



**COLLECTION**

**OF**

**MEGHALAYA ACTS**

**AND**

**ORDINANCES**

**FOR THE YEAR 1981**

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**MEGHALAYA ACT 1 OF 1981**

THE MEGHALAYA AGRICULTURAL PRODUCE MARKET ACT, 1980

(As passed by the Assembly)

[Received the assent of the President on the 31<sup>st</sup> January, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 6<sup>th</sup> February, 1981)

**An**

**Act**

**to provide for better regulation of buying and selling of certain  
agricultural produce and the establishment of markets  
therefor in the State of Meghalaya and for  
matters connected therewith**

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

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Agricultural Produce Market Act, 1981.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force in such area and on such dates as the State Government may, by notification, in the Official Gazette, appoint and different dates may be appointed for different areas.

Definition.

2. In this Act, unless the context other-wise requires,
  - (i) "Agricultural Produce" includes any produce, whether processed or non-processed, of agriculture, horticulture, animal husbandry, pisciculture, sericulture and forest as specified in the Schedule;
  - (ii) "Agriculturist" means a person who ordinarily by himself or by his tenants or hired labour or otherwise is engaged in the production of agricultural produce but does not include a dealer or broker in agricultural produce although such a dealer or broker may also be engaged in the production or growth of agricultural produce.

- (iii) “Board” means the Meghalaya State Agricultural Marketing Board constituted under Section 3;
- (iv) “Broker” means an agent whose ordinary course of business is to negotiate and make contracts for the purchase or sale of agricultural produce on behalf of his principal and who is remunerated by commission; but does not include the servant of such principal whether engaged in negotiating or making such contracts;
- (v) “Bye laws” means bye-laws made under Section 53;
- (vi) “Commission Agent” means a person who on behalf of another person and in consideration of commission makes or offers to make purchase or sale of agricultural produce or does or offers to do anything necessary for completing and carrying such purchase or sale;
- (vii) “Co-operative Agent” means the Meghalaya Co-operative Apex Bank Ltd., Registered under the Meghalaya Co-operative Societies Act (Assam Act 1 of 1950 as adapted by Meghalaya) or any other Cooperative Bank formed in the State of Meghalaya;
- (viii) “Co-operative Marketing Society” means a Co-operative Society registered under the Meghalaya Co-operative Societies Act (Assam Act 1 of 1950 as adapted by Meghalaya) which has as its principal object the promotion of the sale of agricultural produce grown, reared or produced by its members or a Co-operative Society registered as such and declared to be equivalent to a Co-operative Marketing Society, by the State Government;
- (ix) “Director” means the Director of Agriculture, Meghalaya and includes any other person or authority authorised by the Government, by notification, to perform the functions of the Director under this Act for such an area as may be specified in the notification;
- (x) “District Council” means a District Council constituted under paragraph 2 of Sixth Schedule to the Constitution of India;
- (xi) “Licence” means a person to whom a license is granted under this Act;
- (xii) “Local authority” means a Municipal Corporation, a Municipal Board or a Town Committee constituted under any law in force;

- (xiii) "Market" means a market established and regulated under this Act for the Market area and includes a market proper, a principal market yard and a sub-market yard or yards if any;
- (xiv) "Market area" means any area declared to be a market area under Section 11;
- (xv) "Market Committee" means a Committee established under Section 13;
- (xvi) "Market proper" means any area including all lands with the buildings and structures thereon within such distance of the principal or sub-market yard declared to be a market proper under clause (b) of Section 12 (2);
- (xvii) "Measurer" means a person whose business is to measure consignments of agricultural produce for sale ;
- (xviii) "Notified" Agricultural produce means the agricultural produce specified as such under Section 11;
- (xix) "Prescribed" means prescribed by rules made under this Act;
- (xx) "Principal Market Yard" and "sub-market yard" means an enclosure, building or locality in a market area declared to be a principal market yard and sub-market yard, respectively, under clause (a) of Section 12 (2).
- (xxi) "Progressive producer" means a producer who in the opinion of the Director carries on agricultural production on improved method;
- (xxii) "Registrar" means the Registrar of Co-operative Societies, Meghalaya;
- (xxiii) "Retail Sale" means a sale of any agricultural produce not exceeding such quantity as may be fixed by bye-laws or rules in respect of such agricultural produce;
- (xxiv) "Rules" means rules made under this Act;
- (xxv) "State Government" means the State Government of Meghalaya;
- (xxvi) "Schedule" means a schedule to this Act;
- (xxvii) "Secretary" means the Chief Executive of the market committee and includes officiating, acting, Deputy and Assistant Secretary;

(xxviii) “Surveyor” means a person whose business is to survey a consignment of agricultural produce for sale in regard to quality, grade, adulteration and such other purