribed by rules shall be paid in lieu of such residence.

Conveyance for the Speaker and Deputy Speaker

5. The Government may provide for the use of the Speaker and the Deputy Speaker respectively a suitable conveyance:

Provided that, if the Speaker or Deputy Speaker maintains his own cars such Speaker or Deputy Speaker shall be entitled to a conveyance allowance of rupees three hundred per mensem.

Prohibition against practising any profession or drawing salary as member during tenure of office as Speaker or Deputy Speaker

6. Neither the Speaker nor the Deputy Speaker shall during his term of his office as such –
- (i) practise any profession or engage himself in any trade or undertake for remuneration any employment other than his duties as Speaker or Deputy Speaker, or
 - (ii) be entitled to any salary or allowance as a member of the Legislative Assembly of Meghalaya.

Use of residence and conveyance on relinquishing office.

7. The Speaker and the Deputy Speaker shall continue to be entitled to the privilege of the use of the free-furnished residence and Government conveyance period not exceeding one month subject to conditions prescribed by rules.

Travelling and Daily Allowance.

8. The Speaker and the Deputy Speaker shall be entitled, while touring on public business, to travelling and subject to such conditions as may be prescribed by rules.

Medical treatment and benefits

9. The Speaker and the Deputy Speaker and the members, of their family shall be entitled to such medical treatment and benefit as may be laid down by rules to be made by the Government.

Explanation. - (1) For the purpose of this section the expression “the members of their family” shall mean and include such members as may be prescribed by rules.

(2) Those who are entitled to free medical attendance and treatment may take the same from any registered physician of their choice – Allopathic, Ayurvedic, Unani or Homoeopathic and medical bills on prescription of such physicians are reimbursable.

Power to make rules

10. The Government may, by notification, make rules to carry out the purposes of this Act, and in particular, such rules may prescribe –
- (a) the conditions subject to which the Speaker or Deputy Speaker, as the case may be, on ceasing to hold office as such shall be entitled to the use of the free-furnished residence and the Government conveyance;
 - (b) the period during which, and the conditions subject to which daily allowances may be drawn and the circumstances under which such allowances may be withheld;
 - (c) the conditions under which and the journeys for which travelling allowance shall be admissible;
 - (d) the facilities for medical attendance and treatment which may be provided for the Speaker and the Deputy Speaker and members of their families.

Repeal of Meghalaya State Ordinances 3 of 1972

11. The Legislative Assembly of the State of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) Ordinance, 1972 is hereby repealed.

MEGHALAYA ACT 3 OF 1972

THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE
ASSEMBLY OF MEGHALAYA) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 23rd April, 1972)

(Published in the Gazette of Meghalaya, Extraordinary, dated 24th April, 1972)

An

Act

**to declare certain offices of profit not to disqualify their holders for being chosen as , and for
being, members of the Legislative Assembly of Meghalaya.**

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

*Short title and
commencement.*

1. (1) This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972.

(2) It shall be deemed to have come into force on the 21st day of January, 1972.

*Removal of
disqualification in
certain cases*

2. A person shall not be disqualified or shall not be deemed ever to have been disqualified for being, a member of the Legislative Assembly of Meghalaya by reason of the fact that he holds any of the offices specified in the Schedule in so far as it is an office of profit under the State Government.

*Repeal of Meghalaya
State Ordinances and 5
or 1972*

3. The Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972 and the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972 are hereby repealed.

THE SCHEDULE

(See Section 2)

1. Any office held by a Minister, Minister of State, Deputy Minister or Parliamentary Secretary for Meghalaya.
2. The office of the Minister of State or the Deputy Minister to the Government of Meghalaya.

3. The office of the Parliamentary Secretary to the Government of Meghalaya.
4. The office of the Government Pleader or Public Prosecutor.
5. The office of the part-time. Professor, Lecturer, Instructor or Teacher in Government Educational Institutions.
6. Medical practitioner rendering part-time service to Government.
7. The office of the Chairman, Vice-Chairman or member of any Committee, Board or authority appointed by the Government of India or Government of any State specified in the First Schedule to the Constitution of India.

Explanation:- 1 “Committee” means any Committee, Commission, Council or any other body of one or more persons, whether statutory or not, set up by the Government of India or the Government of any State.

Explanation:- 2 “Board or Authority” means any corporation, company, society or any other body of one or more persons whether incorporated or not, established, registered or formed by or under any Central law or law of any State for the time being in force or exercising powers and functions under any such law.

8. Any office under the Government which is not a whole time office remunerated either by salary or fee.
9. The office of the Chairman, Chief Executive Member, or other Executive Member or ordinary member of a District Council in a non autonomous District or any member nominated to such a District Council by the Governor.
10. Any office held in the Territorial Army or National Cadet Corps.
11. The office of the Speaker or Deputy Speaker of the Legislative Assembly of the Meghalaya.
12. The office of the Chairman or Vice-Chairman of the Municipal Board.
13. Any office in a Village Defence Party (by whatever name called) constituted by or under the authority of the State Government.
14. The Office of Chairman or Member of the Committee of any Co-operative Society (which is registered under any law for the time being in force relating to the registration of Co-operative Societies) to which appointment is made by the State Government, or the office of Liquidator or Joint Liquidator to which a appointment is made by the Registrar of Co-operative Societies or the Office of nominee of the Registrar whether appointed individually or to a board or nominees.

MEGHALAYA ACT 4 OF 1972

THE MEGHALAYA (MINISTERS' SALARIES AND ALLOWANCES ACT, 1972)

(As passed by the Assembly)

(Received the assent of the Governor on the 23rd April, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 24th April, 1972]**An****A c t****to determine the salaries and allowances of the "Chief Minister and other Ministers of Meghalaya.**

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

*Short title
and
commencement*

1. (1) This Act may be called the Meghalaya (Ministers' Salaries and Allowances) Act, 1972.
- (2) It shall be deemed to have come into force on the 21st day of January, 1972.

*Salaries of the Chief
Minister, other Ministers
and Ministers of State*

2. There shall be paid :-
 - (a) To the Chief Minister a salary of rupees one thousand five hundred per mensem;
 - (b) To every other Ministers a salary of rupees eight hundred and fifty per mensem ; and
 - (c) To every Minister of State a salary of rupees eight hundred and fifty per mensem.

*Residential accommodation
of the Chief Minister, other
Minister and Ministers of
State.*

3. (1) The Chief Minister, other Ministers and Ministers of State shall be entitled without payment of rent to the use of a free-furnished residence in Shillong and also at any other place which Government may for the purpose of this Act declare to be the headquarters of Government for the time being, for so long as such declaration remains in force.
- (2) The residence shall be maintained at the public expense which shall not exceed the amount prescribed by rules.

Explanation: - For the purpose of this section “maintenance” in relation to a residence shall include the payment of local rates, taxes and provision of electricity and water.

Allowance in lieu of residential accommodation in certain cases

4. Where the Chief Minister, other Ministers and Ministers of State as the case may be, do not occupy any such residence provided by the Government as is referred to in section 3 a house rent allowance at the rate of rupees three hundred and fifty per mensem in the case of the Chief Minister and other Ministers and at the rate of rupees two hundred per mensem in the case of Ministers of State and such service allowances as may be prescribed by rules shall be paid in lieu of such residence.

Conveyances for the Chief Minister, other Ministers and Ministers of State.

5. The Government may provide for the use of the Chief Minister, other Ministers or Ministers of State a suitable conveyance and may by rules provide for their maintenance and repair.

Provided that if a Minister chooses to maintain his own car, such Minister shall be entitled to conveyance allowance of rupees three hundred per mensem.

Prohibition against practising any profession or drawing salary as Member during tenure of office as Minister.

6. The Chief Minister, any other Minister or Minister of State shall not during the tenure or his office –
- (i) Practise any profession or engage himself in any trade or undertake for remuneration any employment other than his duties as Chief Minister, other Ministers or Ministers of State.
 - (ii) Be entitled to any salary or allowance as a member of the Legislative Assembly of Meghalaya.

Use of residence and conveyance after relinquishing office

7. The Chief Minister, other Minister or Minister of State shall continue to be entitled to the privilege of the use of the free-furnished residence and Government conveyance on his ceasing to hold office as such for a period not exceeding one month subject to condition prescribed by rules.

Travelling and Daily allowance.

8. The Chief Minister, every other Minister and every Minister of State shall be entitled, while touring at such rates and subject to such conditions as may be prescribed by rules.

Medical treatment and benefits.

9. The Chief Minister, other Ministers and Minister of State and the members of their family shall be entitled to such medical treatment and benefits as may laid down by rules to by the Government.

Explanation – 1. For the purpose of this section the expression “the members of their family” shall mean and include such members as may be prescribed by rules.

2. Those who are entitled to free medical attendance and treatment may take the same from any registered physician of their choice – Allopathic and Ayurvedic. Unani or Homoeopathic and medical bills on prescription of such physicians are reimbursable,

Power to make rules

10. The Government may, by notification, make rules to carry out the purposes of this Act and , in particular, such rules may prescribe –

- (a) the conditions under which the Chief Minister, other Ministers and Minister of State on ceasing to hold office as such shall be entitled to the use of the free-furnished residence and the Government conveyance ;
- (b) the period during which and the conditions under which daily allowances may be drawn and the circumstances under which such allowances may be withheld ;
- (c) the conditions under which and the journeys for which travelling allowance shall be admissible ;
- (d) the facilities for medical attendance and treatment which may be provided for the Chief Ministers, other Ministers and Ministers of State and members of their families.

*Repeal of the
Meghalaya State
Ordinance
3 1972*

11. The State of Meghalaya (Ministers’ Salaries and Allowance) Ordinance, 1972 is hereby repealed/

MEGHALAYA ACT 5 OF 1972

THE CONTINGENCY FUND OF MEGHALAYA ACT, 1972

(As passed by the Assembly)**(Received the assent of the Governor on the 23rd April, 1972)**[Published in the *Gazette of Meghalaya*, Extraordinary, dated 24th April, 1972]**An****Act****to provide for the Establishment and Maintenance of a Contingency Fund.**

Be it enacted by the legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:-

- | | |
|---|---|
| <i>Short title.</i> | 1. This Act may be called the Contingency Fund of Meghalaya Act, 1972. |
| <i>Establishment of the Contingency Fund of Meghalaya.</i> | 2. There shall be established a Contingency Fund in the nature of an imprest to be entitled the "Contingency Fund of Meghalaya", into which shall be paid from and out of the Consolidated Fund of Meghalaya a sum of rupees fifty lakhs. |
| <i>Custody of Contingency Fund and withdrawals therefrom.</i> | 3. The Contingency Fund of Meghalaya shall be held on behalf of the Governor by the Secretary to the Government of Meghalaya in the Finance Department and no advance shall be made out of such fund except for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislature of Meghalaya under appropriations made by law. |
| <i>Power to make rules</i> | 4. For the purpose of carrying out the object of this Act, the Government of Meghalaya may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawal of moneys from, the Contingency Fund of Meghalaya. |
| <i>Repeal of Meghalaya Act 2 of 1970</i> | 5. The Contingency Fund of Meghalaya Act, 1970 is hereby repealed. |

MEGHALAYA ACT 6 OF 1972

THE MEGHALAYA CRIMINAL LAW (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 23rd April, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 24th April, 1972]

An

Act

to amend the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills of the State of Meghalaya hereinafter referred to as the principal Rules and matters ancillary thereto.

Be it enacted by the legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:-

Short title extent and commencement.

1. (1) This Act may be called the Meghalaya Criminal Law (Amendment) Act, 1972.
- (2) It shall have the like extent as the principal Rules.
- (3) It shall be deemed to have come into force on the 2nd day of February, 1972.

Amendment of the principal Rules

2. The Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills, shall stand amended as follows:-
 - (1) In rule 1, for the words “the Khasi Hills District”, the words “the Khasi Hills District and Jaintia Hills District” shall be substituted.
 - (2) In the principal Rules, for the words, “the Khasi Hills and Jaintia Hills”, wherever they occur, the words “the Khasi Hills District and Jaintia Hills District” shall be substituted.
 - (3) In rules 6 and 33 of the principal Rules, the words, “and the Subdivisional Officer, Jowai” shall be deleted.

Deletion of sub-section 3 of Section 2 of Assam Act XIV of 1960

3. Sub-section (3) of section 2 of the Assam Autonomous Districts Administration of Justice Act, 1960 as amended by the Assam Act XII of 1968 shall be deleted.

Assimilation of Laws

4. All laws which immediately before the coming into force of this Act, are in force in the United Khasi Jaintia Hills District, shall continue to be in force in the Khasi Hills District and the Jaintia Hills District.

Provided that except where the context otherwise requires all reference therein to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the the United Khasi-Jaintia Hills District, Subdivisional Officer, Jowai, as the case may be, shall be read as referring respectively to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the Khasi Hills District and the Jaintia Hills District.

Provided further that every case, suit, appeal, application for revision, proceedings or other business relating to both civil and criminal justice pending before the before the Court of Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner, United Khasi and Jaintia Hills District of before the Court of Subdivisional Officer, Jowai, as the case may be, shall be transferred or deemed to have been transferred for disposal to the Court of the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner, the Khasi Hills District and the Jaintia Hills District, as the case may be, which may have been the competent authority to entertain and dispose of such case, suit, appeal application for revision, proceedings or other business, had this Act been in force on the date of the institution and commencement of the same; and latter court or courts shall deal with and dispose of the same in accordance with law.

Power to remove difficulty

5. If any difficulty arises in giving effect to the provision of this Act, the Governor may, by order, do anything not inconsistent with such provision which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Repeal of the Meghalaya State Ordinance 6 of 1972

6. The Meghalaya Criminal Law. (Amendment Ordinance, 1972 is hereby repealed).

MEGHALAYA ACT 7 OF 1972

THE MEGHALAYA INTERPRETATION AND GENERAL CLAUSES ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 15th May, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 15th May, 1972]

Arrangement of sections

Sections:

CHAPTER I

Preliminary

1. Short title and commencement.
2. Application of Act.

CHAPTER II

Definitions

3. Definitions.
4. Definitions in enactments to apply unless the context otherwise requires.

CHAPTER III

General Rules of Construction

5. Territorial extent of Meghalaya Acts.
6. Coming into force of enactments.
7. Expiry of temporary enactments.
8. Marginal notes not part of enactments.
9. Government to be bound by enactments.
10. Effect of incorporation.
11. Offences by companies.
12. Gender and number.
13. Commencement and termination of time in any enactment.
14. Computation of time.
15. Expression of time.

Sections :

16. Duty to be taken prorata.
17. Measurement of distances.
18. Penalties provided to be maximum penalties
19. Deviation from forms.
20. Acts done on holidays.
21. Provisions as to offences punishable under two or more enactment.

Repeal and expiry of enactments

CHAPTER IV

22. Effect of repeal.
23. Repeal of law making actual amendment in other laws.
24. Construction of reference to repealed enactments.
25. Revival of repealed enactment.
26. Effect of expiration of enactment.

CHAPTER V

Powers and Functionaries

27. Exercise of powers and performance of duties.
28. Powers incidental for effective exercise of powers granted.
29. Power so appoint to include power to appoint ex-officio.
30. Power to appoint to include power to suspend or dismiss.
31. Substitution of functionaries.
32. Successors.
33. Official Chiefs and subordinates.

CHAPTER VI

Powers and Functionaries

34. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
35. Power to make rules, etc., includes power to add, amend, vary or rescind rules, etc.
36. Provisions applicable to making of rules or bye laws after previous publication.
37. Constitution of appointments, rules, etc, issued under enactment repealed and re- enacted.

Sections:

- 38. Construction of rules, notifications, etc., issued under enactment.
- 39. Publication and commencement of rules
- 40. Laying of rules before Legislative Assembly.

CHAPTER VII**Miscellaneous**

- 41. Citation of enactments.
- 42. Recovery of fines
- 43. Meaning of service by post.

THE MEGHALAYA INTERPRETATION AND GENERAL CLAUSES ACT, 1972

An

Act

**to provide for the interpretation of Meghalaya enactment and
for shortening the language thereof**

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

CHAPTER I**Preliminary**

Short title and commencement.

1. (1) This Act may be called the Meghalaya Interpretation and General Clauses Act, 1972.

(2) It shall be deemed to have come into force on the 21st day of January, 1972.

Application of Act.

2. Save as otherwise expressly provided herein, the provisions of this Act shall apply, unless the context otherwise requires to this Act and to all other enactments, whether passed before or after the commencement of this Act.

CHAPTER I

Definitions

Definitions.

3. In all enactments, unless the context otherwise require –

- (1) “abet” with its grammatical variations General Act and cognate expression, has the same meaning as in the Indian Penal Code; *Central Act 45 of 1860*
- (2) “act” used with reference to an offence or a civil wrong denotes a series of act as well as a single act, and words which refer to acts done extend also to illegal omission ;
- (3) “affidavit” means a statement in writing, signed by the person making it and confirmed by oath.
- (4) “Assam Act” means an Act made by the Chief Commissioner of Assam in Council under the Indian Councils Acts, 1861 to 1909 or any of those Acts, or under the Government of India Act, 1915 or by the Local Legislature of Assam under the Government of India Act, or by the Provincial Legislature or the Governor of Assam under the Government of India Act, 1935, or by the Legislature of the State of Assam under the Constitution;
- (5) “attested” in relation to a document means attested by a witness who has seen the executants sign the document, or has received from the executants a personal acknowledgement of his signature, and who has signed the document in the presence of the executants, but no particular form of attestation shall be necessary ;
- (6) “autonomous State” means the autonomous State of Meghalaya formed under section 3 of the Assam Re-organisation (Meghalaya) Act, 1969; *Central Act 55 of 1969*
- (7) “Bengal Act” means an Act made by the Lieutenant Governor of Bengal in Council under the Indian Councils Act, 1861, or the Indian Councils. Acts, 1861 and 1892 or the Indian Councils Acts, 1861 and 1909 or made by the Governor in Council of Fort William in Bengal under the Indian Council Acts, 1861 and 1909, or by the Local Legislature of Bengal under the Government of India Act;

- (8) “Central Act” means an Act of Parliament and includes an Act passed or made before the commencement of the Constitution,
 (a) by the Dominion Legislature or the Indian Legislature or;
 (b) by the Governor-General in Council or the Governor-General acting in a legislative capacity.
- (9) “Centrally Government” in relation to anything done or to be done after the commencement of the Constitution, means the President, and include in relation to functions entrusted under clause (1) of Article 248 of the Constitution to the Government of Meghalaya, the Government of Meghalaya acting within the scope of the authority given to it under that clause;
- (10) “chapter” means a chapter of the enactment in which the word occurs ;
- (11) “child” in the case of any one whose personal law permits adoption, include an adopted child.
- (12) “clause” occurring in a section which has no sub-section, means a subdivision of that section and occurring in a sub-section means a subdivision of that sub-section.
- (13) “collecto” means the chief officer in-charge of the revenue administration of a district.
- (14) “commencement” used with reference to an enactment means the day on which the enactment comes into force ;
- (15) “commissioner” means the chief officer in-charge of the revenue administrative of a division.
- (16) “constitution” means the Constitution of India ;
- (17) “consular officer” include consul-general, consul, vice-consul, consular agent, pro-consul and any other person for the time being authorised to perform the duties of a consul-general, consul, vice-consul or consular agent;
- (18) “daughter” in the case of any one whose personal law permits adoption, includes an adopted daughter ;

- (19) “day” means a period of twenty-four hours beginning as midnight;
- (20) “daughter-commissioner” means the chief officer in-charge of the general administration of a District;
- (21) “district court” means the principal civil court of original jurisdiction but does not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;
- (22) “district judge” means the judge of a district court, and includes an additional districts judge;
- (23) “document” includes any matter written, expressed inscribed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used or which may be used as evidence of that matter;
- (24) “Eastern Bengal and Assam” means the territories which were under the administration of the Lieutenant-Governor of Eastern Bengal and Assam immediately prior to the constitution of the Chief Commissionership of Assam in 1909;
- (25) “Eastern Bengal and Assam Act” means an Act made by the Lieutenant-Governor of Eastern Bengal and Assam in Council under the Indian Councils Act, 1861 to 1909.
- (26) “enactment” means an Act of the Meghalaya Legislature, and includes a Regulation, Meghalaya Ordinance and any provision contained in any Act, Regulation or Ordinance as aforesaid;
- (27) “father” in the case of any one whose personal law permits adoption, includes an adoptive father ;
- (28) “financial year” means the year commencing on the first day of April;
- (29) “good faith”- a thing shall be deemed to be done in good faith, where it is in fact done honestly, whether it is done negligently or not;
- (30) “Government” or “ the Government” includes the State Government as well as the Central Government ;

- (31) “Government of Meghalaya” means the Governor;
- (32) “Government securities” means securities of the Government of Meghalaya, the Central Government or any other Government;
- (33) “High Court” means the Guwahati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)
- (34) “immovable property” includes land benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth ;
- (35) “imprisonment” means imprisonment of either description as defined in the Indian Penal Code ; *Central Act 45 of 1898*
- (36) “judicial proceeding” includes any proceeding in the course of which evidence is, or may be, legally taken;
- (37) “local authority” means a municipal corporation, a municipality, a municipal committee, a local board or any other authority legally entitled to, or entrusted by the Government with the control or management of, a municipal or local fund ;
- (38) “local law” means a law applicable to a party only of Meghalaya ;
- (39) “magistrate” includes every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure, 1898, or under any other law for the time being in force relating to criminal procedure ; *Central Act 5 of 1898.*
- (40) “master” used with reference to a ship; includes every person (except a pilot or harbour master) having for the time being command or charge of the ship.
- (41) “Meghalaya” means the State of Meghalaya formed under section 5 of the North-Eastern Area (Reorganisation) Act, 1971 and comprising the areas specified therein ; *Central Act 81 of 1971*
- (42) “Meghalaya Act” means an Act passed by the Legislative of Meghalaya ;
- (43) “month” means a month reckoned according to the Gregorian Calendar ;

- (44) “movable property” means property of every description except immovable property;
- (45) “notification” means notification in the official Gazette ;
- (46) “oath” includes an affirmation and a declaration in the case of persons by law allowed to affirm or declare instead of swearing;
- (47) “offence” means any act or omission made punishable by any law for the time being in force ;
- (48) “official Gazette” means the official Gazette of Meghalaya ;
- (49) “Meghalaya Ordinance” means an Ordinance promulgated by the Governor of Meghalaya ;
- (50) “part” means a part of the enactment in which the word occurs.
- (51) “person” includes any company or association or body of individuals whether incorporated or not ;
- (52) “prescribed” means prescribed by rules made under an enactment in which the word occur;
- (53) “public” includes any class or section of the public ;
- (54) “public nuisance” means a public nuisance as defined in the Indian Penal Code ; *Central Act
45 of
1860*
- (55) “registered” used with reference to a document, means registered in India under the law for the time being in force for the registration of documents ;
- (56) “Registration” means a Regulation made by the Governor under the Sixth Schedule to the Constitution or under the Government of India Act, 1935, and shall include the Regulation as defined in clause (50) of section 3 of the General Clauses Act, 1897 ;
- (57) “rule” means a rule made in exercise of a power conferred by any enactment, and includes a regulation made as a rule under any enactment ;
- (58) “schedule” means a schedule to the enactment in which the word occurs ;

- (59) “section” means a section of the enactment in which the word occurs ;
- (60) “ship” includes every description of vessel used in navigation not exclusively propelled by oars ;
- (61) “sign” with its grammatical variations and cognate expressions, used with reference to a person who is unable to write his name, includes “ mark” with its grammatical variations and cognate expressions ;
- (62) “son” in case of any one whose personal law permits adoption, includes an adopted son ;
- (63) “special law” means a law applicable to a particular subject ;
- (64) “State” means a State specified in the First Schedule to the Constitution, and includes a Union territory ;
- (65) “sub-section” means a sub-section of the section in which the word occurs ;
- (66) “swear” with its grammatical variations and cognate expressions, includes affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;
- (67) “vessel” includes any ship or boat or any other description of vessel used in navigation ;
- (68) “will” and “codicil” have the meanings respectively assigned to them in the Indian Succession Act, 1925 ; *Central Act 30 of 1925*
- (69) “writing” – expressions referring to writing shall be constructed as including reference to printing, typewriting, photography and other modes of representing or reproducing words in a vehicle form;
- (70) “year” means a year reckoned according to the Gregorian Calendar.

Definitions in enactments to apply unless the context otherwise requires.

4. In every enactment, where a word is defined -
- (a) the definition shall apply unless the context of the enactment otherwise requires
- (b) grammatical variations of that word and cognate expressions shall have corresponding meanings.

CHAPTER III

General Rules of Construction

Territorial extent of Meghalaya Acts

5. Every enactment shall, unless the contrary is expressly provided therein, apply to the whole of Meghalaya
6. (1) Where a Meghalaya Act is not expressed to come into force on a particular day, then, it assent of the Governor in first published in the official Gazette.

(2) Unless the contrary intention is expressed, a Meghalaya Ordinance shall come into force on the day on which it is promulgated by the Governor;

(3) Unless the contrary intention is expressed, every enactment shall be construed as coming into force immediately on the expiration of the day preceding the day on which it comes into force.

Expiry of temporary enactments

7. Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall, unless the contrary intention is expressed, be construed as ceasing to have effect immediately on the commencement of the following day.

Marginal notes not part of enactments

8. The marginal notes appearing against any provision of any enactment, and the reference to the number and date of any number and date of any former law in the margin against any such provision, shall form no part of the said enactment and shall be deemed to have been inserted for the sake of convenience only.

Government to be bound by enactments.

9. In the absence of an express provision to the contrary, every enactment shall be binding on the Government.

Effect of incorporation

10. Where any enactment constitutes a body corporate by any form of words, that body corporate shall have perpetual succession and a common seal and may enter into contracts by its corporate name, acquire, hold and dispose of property, whether movable or immovable, and sue or be sued by its corporate name.

Offences by companies

11. (1) If a person committing an offence under any enactment is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Where an offence under any enactment has been committed by a company, any director, manager, secretary or other officer of the company, not being a person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence, shall, if it is proved that the offence has been committed with his consent or connivance or that the commission of the offence is attributable to any neglect on his part, also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation

For the purpose of this section –

(a) “company” means any body corporate and includes a firm or other association of persons, and

(b) “director” in relation to a firm, means a partner in the firm.

Gender and number

12. In all enactments unless a different intention appears –

(a) words importing the masculine gender shall be taken to include females ;

(b) words in the singular shall be taken to include the plural and vice-versa.

Commencement and termination of time in any enactment.

13. In any enactment, it shall be sufficient –

(a) to use the word “from” or the word “after” for the purpose of excluding the first in a series of days ;

(b) to use the word “to” for the purpose of including the last in a series of days ;

(c) to use the word “on” or the word “with ” for the purpose of including the day on which the period is expressed to begin or to end ; and

(d) in relation to the interval between two events, to use the words “clear days” or “at least” or “not less than” a number of days for the purpose of excluding the days on which the events happen and merely to specify the number of days for the purpose of excluding the days on which the events happen and merely to specify the number of days for the purpose excluding the days on which the first event happens and including the day on which the second event happens.

Computation of time

14. Where by any enactment any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within a specified period, then, if the court or office is closed on that day or the last day of the specified period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the court or office is open.;

Provided that nothing in this section shall apply to any act or proceeding to which the Limitation Act, 1963 applies.

Central Act 6 of 1963

Expression of time.

15. Where, in any enactment, any reference to a specified time of the day occurs, such time shall, unless it is otherwise specifically stated, be deemed to mean the Indian Standard Time.

Duty to be taken prorate

16. Where, by any enactment, any duty of customs or excise or in the nature thereof, is leviable on any given quantity by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

Measurement of distances

17. In the measurement of any distance for the purpose of any enactment, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Penalties provided to be maximum penalties

18. Whenever in any enactment a punishment is provided for an offence, such punishment shall unless a different intention appears, be deemed to be the maximum punishment for that offence.

Deviation from forms.

19. Save as otherwise expressly provided by any enactment, whenever a form is prescribed by any enactment, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate it.

Act done on holidays.

20. Save as otherwise expressly provided by any enactment, no act done by any authority, whether such authority is judicial or executive shall be invalid by reason only of its having been done on a public holiday.

Provision as to offences punishable under two or more enactments.

21. Where an act or omission constitutes an offence under two or more enactments, the offender shall be liable to be prosecuted or punished under either or any of them, but shall not be liable to be punished twice for the same offence.

CHAPTER IV

Repeal and expiry of enactments

Effect of repeal

22. Where a Meghalaya Act, Ordinance or Regulation repeals any enactment, then, unless a different intention appears, the repeal shall not –
- (a) Revive anything not in force or existing at this time at which the repeal takes effect; or
 - (b) affect the previous operation of any enactment so repealed or anything duly done or suffered there under ; or
 - (c) affect any right, privilege, obligation or liability, acquired, accrued or incurred under any enactment so repealed ; or
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right , privilege, obligation, liability, penalty, forfeiture of punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Repeal of law making textual amendment in other laws

23. Where a Meghalaya Act, Ordinance or Regulation (not being an Act which is to cease to have effect or to cease to operate on the expiry of a particular period or on the happening of a particular contingency) amends the text of any enactment by the expression, insertion or substitution of any matter, and any such amending Act is subsequently repealed, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment was in force at the time of the repeal.

Construction of reference to repealed enactments.

24. Where a Meghalaya Act, Ordinance or Regulation repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment to the provisions so repealed, shall unless a different intention appears, be constructed as references to the provision so re-enacted.
25. In any enactment, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, it shall be necessary expressly to state that purpose.

Effect of expiration of enactment.

26. Where an enactment ceases to have an effect or ceases to operate on the expiration of a particular period or on the happening of a particular contingency, then, unless a different intention appears, the expiry shall not affect –
- (a) the previous operation of, or anything duly done or suffered under the enactment; or
 - (b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Act had not expired.

CHAPTER V

Powers and Functionaries

Exercise of powers and performance of duties`

27. Where, by any enactment any power is conferred or any duty is imposed, then, unless a different intention appears, that power may be exercised and that duty shall be performed from time to time as occasion requires.

Power incidental for effective exercise of powers granted.

28. Where, by any enactment, a power is conferred on any person or functionary to do or enforce the doing of any act or thing, all such powers shall deemed to be also conferred as are necessary to enable such person or functionary to do or enforce the doing of such act or thing.

Power to appoint to include power to appoint ex-officio

29. Where, by any enactment, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss

30. Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having for the time being power to make the appointments shall also have power to suspend or dismiss any person appointed whether by itself or by any other authority in exercise of that power.

Substitution of function

31. In any enactment, it shall be sufficient for the purpose of indicating the application of the law to every person or number of persons for the time being executing the functions of an office, mention the official title of the officer who is, at the time of the passing of the enactment, exercising the functions, or that of the officer by whom the functions are commonly exercised.

Successors.

32. In any enactment it shall be sufficient for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Official Chiefs and subordinates.

33. In any enactment, it shall be sufficient, for the purpose of expressing that a law relating to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to specify the duties of the superior.

CHAPTER VI

Subordinate Legislation

Making of rules or bye laws and issuing of orders between passing and commencement of enactment..

34. Where, by any enactment which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws or to issue orders with respect to the application of the enactment or with respect to the establishment of any court or office or the appointment of any judge or officer there under or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the enactment, then, unless a different intention appears, that power may be exercised at any time after the passing of the enactment, but rules, bye laws or orders so made or issued shall not take effect till the commencement of the enactment.

Power to make rules, etc., includes power to add, amend, vary or rescind rules etc.

35. Where, by any enactment, a power to issue rules, notifications, orders, schemes, forms or bye-laws is conferred, then, unless a different intention appears that power includes a power to add to, amend, vary or rescind any rules, notifications, orders, schemes, forms or bye-laws so issued in the same manner and subject to the same sanction and conditions (if any) as the power to issue the rules, notifications, orders, schemes, forms or bye-laws.

Provisions applicable to making of rules or bye-laws after previous publication..

36. Where, by any enactment, a power to make rules bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, the following provisions shall apply, namely:-
- (a) the authority having power to make the rules or bye-laws, shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby ;
 - (b) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government may prescribe ;
 - (c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration.
 - (d) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified ;
 - (e) the publication in the official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

Continuation of appointments, rules, etc., issued under enactment repealed and re-enacted.

37. Where, any enactment is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, rule, notification, order, schemes, form or bye-law made or issued under the repealed enactment, shall re-enacted, continue in force and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, rule, notification, order, scheme, form or bye-law made or issued under the provisions so re-enacted.

Construction of rules , notifications, etc., issued under enactments.

38. Where, by any enactment, a power to issue any rule, notification, order, scheme, form or bye-law is conferred, then, expressions used in the rule, notification, order, scheme, form or bye-law shall unless a different intention appears, have the same respective meanings as in the enactment conferring the power.

Publication and commencement of rules

39. Every rule made under any enactment shall be published in the official Gazette and shall, in the absence of an express provision to the contrary either in the rule or in the enactment under which it is made, come into force on the day on which it is published in the official Gazette.

Laying of rules before Legislative Assembly

40. (1) Every rule made by the Government of Meghalaya under any enactment shall be laid as soon as may be after it is made before the Legislative Assembly of Meghalaya while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) If any rule is not laid before the Legislative Assembly in accordance with the provisions of sub-section (1) it shall, on the expiry of two successive sessions immediately following the publication of the rule, cease to have effect, without prejudice to the validity of anything previously done under that rule.

CHAPTER VII

Miscellaneous

Citation of enactments.

41. (1) Any enactment may be cited by reference to the short title conferred thereon or by reference to the number and year thereof.

(2) Any provision in an enactment may be cited by reference to the section of the enactment in which the provision is contained.

Recovery of fines.

42. Sections 63 to 70 of the Indian Penal Code and as far as may be the provisions of the Code of Criminal Procedure, 1898, in relation to the issue and execution of warrants for the levy of fines, shall apply to all fines imposed under any enactment, or under any rule or bye-law made thereunder, unless the enactment, rule or bye-law contain an express provision to the contrary.

Meaning of service by post

43. Where, any enactment authorises or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, at the time at which the letter would be delivered in the ordinary course of post.

MEGHALAYA ACT 8 OF 1972

THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS SALARIES AND
ALLOWANCES) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 15th May, 1972)

[Published in the Gazette of Meghalaya, Extraordinary, dated 15th May, 1972]

An

Act

**to determine the salaries and allowances of the members of the Legislative Assembly
of Meghalaya**

Be enacted by the Legislature of Meghalaya in the Twenty-third Year of the
Republic of India as follows:-

*Short title and
commencement.*

1. (1) This Act may be called the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972
(2) It shall be deemed to have come into force on the 21st day of January, 1972.

Definition

2. In this Act, "member" means a member of the Legislative Assembly of Meghalaya other than the Speaker and the Deputy Speaker of the Legislative Assembly, or a Minister.

Salaries

3. There shall be paid to each member during the whole of his term of office, a salary at the rate of rupees four hundred per mensem.

*By Act 7 (1974
w.e.f. 1-3.1974)*

Allowances

4. There shall be paid to each member-
 - (a) fixed travelling allowance of rupees two hundred and fifty per mensem ;
 - (b) for the number of days attended, a daily allowance at the rate of rupees twenty five if the member's attendance is required in connection with his duties as such member ;
 - (c) travelling allowance at the rate applicable to a government servant of the senior grade under the Subsidiary Rules for journeys performed in connection with his duties as such member.

*Conveyance
Allowance*

5. There shall be paid to each member for the number of days attended a conveyance allowance at the rate of rupees five per day during the period, the Legislative Assembly is in session and during the period any of its committees hold its meetings.

*Medical treatment
and benefits.*

6. A member and the members of his family shall be entitled to such medical treatment and benefits as may be laid down by rules to be made, by Government.

Explanation 1. – For the purpose of this section the expression “the members of his family” shall mean and include such members as may be prescribed by rules.

Explanation 2. – Those who are entitled to free medical attendance and treatment may take the same from any registered physician of their choice – Allopathic, Ayurvedic, Unani or Homoeopathic and medical bills on prescription of such physicians are reimbursable.

*Power to make
rules*

7. The Government may, by notification, make rules to carry out the purposes of this Act and, in particular, may prescribe –

(a) the periods during which and the conditions subject to which daily allowance may be drawn and the circumstances in which such allowances may be withheld ;

(b) the conditions under which and the journeys for which travelling allowance shall be admissible;

(c) the facilities for medical attendance and treatment.

*Repeal of the
Meghalaya State
Ordinance of 1972*

8. The Legislative Assembly of the State of Meghalaya (Members’ Salaries and allowances) Ordinances, 1972 is hereby repealed.

MEGHALAYA ACT 9 OF 1972

THE MEGHALAYA APPROPRIATION (No.1) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 29th June, 1972)[Published in the Gazette of Meghalaya, Extraordinary, dated 30th June, 1972]

An

Act

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of Meghalaya for the services of the financial year ending on the thirty-first day of March, 1973

Be enacted by the Legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:-

*Short title
commencement*

1. (1) This Act may be called the Meghalaya Appropriation (No. 1) Act, 1972.

(2) It shall be deemed to have come into force on the 1st April, 1972.

*Withdrawal of
Rs.28,52,72,500
from and out of the
consolidated Fund
of Meghalaya for
the financial year
1972-73*

2. From and out of the Consolidated Fund of Meghalaya there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate [inclusive of the sum specified in column (3) of the Schedule to the Meghalaya Appropriation (Vote on account) Act 1972] to the sum of the twenty-eight crores, fifty-two lakhs, seventy-two thousand and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 1973 in respect of the services specified in column (2) of the Schedule.

Appropriation

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of Meghalaya by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULED**(See sections 2 and 3)**

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the consolidated Rs.	Total Rs.
1.	Taxes on Income other than Corporation	...	...	...
2.	Land Revenue	2,19,400	...	2,19,400
3.	State Excise Duties	2,60,900	...	2,60,900
4.	Taxes on Vehicles	2,99,600	...	2,60,900
5.	Sales Tax and other Taxes and Duties	3,32,500	...	3,32,500
6.	Stamps	12,400	...	12,400
7.	Registration Fees ...	15,100	...	15,100
	Interest on Debts and other obligations.	...	1,24,73,200	1,24,73,200
	Appropriation for Reduction or Avoidance of Debt	...	4,76,600	4,76,600
8.	Parliament, State/Union Territory Legislature - B- State Legislature ...	...	...	...
		9,40,100	...	9,40,100
9.	-Do-C-Elections ...	3,94,200	...	3,94,200
10.	General Administration -I- Heads of States and Ministers.	7,07,600	3,000	7,10,600
11.	-Do-II-Secretariat and attached offices.	26,34,200	50,000	26,84,200
12.	-Do-III-Commissioners and District Administration.	14,51,100	...	14,51,100
13.	-Do- IV-Director of Land Records.	44,700	...	44,700
14.	General Administration -V- Local Funds, Audit Establishment and Accounts Offices.	1,18,900	...	1,18,900

SCHEDULED*(See sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the consolidated Rs.	Total Rs.
15.	Administration of Justice	4,26,200	...	4,26,200
16.	Jails	5,27,300	...	5,27,300
17.	Police	1,32,52,300	...	1,32,52,300
18.	Miscellaneous Department	2,003	...	2,003
	-I- National Savings Organisations.			
19.	Do-II-Trade Commissioners	15,300	...	15,300
20.	Do-III- Weights and measures	2,07,000	...	2,07,000
21.	Do-V-Municipal Administration	...	...	...
22.	Do-Civil Supplies & Department	4,66,100	...	4,66,100
23.	Scientific Departments	4,00,000	...	4,00,000
24.	Education (General)	2,64,90,000	...	2,64,90,000
25.	Education (Technical)	10,03,100	...	10,03,100
26.	Medical	68,31,500	...	68,31,500
27.	Public Health – I – Public Health.	57,34,400	...	57,34,400
28.	Do-II-Public Health Engineering.	63,58,300	...	63,58,300
28.A	Family Planning	11,61,000	...	11,61,000
29.	Agriculture	1,14,56,000	...	1,14,56,000
30.	Do-II-Fisheries	6,58,400	...	6,58,400
31.	Rural Development ...	7,41,400	...	7,41,400
32.	Animal Husbandry ...	37,99,100	...	37,99,100
33.	Co-operation	16,58,300	...	16,58,300
34.	Industries-I-Sericulture and Weaving.	19,85,000	...	19,85,000
35.	Do-II Cottage Industries	31,42,100	...	31,42,100
36.	Do-III- Major Industries	3,85,900	...	3,85,900
37.	Community Development Projects.	1,20,25,400	...	1,20,25,400
38.	Local Development Works	...	...	...
39.	Labour and Employment –I – Labour	26,000	...	26,000
40.	-Do- II- Factories ...	12,000	...	12,000
41.	-Do- III – Inspector of Steam Boiler	5,000	...	5,000

SCHEDULED*(See sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the consolidated	Total
		Rs.	Rs.	Rs.
42.	Labour and Employment -IV- Employment and Training	1,48,700	...	1,48,700
43.	Miscellaneous, Social and Development Organisation – I – Directorate of Statistics	5,89,700	...	5,89,700
44.	-Do- II – Vital Statistics, Rainauge, etc.	1,500	...	1,500
45.	-Do- III – Planning Organisation.	1,26,700	...	1,26,700
46.	-Do- IV – Directorate of Advertising and Visual Publicity	7,11,500	...	7,11,500
47.	-Do- V – Directorate of Housing.	...	...	...
48.	-Do- VI – Directorate of Social Welfare.	29,59,100	...	29,59,100
49.	-Do- VII – Soldier's Sailor's and Airmen's Board.	39,400	...	39,400
50.	-Do- VIII – Town and Country Planning Organisation.	10,42,200	...	10,42,200
51.	-Do- IX – Tourist Organisation	7,75,100	...	7,75,100
52.	-Do- X – Preservation and Translation of Ancient Manuscripts.	12,300	...	12,300
53.	-Do- XI – Pooled Transports	2,09,300	...	2,09,300
54.	-Do- XII – Dairy Development.	15,82,000	...	15,82,000
55.	Irrigation N.E.D. Works, etc.	5,00,000	...	5,00,000
55.A	Electricity Schemes ...	...	...	...
56.	Public Works (excluding Establishment and Tools and Plant,etc).	3,22,93,600	...	3,22,93,600
57.	Public Works, Establishment and Tools and Plant	66,71,000	...	66,71,000

SCHEDULED*(See sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the consolidated	Total
		Rs.	Rs.	Rs.
57.A	Road and Water Transport Schemes –A- Road Transport.	3,00,000	...	3,00,000
58.	Famine Relief ...	8,12,500	...	8,12,500
59.	Pension and other Retirement Benefits	19,500	...	19,500
60.	Stationary and Printing ...	44,63,800	...	44,63,800
61.	Forests ...	62,35,700	...	62,35,700
62.	Forests – I – Soil Conservation.	31,70,500	...	31,70,500
63.	Miscellaneous –I – Expenditure on account of State Prisoners and Detenus,etc.	1,92,200	...	1,92,200
64.	-Do- II – Donation for Charitable purposes,etc.	1,49,509	...	1,49,509
65.	-Do- III – Grants-in- aid,Contributions,etc.,	15,000	...	15,000
66.	-Do- IV – Expenditure on Issue of Free Ration and Rice Concession.	4,10,000	...	4,10,000
67.	-Do- V – Expenditure on Displaced Persons.	1,51,39,900	...	1,51,39,900
68.	-Do – VI – Advanced Technical Training and Scholarship	...	...	...
69.	-Do- VII – Miscellaneous Unforeseen Charges.	35,000	...	35,000
70.	-Do- VIII– Civil Defence	2,62,309	...	2,62,809
71.	Other Miscellaneous Compensation and Assignments.	...	...	...
72.	Extraordinary Charges ...	100	...	100
73.	Preparation Payments ...	...	...	...
74.	Payment of Compensation to Land holders,etc.	...	...	...

SCHEDULED*(See sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the consolidated	Total
		Rs.	Rs.	Rs.
	Capital Outlay on Industrial and Economic Development.	...	...	...
75.	-Do- I- Investment in other Commercial and Industrial undertakings.	22,30,000	...	22,30,000
76.	-Do- II – Investment in Co-operative Societies.	18,55,000	...	18,55,000
77.	-Do- III – Other Miscellaneous Undertakings.	2,85,000	...	2,85,000
78.	Capital Outlay on Public Works outside the Revenue Accounts.	2,87,41,000	...	2,87,41,000
79.	Capital Outlay on other Works.	...	...	...
79.A	Capital Outlay on Roads and Water Transport Schemes – A – Road Transport.	12,000	...	12,000
80.	Capital Outlay on Schemes of Government Trading.	15,04,400	...	15,04,400
81.	Appropriates to Contingency Fund.	50,00,000	...	50,00,000
82.	Repayment of Debt ... I- Loans to Municipal Corporation and Municipalities.	...	4,14,14,500	4,14,14,500
83.	II – Agricultural Loans, etc.	...	1,40,000	1,40,000
84.	III – Loans to Autonomous District Council.	3,60,000	...	3,60,000
85.	VI- Loans – under Community Project.	2,00,000	...	2,00,000
86.	V- Loans to Co-operative Societies.	...	...	...
87.	VI- Industrial Loan ...	4,99,400	...	4,99,400
88.	VII – Loans to Displaced Persons.	2,00,000	...	2,00,000
89.	VIII – Educational Loans.	1,000	...	1,000
		300	...	300

SCHEDULED*(See sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly	Charged on the consolidated	Total
		Rs.	Rs.	Rs.
90.	IX- Tea Garden Land Utilisation Loans, etc.	2,00,000	...	2,00,000
91.	X- Housing Loans ...	3,00,000	...	3,00,000
92.	XI – Loans to Major Industries.	...	...	...
93.	XII – Loans to Electricity Board.	22,00,000	...	...
94.	XIII – Advances to Government Servants, etc.	8,05,000	...	8,05,000
95.	XIV – Loans to Panchayati Raj Institutions.	...	...	...
96.	XV – Loans for Development of Live- stock Industries.	...	...	...
97.	XIV – Miscellaneous Loans and Advances	5,000	...	5,000
Total		... 23,07,95,000	5,44,77,500	28,52,72,500

MEGHALAYA ACT 10 OF 1972

**THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION (AMENDMENT)
ACT, 1972.**

(As passed by the Assembly)

(Received the assent of the Governor on the 27th July, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 28th July, 1972]

An

Act

to amend the Meghalaya Wild Animals and Birds Protection Act,1971

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

*Short title extent
and
commencement.*

1. (1) This Act may be called the Meghalaya Wild Animals and Birds Protection (Amendment) Act, 1972
- (2) It shall extend to the State of Meghalaya.
- (3) It shall come into force at once.

*Amendment of
Section 1 of
Meghalaya Act 9 of
1971*

2. In Section 1 of the Meghalaya Wild Animals and Birds Protection Act, 1971 –
 - (1) in the marginal heading against Section 1 after the word “title”, the punctuation “(,)” and the word “extent” shall be inserted ;
 - (2) sub-section (2) shall be renumbered as sub-section (3) and the following sub-section (2) shall be inserted, namely :-

“(2) It shall extend to the State of Meghalaya “

MEGHALAYA ACT 11 OF 1972**THE MEGHALAYA LAND AND REVENUE REGULATION (APPLICATION AND AMENDMENT) ACT, 1972**

(As passed by the Assembly)

(Received the assent of the Governor on the 27th July, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 28th July, 1972]

An

Act

to provide for the extension and application of, and to amend the Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886) and the Meghalaya Land and Revenue Regulation and for matters connected therewith or incidental thereto.

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

Short title extent and commencement.

1. (1) This Act may be called the Meghalaya Land and Revenue Regulation (Application and Amendment) Act, 1972.
- (2) It shall extend to the State of Meghalaya.
- (3) It shall come into force at once.

Application and extent of the Regulations.

2. As from the 21st day of January, 1972, such of the provisions of the Assam Land and Revenue Regulation, 1886 and the Meghalaya Land and Revenue Regulation, the rules framed thereunder, with the amendments to which they have been subjected before the said day and which are for the time being applicable to Meghalaya or any part thereof, shall have effect, subject to the amendments, adaptations or modifications hereinafter appearing.

Amendment of the Assam Land and Revenue Regulation.

3. The Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886) shall stand amended as follows:-
 - (1) For the word "Assam" wherever it occurs, the word "Meghalaya" shall be substituted and for the words "State Government", "Assam Government" or "State Government" or "State Government" wherever they occur, the words "Government of Meghalaya" shall; be substituted.

*Amendment of
Section 1 of the
Regulations.*

4. In Section 1 of the Assam Land and Revenue Regulation, 1886 and the Meghalaya Land and Revenue Regulation, for sub-sections (1), (2) and (3) the following sub-section shall be substituted, namely:-

- “1. (1) This Regulation may be called the Meghalaya Land and Revenue Regulation.
(2) Sections 12(2), 12(3), 69, 94, 144A, 147(a), 147(b) with the proviso (iii), sections 148, 149, 150, 151, 154, 154A, 155 with the exceptions of clauses (d) and (f), sections 156 and 157 shall apply to, and come into force at once in the whole of Meghalaya.
(3) The State Government may, by notification, direct that any provision of the Meghalaya Land and Revenue Regulation, with the amendments to which it has been subjected to immediately, before the 21st day of January, 1972 shall extend to and shall come into force in the State of Meghalaya or any part thereof on such date as the State Government may appoint in this behalf and different dates may be appointed for different areas of the State.”

*Amendment of
section 154 of the
Regulation*

5. In the Assam Land and Revenue Regulation, 1886 for section 154 the following section shall be substituted, namely –

*“Matters exempted
from cognizance of
Civil Court.*

6. 154. Except when otherwise expressly provided in this Regulation, or in rules issued under this Regulation, no Civil Court shall exercise jurisdiction in any matter regarding ejectment of any person from land over which no person has acquired the right of a proprietor, land-holder or settlement-holder and the disposal of any crop raised, or any building or other construction erected without authority on such land.”

MEGHALAYA ACT 12 OF 1972

THE MEGHALAYA PREVENTION OF GAMBLING (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 27th July, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 28th July, 1972]

An

Act

to amend the Meghalaya Prevention of Gambling Act, 1970 (Meghalaya Act 8 of 1970) and to extend it to areas in Meghalaya where it is now not in force

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

*Short title,
extent and
commence
ment.*

1. (1) This Act may be called the Prevention of Gambling (Amendment) Act, 1972.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force at once.
2. The Meghalaya Prevention of Gambling Act, 1970 (hereinafter referred to as the principal Act) shall stand amended as follows :-

In section 1 of the principal Act –

- (i) after sub-section (1), the following new sub-section as sub-section (2) shall be inserted, namely:-
“2 It extends to the whole of the State of Meghalaya.”
- (ii) the existing sub-section (2) shall be renumbered as sub-section (3) and for sub-section (3) as so renumbered the following shall be substituted, namely :-
“(3) It shall come into force at once.”
- (iii) in the marginal note after the word “title” a comma “(,)” followed by the word “extent” shall be inserted.

*Repeal and
Savings.*

3. (1) The Assam Games and Betting Act, 1970 is hereby repealed. *Assam Act
18 of 1970*

(2) Notwithstanding such repeal –

(a) any decision given, any rule made, any order issued, any notification published, any proceedings commenced, any action taken or anything whatsoever done under the Act repealed, shall continue and be deemed to have continued and have effect as if made, issued, published, commenced, taken or done under the corresponding provisions of the Meghalaya Prevention of Gambling Act, 1970;

*Meghalaya
Act 8 of 1970*

(b) any action taken, order made or other acts and things done by any officer acting or purporting to act under the provisions of the Act repealed shall be valid and shall be deemed always to have been valid, and shall not be called in question in any court on the ground of incompetency of the officer to act under the Act repealed.

4. (1) If any difficulty arises in giving effect to the Provisions of this Act, the Governor may, by order, do anything not inconsistent with such provision, which appears to him to be necessary or expedient for the purpose of removing the difficulty.

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

MEGHALAYA ACT 13 OF 1972

THE INDIAN STAMP (MEGHALAYA AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 3rd August, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 8th August, 1972]

An

Act

**Further to amend the Indian Stamp Act, 1899 (Act II of 1899),
in its application to Meghalaya**

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

*Short title,
extent and
commencement.*

1. (1) This Act may be called the Indian Stamp (Meghalaya Amendment) Act, 1972.
- (2) It shall extend to Meghalaya with such exceptions or modifications as are in force.
- (3) It shall be deemed to have come into force on 4th December, 1971.

*Insertion of a new
section in Central
Act II of 1899.*

2. After section 3 of the Indian Stamp Act, 1899, the following shall be inserted as section 3A, namely :-

*Surcharge on
Stamp Duty*

3. A (1) There shall be charged, levied and paid to the Government of Meghalaya, besides payable under any law for the time being in force including section 3 of this Act, a surcharge, hereinafter referred to as Stamp Surcharge on the instruments mentioned in the following items of Schedule I to the principal Act, namely:-
Item Nos. 1-10, 12, 15-20, 22-26, 28, 29, 31, 36, 38-46, 48, 50, 51, 54-61 and 63-65.
Provided that the surcharge shall not be payable in respect of instruments exempted by section 3.
- (2) The rate of Stamp Surcharge shall be twenty. Five paise per instrument.

- (3) The Stamp Surcharge shall be payable as if it were a duty under section 3 and the provisions of this Act including the rules thereunder shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of stamp duty shall, unless otherwise provided for by or under the Act, within their respective jurisdiction for purpose of stamp duty accordingly collect and enforce payment of Stamp Surcharge.

Provided that the Government of Meghalaya may, for facilitating implementation, by notification, direct that in any case or class the provisions of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and as may be specified in such notification.

- (4) Notwithstanding anything contained in sub-section (3), the Government of Meghalaya may make rules generally for securing the payment of the Stamp Surcharge and carrying into effect the provisions the sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Stamp Surcharge.”

MEGHALAYA ACT 14 OF 1972

THE MEGHALAYA MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 22nd August, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 29th August, 1972]

An

Act

further to amend the Assam Motor Vehicle Taxation Act, 1936 (Assam Act 9 of 1936) in its application to Meghalaya and the Meghalaya Motor Vehicles Taxation Act

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

*Short title,
extent and
commencement.*

1. (1) This Act may be called the Meghalaya Motor Vehicles Taxation (Amendment) Act, 1972.
- (2) It shall be deemed to have come into force on 31st December, 1971.

*Insertion of new
section 4A in
Assam Act 9 of
1936.*

2. After section 4 of the Assam Motor Vehicles Taxation Act, 1936 and the Meghalaya Motor Vehicles Taxation, the following shall be inserted as Section 4A, namely:-

*“Surcharge on
Motor Vehicles.*

- 4A. (1) There shall be charged, levied and paid to the State Government besides the tax payable under section 4, a surcharge, hereinafter referred to as Motor Vehicles Surcharge, on all Motor Vehicles described in Articles I, II and III of Part A of the first Schedule to this Act.
- (2) The rate of Motor Vehicles Surcharge on any Motor Vehicle shall be ten percent of the tax for such a Motor Vehicle under section 4:

Provided that the amount of Motor Vehicle Surcharge payable under subsection (1) shall be funded off to the nearest rupee.

3. The Motor Vehicle Surcharge shall be payable as if it were a tax under section 4 and the provisions of this Act including the rules thereunder shall accordingly apply and the officers appointed under clause (1) of section 2 shall, within their respective jurisdiction enforce and collect payment of Motor Vehicle Surcharge:

Provided that the State Government may, for facilitating implementation, by notification, direct that in any case or class of cases the provisions of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and as may be specified in such notification.

4. Notwithstanding anything contained in sub-section (3), the State Government may, subject to condition of previous publication, make rules generally for carrying into effect the purposes of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Motor Vehicles Surcharge.”

MEGHALAYA ACT 15 OF 1972

THE MEGHALAYA FINANCE (SALES TAX)(AMENDMENT) ACT,1972

(As passed by the Assembly)

(Received the assent of the Governor on the 15th September, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 29th September, 1972]

An

Act

further to amend the Assam Finance (Sales Tax) Act, 1956 (Assam Act XI of 1956) in its application to Meghalaya

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

*Short title,
extent and
commencement.*

1. (1) This Act may be called the Meghalaya Finance (Sales Tax) (Amendment) Act, 1972.

(2) It shall be deemed to have come into force on 4th December, 1971.*Insertion of new
section
3A in Assam
Act XI of 1956*

2. After Section 3 of the Assam Finance (Sales Tax) Act, 1956, the following shall be inserted as Section 3 A, namely:-

*“Surcharge on
Sales.*

3.A. (1) Subject to the provisions of this section, every dealer shall be liable to pay, in addition to tax under section 3 and any other dues payable under any law for the time being in force, a surcharge, hereinafter referred to as Sales Surcharge, on his sales of taxable goods.

(2) The rate of Sales Surcharge on any sale shall be one per centum of the amount of tax payable under this Act in respect of the said sale :

Provided that this Surcharge shall not apply in respect of goods declared to be of special importance under section 14 of the Central Sales Tax Act, 1956 if the ceiling rates as prescribed under section 15 (A) of the aforesaid Act has been reached:

*Central Act 74 of
1956*

Provided further that the amount of Sales Surcharge payable by a dealer for any return period as prescribed under sub-section (1) of section 8 shall be rounded off to the nearest rupee.

3. The Sales Surcharge shall be payable as if it were tax under section 3, and the provisions of this Act including the rules thereunder but not including the proviso to section 3 and sub-section (2) of section 24 A of this Act shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of the said tax under section 3 shall, unless otherwise provided for by or under this Act, within their respective jurisdiction for the purpose of the said tax accordingly collect and enforce payment of the Sales Surcharge:

Provided that the State Government may, for facilitating implementation, by notification, direct that in any case or class of cases the provision of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and as may be specified in such notification.

4. Notwithstanding anything contained in sub-section (3), the State Government may make rules generally for securing the payment of the Sales Surcharge and carrying into effect the provisions of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Sales Surcharge.”

MEGHALAY ACT 16 OF 1972

THE MOTOR VEHICLES (MEGHALAYA AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 15th September, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 10th October
, 1972]

An

Act

**to amend the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in its application to the State of
Meghalaya**Be it enacted by the Legislature of Meghalaya in the Twenty-third Year of the
Republic of India as follows:-*Short title,
and
commencement.*

1. (1) This Act may be called the Motor Vehicles (Meghalaya Amendment) Act, 1972.
- (2) It shall come into force at once.

*Amendment of the
Sixth Schedule to
Act 4 of 1939.*

2. In the Sixth Schedule to the Motor Vehicles Act, 1939, after the name of the State and the groups of letters "Maharashtra.....,MR,MH" occurring in the first and second columns of the said Schedule respectively, the following name of the State and the corresponding group of letters shall be inserted in the first and second columns respectively, namely:-

"Meghalaya.....ML".

MEGHALAYA ACT 17 OF 1972

THE MEGHALAYA PURCHASE TAX (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the President on the 7th October, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 12th October
, 1972]

An

Act

**further to amend the Assam Purchase Tax
Act, 1967 (Assam Act XIX of 1967), in its application to the State of Meghalaya**Be it enacted by the Legislature of Meghalaya in the Twenty-third
Year of the Republic of India as follows:-*Short title,
and
commencement.*1. (1) This Act may be called the Meghalaya
Purchase Tax (Amendment) Act, 1972.(2) It shall be deemed to have come into force on
4th December, 1972.*Insertion of new
section 3 A in
Assam Act XIX of
1967*2. After section 3 of the Assam Purchase Tax
Act, 1947 the following shall be inserted as section
namely:-*“Surcharge
on
Purchase*3. A. (1) Subject to the Provisions of this section
every dealer shall be liable to pay in addition to tax
under section 3 and any other dues payable under
any law for the time being in force, a surcharge,
hereinafter referred to as Purchase Surcharge, on
his purchases of taxable goods.(2) The rate of Purchase Surcharge on any purchase
shall be on percentage of the amount of tax
payable under this Act in respect of the said
purchase:Provided that this surcharge shall not apply in
respect of goods declared to be of special
importance under section 14 of the Central Sales
Tax Act, 1956, if the ceiling rates as prescribed
under section 15 (A) of the aforesaid Act has been
reached:*Central Act 74 of
1956*

Provided further that the amount of Purchase Surcharge payable by a dealer for any return period as prescribed under sub-section (1) of section 7 shall be rounded off to the nearest rupee.

- (3) The Purchase Surcharge shall be payable as if it were a tax under section 3, and the provisions of this Act including the rules thereunder but not including the second proviso to sub-section (1) of section 3 shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of the said tax under section 3 shall, unless otherwise provided for by or under this Act within their respective jurisdiction for the purpose of the said tax accordingly collect and enforce payment of the Purchase Surcharge:

Provided that the State Government may, for facilitating implementation, by notification, direct that in any case or class of cases the provisions of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and may be specified in such notification.

- (4) Notwithstanding anything contained in sub-section (3), the State Government may make rules generally for securing the payment of the Purchase Surcharge and carrying into effect the provisions of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Purchase Surcharge.

MEGHALAYA ACT 18 OF 1972

THE MEGHALAYA SALES TAX (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the President on the 7th October, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 12th October
, 1972]

An

Act

**further to amend the Assam Sales Tax
Act, 1947 (Assam Act XIX of 1967), in its application to the State of Meghalaya
(hereinafter referred to as the principal Act)**

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

*Short title, extent
and
commence-
ment.*

1. (1) This Act may be called the Meghalaya Sales Tax (Amendment) Act, 1972.

(2) It shall have the like extent as the principle Act in Meghalaya.

(3) It shall be deemed to have come into force on the 4th December, 1971.

*Insertion of new
Section 3A in
Assam Act
XVII of 1947
“Surcharge on
sales.*

2. After section 3 of the Assam Sales Tax Act, 1947, the following shall be inserted as Section namely:-

3.A (1) Subject to the provisions of this section, every dealer, liable to pay tax under section 3, shall be liable to pay, in addition to such tax and any other dues payable under any law for the time being in force, a surcharge, hereinafter referred to as Sales Surcharge, on his sale.

(2) The rate of Sales Surcharge on any sales shall be one per centum of the amount of tax payable under this Act in respect of said sale:

Provided that this surcharge shall not apply in respect of goods declared to be of special importance under section 14 of the Central Sales Tax Act, 1956 if the ceiling rates as prescribed under section 15 (A) of the aforesaid Act has been reached:

*Central Act 74
of 1956*

Provided further that the amount of Sales Surcharge payable by a dealer for an year return period as prescribed under sub-section (1) of section 16 shall be rounded off to the nearest rupee.

- (3) The Sales Surcharge shall be payable as if it were tax under section 3, and the provisions of this Act including the rules thereunder but not including the proviso to sub-section (1) of section 4 and sub-section (2) section 37 A of this Act shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of the said tax under section 3 shall, unless otherwise provided for by or under this Act, within their respective jurisdiction for the purpose of the said tax accordingly collect and enforce payment of the Sales Surcharge:

Provided that the State Government may, for facilitating implementation, by notification, direct that in any case or class of cases the provisions of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and as may be specified in such notification.

- (4) Notwithstanding anything contained in sub-section (3), the State Government may make rules generally for securing the payment of the Sales Surcharge and carrying into effect the provisions of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Sales Surcharge.”

MEGHALAYA ACT 19 OF 1972

THE MEGHALAYA (SALES OF PETROLEUM AND PETROLEUM PRODUCTS,
INCLUDING MOTOR SPIRIT AND LUBRICANTS) (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the President on the 7th October, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 12th October
, 1972]

An

Act

further to amend the Assam (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation Act, 1955 (Assam Act IX of 1956), in its application to the State of Meghalaya

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

*Short title,
and
commence-
ment.*

1. (1) This Act may be called the Meghalaya (Sales of Petroleum and Petroleum Products, including Motor Spirit and Lubricants) Taxation (Amendment) Act, 1972.

(2) It shall be deemed to have come into force on 13th December, 1971.

*Insertion of new
section 3A in Assam
Act IX of 1956*

2. After Section 3 of the Assam (Sales of Petroleum and Petroleum Products, including, Motor Spirit and Lubricants) Taxation Act, 1955, the following shall be inserted as section 3A, namely:-

*“Surcharge on
sales*

3.A. (1) Subject to the provisions of this section, every dealer shall be liable to pay, in addition to tax under section 3 and any other dues payable under any law for the time being in force, a surcharge, hereinafter referred to as Sales Surcharge, on his sales of taxable goods.

(2) The rate of Sales Surcharge on any sale shall be one per centum of the amount of tax payable under this Act in respect of the said sale:

Provided that this Surcharge shall not apply in respect of goods declared to be of special importance under section 14 of the Central Sales Tax Act, 1956, if the ceiling rates as prescribed under section 15 (A) of the aforesaid Act has been reached:

*Central Act 74 of
1956*

Provided further that the amount of Sales Surcharge payable by a dealer for any return period as prescribed under sub-section (1) of section 16 shall be rounded off to the nearest rupee.

- (3) The Sales Surcharge shall be payable as if it were a tax under section 3, and the provisions of this Act including the rules thereunder but not including the proviso to sub-section (1) of section 4 and sub-section (2) of section 37 A of this Act shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of the said tax under section 3 shall, unless otherwise provided for by or under this Act, within their respective jurisdiction for the purpose of the said tax accordingly collect and enforce payment of Sales Surcharge ;

Provided that the State Government may, for facilitating implementation, by notification, direct that in any case or class or cases the provisions of this Act including the rules thereunder shall apply subject to such indications not inconsistent with the provisions of this section and as may be specified in such notification.

- (4) Notwithstanding anything contained in sub-section (3), the State Government may make rules generally for securing the payment of the Sales Surcharge and carrying into effect the provisions of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering or accounts of the Sales Surcharge.”

MEGHALAYA ACT 20 OF 1972**THE MEGHALAYA AMUSEMENTS AND BETTING TAX (AMENDMENT) ACT, 1972**

(As passed by the Assembly)

(Received the assent of the President on the 24th October, 1972)[Published in the *Gazette of Meghalaya*, Extraordinary, dated 30th October, 1972]**An****Act****further to amend the Assam Amusements and Betting Tax Act, 1939 (Assam Act 6 of 1939), in its application to Meghalaya and Meghalaya Amusements and Betting Tax Act**

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

Short title, and commencement.

1. (1) This Act may be called the Meghalaya Amusement and Betting Tax Act, (Amendment) Act, 1972.

(2) It shall be deemed to have come into force on 4th December, 1971.*Insertion of new section 3B in Assam Act 6 of 1939.*

2. After section 3A of the Assam Amusements and Betting Tax Act, 1939, and the Meghalaya Amusements and Betting Tax Act, the following shall be inserted as section 3B, namely:-

“Surcharge on entertainments.

3. B. (1) There shall be charged, levied and paid to the Government of Meghalaya, besides dues payable under any law for the time being in force including sections 3 and 3A of this Act, a surcharge, hereinafter referred to as Entertainments Surcharge, on all entertainments payments for admission to which are subject to entertainments tax.

(2) The rate of Entertainments Surcharge on any entertainment shall be 10 (ten paise) per individual admitted to the entertainment.

- (3) The Entertainments Surcharge shall be payable as if it were a tax under section 3 and the provisions of this Act including the rules thereunder shall accordingly apply; and the authorities for the time being empowered to collect and enforce payment of entertainments taxes shall, unless otherwise provided for, by or under this Act, within their respective jurisdiction for purposes of entertainments tax accordingly collect and enforce payment of Entertainments Surcharge :

Provided that the Government of Meghalaya may, for facilitating implementation, by notification, direct that in any case or class of cases the provisions of this Act including the rules thereunder shall apply subject to such indication not inconsistent with the provisions of this section and as may be specified in such notification.

- (4) Notwithstanding anything contained in sub-section (3), the Government of Meghalaya may make rules generally for securing the payment of the Entertainments Surcharge and carrying into effect the provisions of sub-sections (1) and (2) and in particular for ensuring the proper maintenance and rendering of accounts of the Entertainments Surcharge.”

MEGHALAYA ACT 21 OF 1972

THE MEGHALAYA URBAN AREAS RENT CONTROL ACT (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the President on the Second November, 1972)

[Published in the *Gazette of Meghalaya*, Extraordinary, dated 7th November
, 1972]

An

Act

to fix fair rents of houses situated within the limits of urban areas in Meghalaya and for matters connected therewith.

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

*Short title,
extent and
commence-
ment.*

1. (1) This Act may be called the Meghalaya Urban Areas Rent Control Act, (Amendment) Act, 1972.
- (2) (a) It extends to all urban areas in Meghalaya.
- (b) The State Government may, by notification, extend the Act to such areas as are included in Town Committee constituted by the District Council and also to other areas of the Khasi Hills as fall within a radius of eight kilometres from the Court House of the Deputy Commissioner, Khasi Hills District.
- (c) Nothing in this Act shall apply:-
 - (i) to any premises belonging to Central Government, or
 - (ii) to any tenancy or other relationship created by a grant from Central Government in respect of the premises taken on lease, or requisitioned by Central Government :

Provided that where any premises belonging to Central Government have been or are lawfully let to Central Government have been or are lawfully let by any person by virtue of an agreement with that Government or otherwise, then notwithstanding any judgement, decree or order of any Court or other authority the previous of this Act shall apply to such tenancy.

- (3) It shall be deemed to have come into force on the 13th day of March, 1972.

Definitions

2. In this Act, unless there is any thing repugnant in the subject or context –
- (i) “Court” means the Court of ordinary Civil Jurisdiction in the area in which a house is situated which would be competent to pass a decree for the eviction of a tenant from that house;
- (ii) “house” means any building, hut or shed, or any part thereof, let or to be let separately for residential or non-residential purposes, and includes –
- (i) the garden, ground and out-house, if any, appurtenant to such building, hut, shed or part thereof; and
- (ii) any furniture supplied by the landlord for use by the tenant in such houses ;
- (iii) “landlord” means any person who is, of the time being receiving, or entitled to receive rent in respect of any house whether on his own account, or on account, or on behalf, or for the benefit of any other person, or as a trustee, guardian or receiver for any other person; and includes in respect of his subtenant, a tenant who has sub-let any house and includes every person not being a tenant who from time to time derives title under a landlord;
- (iv) “pucca structure” means a structure with –
- (i) cemented or wooden floor,
- (ii) iron, brick or concrete posts, and
- (iii) roof of reinforced concrete, or of galvanised iron, aluminium or asbestos sheets ;
- (v) “standard rent” in relation to any house means the rent calculated on the basis of annual payment of an amount equal to seven and half per cent of the aggregate amount of the estimated cost of construction and the market price of the land together with total municipal taxes payable in respect of the house and Urban Immovable Property Tax under the Assam Urban Immovable Property Tax Act, 1969, and month rent shall be equal to one-twelfth of the annual payment so calculated :

Provided that in fixing the “standard rent” of the first floor or any other floor above in a multi-storeyed building, the value of the land is to be taken into consideration as it is so done in case of ground floor or other type of building.

*Assam Act XI of
1969.*

Explanation.- For the purpose of this clause, cost of construction shall mean the estimated cost required for the construction of the house less depreciation at one per cent for a building with pucca structure and two per cent for a building with no-pucca structure per annum of that amount from the actual date of completion of construction of the house provided that if the house was originally constructed as a smaller house or a non-pucca structure and was subsequently extended or developed into a pucca structure, the depreciation in respect of the portion so extended or developed shall be calculated from the date of completion of the extension or development.

(vi) "tenant" means any person by whom or on whose behalf rent is payable for any house and includes every person who from time to time derives title under a tenant;

(vii) "urban areas" means any area declared to be, or included in a municipality under the provisions of sub-section (2) of section 5 of the Assam Municipal Act, 1956 or the Meghalaya Municipal Act, or declared to be notified areas under the provisions of sub-section (4) of section 334 of the said Act.

Pair rent.

3. (1) Subject to the provisions of this Act and notwithstanding any contract to the contrary, no landlord shall be entitled to charge rent for any house at a figure higher than the standard rent.

(2) If at any time after five years from the date on which a house is in continuous occupation of a tenant, the market price of the land and the estimated cost of construction of the house increase by more than twenty-five per cent on the basis of the value of land cost of construction of the house on the date of preceding fixation of fair rent, then the landlord shall be entitled to have monthly rent increased by an amount not exceeding one-twelfth of the seven and half percent of the increase in the market price of land and cost of construction, on the date as may be prescribed subject to a maximum of a fifty percent of the preceding standard rent:

Provided that subsequently after lapse of every five years of the revision of fair rent, if the market price of land and the estimated cost of construction of house increase by more than twenty-five percent on the basis of market value of land and the estimated cost of construction of house on the date of preceding revision of fair rent, then the landlord shall be entitled to have monthly rent increased by and half percent of the additional increase in the market value of land and the estimated cost of construction of house on the date of preceding revision of fair rent, from the date as may be prescribed subject to a maximum of fifty percent of the revised fair rent.

(3) If at any time after the standard rent is fixed under the provisions of Act, any addition, improvement or alteration (not being repairs within the meaning of the provision of section 6) is effected at the landlord's expense which was not taken into landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth of seven and half percent per annum of the cost of such addition, improvement or alteration with effect from the date on which the addition, improvement or alteration was completed.

(4) If at any time after the standard rent is fixed under the provision of the Act, there is a variation of tax by way of Municipal assessment of the building and under Assam Urban Immovable Property Tax Act, 1969, then the standard rent will be to be fixed taking the variation into account.

4. (1) If any dispute arises regarding the rent payable in respect of any house, it shall be determined by the Court.

(2) The Court shall, on application, made by either the landlord or the tenant issue notice on both the parties, and after making such enquiry as it thinks fit determine the monthly rent for the house in accordance with the provisions of section 3 and the rent so determined shall be binding on both the parties.

(3) Where the Court determines the monthly rent for any house under this section, it shall do so for the house in the unfurnished state, but it may allow the landlord to charge an additional amount per month on account of the furniture supplied by him:

Provided that such additional amount shall not exceed one-twelfth of seven and half percent of the cost of such furniture on the date on which the Court determines the monthly rent for the house.

*Assam
Act XI
of 1969*

*Procedure for
determination of
fair rent.*

Explanation.— Where according to the term of any arrangement by the landlord and the tenant, the rent is payable on a basis other than at a monthly or a yearly rate, the average monthly rent for such a house shall be calculated as thirty times the proportionate daily rent for the period in respect of which the arrangement is made.

Bar against passing and execution of decree and orders for ejectment.

5. (1) No order of decree for the recovery of possession of any house shall be made or executed by any Court so long as the tenant pays rent to the full extent allowable under this Act and performs the conditions of the tenancy:

Provided that nothing in this sub-section shall apply in a suit or proceedings for eviction of the tenant from the house:-

- (a) where the tenant has done anything contrary to the provisions of clause (m), clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882 or to the spirit of the aforesaid clauses in areas where the said Act does not apply, or
- (b) where the tenant has been guilty of conduct which is nuisance or annoyance to the occupiers of the adjoining or neighbouring houses, or
- (c) where the house is *bonafide* required by the landlord either for purposes of repairs or rebuilding, or for his own occupation or for the occupation of any person for whose benefit the house is held, or where the landlord can show any other cause which may be deemed satisfactory by the Court, or
- (d) where the tenant sublets the house or any part thereof or otherwise transfers his interest in the house or any part thereof without permission in writing from the landlord, or
- (e) where the tenant has not paid the rent lawfully due from him in respect of the house within fortnight of its falling due, or
- (f) where the tenant has built, acquired or been allotted a suitable residence.

*Central
Act
4 of 1882*

(2) The transfer of the interest of the landlord in the house shall not affect the right of the tenant provided the tenant pays rent allowable under this Act to the transferee.

(3) Where the landlord recovers possession of a house from a tenant on the ground that the house is *bonafide* required by him for the purpose of repairs or rebuilding or for his own occupation or for the occupation of any person for whose benefit the house is held, and the repairs or the re-building of the house are or is not commenced or the house are or in not occupied by the landlord or such person within thirty days of the date of vacation of the house by such tenant or the house having been so occupied is within six months of the said date re-let to or allowed to be possessed by any other person, the Court may, on the application of the evicted tenant made within seven months of his vacating the house, direct the landlord to put the evicted tenant in possession of the house within such period as the Court may fix and to pay him such compensation as appears to the Court to be reasonable and proper. Such a direction shall be deemed to be a decree under the Code of Civil Procedure, 1908 and to be capable of execution as such under the provisions of that Code or under the spirit of the aforesaid Code in areas where the said Code does not apply.

*Central Act 5 of
1908*

(4) Where the landlord refuses to accept the lawful rent offered by his tenant, the tenant may, within 30 days of its becoming due, deposit in Court the amount of such rent together with process fees for service of notice upon the landlord, and on receiving such deposit, the Court shall cause a notice of the receipt of such deposit to be served on the landlord, and the amount of the deposit may thereafter be withdrawn by the landlord on application made by him to the Court in that behalf. A tenant who has made such deposit shall not be treated as a defaulter under clause (e) of the proviso to sub-section (1) of this section.

*Duties of
landlord*

6. Every landlord shall be bound to keep waterproof any house which is in occupation of a tenant and to carry out other repairs which he is bound to make by law, contract or custom and also to maintain the existing essential supplies and services such as sanitary arrangement, water supply, supply of electricity or drainage service in respect of the house.

Explanation – “Repair” includes annual white-washing and recolouring.

*Notice on landlord
to perform duties*

7. (1) If the landlord neglects to make such repairs or to maintain such existing essential supplies and services as he is bound to do under the provisions of section 6, the Court may, on the application of the tenant, direct the landlord by notice to appear before it and to show cause against the application of the tenant.

(2) If the landlord fails to show sufficient cause, the court, the Court may direct him to make such repairs or as the case may be, to take such measures for the restoration of the essential supplies and services as contemplated in section 6 within a period fixed by the Court.

(3) If the landlord fails or neglects to make such repairs or take such measures within the period fixed by the Court, the Court may on application of the tenant permit him to make such repairs or take such measures, as the case may be, at a cost not exceeding the amount determined by the Court after taking such evidence as it may consider necessary; and it shall thereafter be lawful for the tenant to make such repairs or take such measures and to deduct the cost thereof from the rent or to recover the Court by execution, and for the purpose of this sub-section the order of the Court shall be deemed to be a decree under the Code of Civil Procedure, 1908 and to be capable of execution as such under the provisions of the Code or under the spirit of the aforesaid Code in areas where the said Code does not apply.

*Central
Act
5 of 1908*

Appeals.

8. A landlord or a tenant aggrieved by any decision or order of the Court under the provisions of section 4, sub-sections (3) and (4) of section 5 and subsection (2) of section 7 of this Act shall have a right of appeal against the same as if such decision or order were a decree in a suit for ejectment of the tenant from the house and such decision of the appellate Court shall be final.

*Power to
make Rules*

9. The State Government may, by notification in the official Gazette, make rules prescribing the Court fees to be paid on applications made to the Court under the provisions of this Act and also for the purpose of carrying out the provisions thereof.

Repeal and Savings

10. (1) The Assam Urban Areas Rent Control Act, 1966 and the Meghalaya Urban Areas Rent Control Act are hereby repealed. *Assam Act II of 1967*

(2) Notwithstanding such repeal –

(a) rent for a house payable for the period during the life of the Acts repealed will be determined under the corresponding provisions of the Acts repealed.

(b) If any decree or order has been made by any Court under the provisions of the Acts repealed, fixing the rent of any house then the rent so fixed shall be liable to be re-fixed under the corresponding provisions of this Act.

MEGHALAYA ACT OF 22 OF 1972

THE MEGHALAYA APPROPRIATION (No. II) ACT, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the Ninth December, 1972)[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 11th December, 1972]**An****Act****to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of Meghalaya for the services of the financial year 1972-73**

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

Short title,

1. This Act may be called the Meghalaya Appropriation (No. II) Act, 1972.

*Withdrawal of
Rs.1,32,09,013 from
and out of the
Consolidated Fund
of Meghalaya for
the financial year
1972-73*

2. From and out of the Consolidated Fund of Meghalaya there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of one crore, thirty two lakhs, nine thousand and thirteen rupees in course of payment during the financial year 1972-73 in respect of the services specified in column (2) of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of Meghalaya by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

(See sections 2 and 3)

(1) Grant No.	(2) Services and purposes (Major Heads)	(3) sums not exceeding		
		Voted by the Assembly Rs.	Charged on the consolidated Rs.	Total Rs.
2.	Land Revenue	5,942	...	5,942
9.	Parliament State/Union Territory Legislature-C-Elections.	56,390	...	56,390
12.	General Administration-III	44,961	...	44,961
18.	Miscellaneous Department –I – National Savings Organisation.	12,500	...	12,500
24.	Education (General)	5,64,544	...	5,64,544
28.	Public Health –II- Public Health Engineering	49,99,848	...	49,99,848
33.	Co-operation	3,39,400	...	3,39,400
35.	Industries –II – Cottage Industries	1,30,000	...	1,30,000
37.	I-Community Development Projects, National Extension Services, etc.	12,74,000	...	12,74,000
40.	Labour and Employment – II- Factories.	40,000	...	40,000
42.	Labour and Employment –IV- Employment and Training.	2,23,300	...	2,23,300
61.	Forests	30,00,000	...	30,00,000
64.	Miscellaneous –II- Donations for Charitable purposes, etc.	4,42,748	...	4,42,748
65.	Miscellaneous – III – Grants-in- aid, Contributions, etc.	2,00,000	...	2,00,000
70.	Miscellaneous – VIII – Civil Defence	2,23,380	...	2,23,380
84.	Loans and Advances by the State Government – III – Loans to Autonomous District Councils.	8,00,000	...	8,00,000
86.	Loans and Advances by the State Government – VIII – Educational Loans.	8,40,000	...	8,40,000
89.	Loans and Advances by the State Government – VIII – Educational Loans.	12,000	...	12,000
Total		1,32,09,013	...	1,32,09,013

THE MEGHALAYA STATE ORDINANCE 1 OF 1972

THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE
ASSEMBLY OF THE STATE OF MEGHALAYA) ORDINANCE, 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 21ST January, 1972]

An

Ordinance

To declare certain offices of profit not to disqualify their holders for being chosen as, and for being, members of the Legislative Assembly of the State of Meghalaya.

WHEREAS the Legislative Assembly of the State of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.** - (1) This Ordinance may be called the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972.
(2) It shall come into force at once.
2. **Removal of disqualification in certain cases.** - A person shall not be disqualified or shall not be deemed ever to have been disqualified for being chosen as, or for being , a member of the Legislative Assembly of the State of Meghalaya by reason of the fact that he holds any of the office specified in the Schedule in so far as it is an office of profit under the State Government.

THE SCHEDULE

(See Section 2)

1. Any office held by a Minister, Minister of State, Deputy Minister or Parliamentary Secretary for the State of Meghalaya.
2. The office of the Minister of State or the Deputy Minister to the Government of the State of Meghalaya.
3. The office of the Parliamentary Secretary to the Government of the State of Meghalaya.
4. The office of Government Pleader of Public Prosecutor.

5. The office of the part-time Professor, Lecturer, Instructor or Teacher in Government Educational Institutions.

6. Medical practitioner rendering part-timer service to Government.

7. The office of Chairman, Vice-Chairman, or member of any Committee, Board or authority appointed by the Government of India or the Government of any State specified in the First Schedule to the Constitution of India.

8. Any office under the Government which is not a whole time office remunerated either by salary or fees.

9. The office of Chairman, Chief Executive Member, or other Executive Member or ordinary member of a member of a District Council in an autonomous District or any member nominated to such a District Council by the Governor.

**Dated Shillong:
The 21st January, 1972.**

**BRAJ KUMAR NEHRU,
Governor of Meghalaya.**

THE MEGHALAYA STATE ORDINANCE 2 OF 1972**THE STATE OF MEGHALAYA (MINISTERS' SALARIES AND ALLOWANCES)
ORDINANCE, 1972**

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 21ST January, 1972]

An

Ordinance

to determine the salaries and allowances of the Chief Minister and other Ministers of the State of Meghalaya.

WHEREAS the Legislative Assembly of the State of Meghalaya is not in Session;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the State of Meghalaya (Ministers' Salaries and Allowances) Ordinance, 1972.
(2) It shall come into force at once.
2. **Salaries of the Chief Minister, other Ministers and Ministers of State.**- There shall be paid –
 - (a) to the Chief Minister a salary of rupees one thousand five hundred per mensem,
 - (b) to every other Minister a salary of rupees one thousand two hundred and fifty per mensem, and
 - (c) to every Minister of State a salary of rupees eight hundred and fifty per mensem.
3. **Residential accommodation of the Chief Minister, other Ministers and Ministers of State .-** (1) The Chief Minister, other Ministers and Ministers and Ministers of State shall be entitled without payment of rent to the use of a free-furnished residence in shilling and also at any other place which the Government may for the purpose of this Ordinance declare to be the headquarters of Government for the time being, for so long as such declaration remains in force.
(2) The residence shall be maintained at the public expense which shall not exceed the amount prescribed by rules.

Explanation.- For the purpose of this section “maintenance” in relation to a residence shall include the payment of local rates, taxes and the provision of electricity and water.

4. **Allowance in lieu of residential accommodation in certain cases.-** Where the Chief Minister, other Minister and Ministers of State, as the case may be, do not occupy, any such residence provided by the Government as is referred to in section 3, a house rent allowance at the rate of rupees two hundred and fifty per mensem in the case of the Chief Minister and other Ministers and at the rate of rupees two hundred per mensem in the case of Ministers of State and such service allowances as may be prescribed by rules shall be paid in lieu of such residence.
5. **Conveyance for the Chief Minister, other Ministers and Ministers of State –** The Government may provide for the use of the Chief Minister, other Ministers or Ministers of State a suitable conveyance and may by rules provide for their maintenance and repair:

Provided that if a Minister chooses to maintain his own car, such Minister shall be entitled to a conveyance allowance of rupees three hundred per mensem.

6. **Prohibition against practising any profession or drawing salary as Member during tenure of office as Minister.-** The Chief Minister, any other Minister of State shall not during the tenure of his office –
 - (i) Practise any profession for engaged himself in any trade or undertake or remuneration any employment other than his duties as Chief Minister, other Minister or Minister of State.
 - (ii) Be entitled to any salary or allowance as member of the Legislative Assembly of the State of Meghalaya.
7. **Use of residence and conveyance after relinquishing office.-** The Chief Minister, other Minister, other Minister or Minister of State shall continue to be entitled to the privilege of the use of the free-furnished residence and Government conveyance on his ceasing to hold office as such for a period not exceeding one month subject to condition prescribed by rules.
8. **Travelling and Daily Allowance.-** The Chief Minister, every other Minister and every Minister of State shall be entitled, while touring on public business, to travelling and daily allowances at such rates and subject to such conditions as may be prescribed by rules.

9. **Power to make rules:-** The Government may, by notification, make rules to carry out the purposes of this Ordinance and, in particular such rules may prescribe –

- (a) the conditions under which Chief Minister, other Ministers and Ministers of State on ceasing to hold office as such shall be entitled to the use of the free-furnished residence and the Government conveyance;
- (b) the period during which and the conditions under which daily allowance may be drawn, and the circumstances under which such allowances may be withheld;
- (c) the conditions under which and the journeys for which travelling allowance shall be admissible;
- (d) the facilities for medical attendance and treatment which may be provided for the Chief Minister, other Ministers and Ministers of State and members of their families.

**Dated Shillong:
The 21st January, 1972.**

**BRAJ KUMAR NEHRU,
Governor of Meghalaya.**

THE MEGHALAYA STATE ORDINANCE 3 OF 1972

THE LEGISLATIVE ASSEMBLY OF THE STATE OF MEGHALAYA (SPEAKER AND
DEPUTY SPEAKER SALARIES AND ALLOWANCES) ORDINANCE, 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 21ST January, 1972]

An

Ordinance

**to fix the salaries and allowances of the Speaker and Deputy Speaker of the Legislative
Assembly of the State of Meghalaya**

WHEREAS the Legislative Assembly of the State of Meghalaya is not in Session;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the State of Meghalaya The Legislative Assembly of the State of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) Ordinance, 1972.

(2) It shall come into force at once.

2. **Salaries of Speaker and Deputy Speaker.**- There shall be paid to the Speaker of the Legislative Assembly of the State of Meghalaya a salary of rupees one thousand two hundred and fifty per mensem and the Deputy Speaker a salary of rupees eight hundred and fifty per mensem throughout their term of Office –

3. **Residential accommodation for Speaker and Deputy Speaker.**- (1) The Speaker and the Deputy Speaker shall each be entitled without payment of rent to the use of a free-furnished residence in Shillong and also at any other place which the Government may for the purpose of this Ordinance declare to be the Headquarters of Government for the time being, for so long as such declaration remains in force.

(2) Such residence shall be maintained at the public expense which shall not exceed the amount prescribed by rules.

Explanation:- For the purpose of this section, “maintenance” in relation to a residence shall include the payment of local rates and taxes and the provision of electricity and water.

4. **Allowance in lieu of residence in certain cases :-** Where the Speaker or the Deputy Speaker, as the case may be, does not occupy any such residence provided by the Government as is referred to in Section 3, house rent allowance at the rate two hundred and fifty per mensem in the case of Speaker and at the rate of rupees two hundred per mensem

in the case of the Deputy Speaker and such services allowances as may be prescribed by rules shall be paid in lieu of such residence.

5. **Conveyance for the Speaker and Deputy Speaker:-** The Government may provide for the use of the Speaker and Deputy Speaker respectively a suitable conveyance;

Provided that if the Speaker and Deputy Speaker maintains his own car such Speaker or Deputy Speaker shall be entitled to a conveyance allowance of rupees three hundred per mensem.

6. Prohibition against practising any profession or drawing salary as member during tenure of office as Speaker or Deputy Speaker.- Neither the Speaker nor the Deputy Speaker shall during his term of office as such –
- (i) practice any profession or engage himself in any trade or under take for remuneration any employment other than his duties as Speaker or Deputy Speaker, or
 - (ii) be entitled to any salary or allowance as a member of the Legislative Assembly of the State of Meghalaya.
7. **Use if residence and conveyance on relinquishing office:-** The Speaker and the Deputy Speaker shall continue to be entitled to the privilege of the use of the free-furnished residence and Government conveyance on either of them ceasing to hold office as such for a period not exceeding one month subject to conditions prescribed by rules.
8. **Travelling and Daily Allowance.-** The Speaker and the Deputy Speaker shall be entitled, while touring on public business, to travelling and daily allowance at such rates and subject to such conditions as may be prescribed by rules.
9. **Power to make rules.-** The Government may, by notification make rules to carry out the purpose of this Ordinance and , in particular such rules may prescribed –
- (a) the conditions subject to which the Speaker or the Deputy Speaker, as the case may be, on ceasing to hold office as such shall be entitled to the use of the free-furnished residence and the Government conveyance.
 - (b) the period during which, and the conditions subject to which, daily allowances may be drawn , and the circumstances under which such allowances may be withheld ;
 - (c) the conditions under which and the journeys for which travelling allowance shall be admissible ;
 - (d) the facilities for medical attendance and treatment which may be provided for the Speaker and Deputy Speaker and members of their families.

**Dated Shillong:
The 21st January, 1972.**

**BRAJ KUMAR NEHRU,
Governor of Meghalaya.**

THE MEGHALAYA STATE ORDINANCE 4 OF 1972

THE LEGISLATIVE ASSEMBLY OF THE STATE OF MEGHALAYA (MEMBERS' SALARIES
AND ALLOWANCES) ORDINANCE, 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 21ST January, 1972]

An

Ordinance

**to determine the salaries and allowance of the members of the Legislative Assembly of the
State of Meghalaya**

WHEREAS the Legislative Assembly of the State of Meghalaya is not in session;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Legislative Assembly of the State of Meghalaya (Members, Salaries and Allowances) Ordinance, 1972.

(2) It shall come into force at once.
2. **Definition.**- In this Ordinance, "member" means a member of the Legislative Assembly of the State of Meghalaya other than the Speaker and Deputy Speaker of the Legislative Assembly, or a Minister.
3. **Salaries.**- (1) There shall be paid to each member during the whole of his term of office, a salary at the rate of rupees three hundred and fifty per mensem.
4. **Allowance:**- There shall be paid to each member –
 - (a) a fixed travelling allowance of rupees one hundred and fifty per mensem;
 - (b) for the number of days attended, a daily allowance at the rate of rupees twenty if the member's attendance is required in connection with his duties as such member;
 - (c) travelling allowance at the rate applicable to a Government servant of the senior grade under the Subsidiary Rules for journeys performed in connection with his duties as such member

5. **Conveyance Allowance.**- There shall be paid to each member for the number of days attended a conveyance allowance at the rate of rupees two and fifty paise per day during the period the Legislative Assembly is in session and during the period any of its committees hold its meeting.
6. **Medical treatment and benefits.**- A member and the members of his family shall be entitled to such medical treatment and benefits as may be laid down by rules to be made, by Government.
Explanation:- (1) For the purpose of this Section the expression 'the members of his family, shall mean and include such members as may be prescribed by rules.
 (2). Those who are entitled to free medical attendance and treatment may take the same from any registered physician of their choice – Allopathic Ayurvedic, Unani or Homeopathic and medical bills on prescription of such physician are re-imbursable.
7. **Power to make rules:-** The Government may, by notification, make rules to carry out the purposes of this Ordinance and, in particular, any prescribe –
- (a) the periods during which and the conditions subject to which daily allowance may be withheld;
 - (b) the conditions under which and the journeys for which travelling allowance shall be admissible ;
 - (c) the facilities for medical attendance and treatment.

**Dated Shillong:
 The 21st January, 1972.**

**BRAJ KUMAR NEHRU,
 Governor of Meghalaya.**

THE MEGHALAYA STATE ORDINANCE 5 OF 1972

THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF MEGHALAYA) (AMENDMENT) ORDINANCE, 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 1st February, 1972]

An

Ordinance

to amend the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972.

WHEREAS the Legislative Assembly of the State of Meghalaya is not in Session;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.-** (1) This Ordinance may be called the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) (Amendment) Ordinance, 1972.

(2) It shall be deemed to have come into force on the Twenty-first day of January, 1972.

2. **Amendment of the Schedule to Meghalaya State Ordinance 1 of 1972.-** In the Schedule to the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) (Amendment) Ordinance, 1972., in item 7, the following explanations shall be added, namely – “Explanation 1 – “Committee” means any Committee, Commission, Council or any other body of one or more persons, whether statutory or not, set up by the Government of India or the Government of any office”.

“Explanation 2 – “Board or Authority” means any corporation, company society or any other body of one or more persons whether incorporated or not, established, registered or formed by or under any Central law or law of any State for the item being in force or exercising powers and functions under any such law”.

3. **Insertion of Item No.11, 12, 13, 14 in the Schedule.-** In the Schedule to the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) (Amendment) Ordinance, 1972. The following item shall be added; namely:-

“11. The office of the Speaker or Deputy Speaker of the Legislative Assembly of Meghalaya.

12. The office of the Chairman or Vice-Chairman of the Municipal Board.

13. Any office in a Village Defence Party (by whatever name called constituted by or under the authority of the State Government.

14. The office of Chairman or Member of the Committee of any Co-operative Society (which is registered or deemed to be registered under any law for the time being in force relating to the registration of Co-operative Societies) to which appointment is made by the State Government, or the office of Liquidator or Joint Liquidator to which appointment is made by the Registrar of Co-operative Societies or the office of nominee of the Registrar whether appointed individually or to a board of nominees”.

Raj Bhavan

Dated Shillong:

The 1st February, 1972.

**BRAJ KUMAR NEHRU,
Governor of Meghalaya.**

THE MEGHALAYA STATE ORDINANCE 6 OF 1972

THE MEGHALAYA CRIMINAL LAW (AMENDMENT) ORDINANCE, 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 22nd February, 1972]

An

Ordinance

to amend rules for the Administration of Justice and Police in the Khasi and Jaintia Hills of the State of Meghalaya (here in after referred to as the principal Rules) and matters ancillary thereto

WHEREAS the Legislative Assembly of the State of Meghalaya is not in Session;

AND WHEREAS the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the twenty-second Year of the Republic of India the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Meghalaya Criminal Law (Amendment) Ordinance, 1972.
 - (2) It shall have the like extent as the principal Rules.
 - (3) It shall come into force at once.

2. **Amendment of the Principal Rules.**- The Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills, shall stand amended as follows:-
 - (1) In rule (1),, for the words “the United Khasi-Jaintia Hills District”, the words “the Khasi Hills District and Jaintia Hills District”, shall be substituted.
 - (2) In the principal Rules, for the words, “the Khasi-Jaintia Hills”, wherever they occur, the words “the Khasi Hills District and the Jaintia Hills District” shall be substituted.
 - (3) In rules 6, 33 of the principal Rules, the words, “and the Sub-divisional Officer, Jowai” shall be deleted.

3. **Deletion of sub-section (3) of section 2 of Assam XIV of 1960.** - Sub-section (3) of section 2 of the Assam Autonomous Districts Administration of Justice Act, 1960 shall be deleted.

4. **Assimilation of Laws.**- All laws which immediately before the coming into force of this Ordinance, are in force in the United Khasi, Jaintia Hills District, shall continue to be in force in the Khasi Hills District and the Jaintia Hills District;

Provided that except where the context otherwise requires all reference therein to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the United Khasi-Jaintia Hills District, Sub Divisional Officer, Jowai, at the case may be, shall be read as referring respectively to the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner of the Khasi Hills District and the Jaintia Hills District.

Provided further that every suit, case, appeal, application for revision, proceedings or other business relating to both civil and criminal justice pending before the court of Deputy Commissioner, Additional Deputy Commissioner or Assistant to Deputy Commissioner, United Khasi and Jaintia Hills District or before the court of Subdivisional Officer, Jowai, as the case may be, shall be transferred or deemed to have been transferred for disposal to the Court of the Deputy Commissioner, Additional Deputy Commissioner or Assistant to the Deputy Commissioner, the Khasi Hills District and the Jaintia Hills District, as the case may be, which would have been the competent authority to entertain and dispose of such case, suit, appeal, application for revision, proceedings or other businesses, had this Ordinance been in force on the date of the institution and commencement of the same; and the latter court or courts shall deal with and dispose of the same in accordance with law.

5. **Power to remove difficulty:-** If any difficulty arises in giving effect to the provision of this Ordinance, the Governor may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Camp Agartala:
The 22nd February, 1973.

BRAJ KUMAR NEHRU
Governor of Meghalaya.

THE MEGHALAYA ADAPTATION OF LAW ORDER (No.1), 1972

[Published in the *Gazette of Meghalaya*, Extra-ordinary, dated 21st December, 1972]

Whereas by Section 79 of the North Eastern Areas (Re-organisation) Act, 1971 (Central Act 81 of 1971), for the purpose of facilitating the application of any law in relation to the State of Meghalaya as the appropriate Government is empowered, by Order, to make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient ;

Now, therefore, in exercise of the power aforesaid, the Government of the State of Meghalaya hereby makes the following Order, namely:-

1. (1) This Order may be called the Meghalaya Adaptation of Laws Order (No.1), 1972.
(2) It shall be deemed to have come into force on the 21st day of January, 1972.

2. As from the 21st day of January, 1972 the Assam Motor Vehicles Taxation Act, 1936 (Act 9 of 1936) and the Meghalaya Motor Vehicles Taxation Act with the amendments to which they have been subjected and the rules, orders, schemes, notification or other instruments made under the aforesaid Act, shall, until altered, repealed or amended by a competent Legislature or other competent authority have effect subject to the following adaptation and modifications, namely:-

In the Assam Motor Vehicles Taxation Act, 1936.-

(1) for words “Assam”, ‘the Assam State’ or ‘the State of Assam’ wherever they occur **substitute** “Meghalaya and for the words “State” Government” **substitute** “Government of Meghalaya”.

(2) Long title and Preamble. - **Omit** “in the Province of Assam” and in the “Assam Province” respectively.

(3) Section 1. For Section 1, Substitute –

“1. This Act may be called the Meghalaya Motor Vehicles Taxation Act”.

(4) Section 4 – **Omit** the two provisos to sub-section (1).

In sub-section (3). **Omit** all the words commencing with “and the owner of such a vehicle” and ending with “Producer Gas Plant”.

(5) Section 17.- For “the Assam Board of Revenue constituted under Section 3 of the Assam Board of Revenue Act, 1962” **substitute** “Board of Revenue”.

In the Meghalaya Motor Vehicles Taxation Act (Act of the Autonomous State of Meghalaya). – Omit Section 21.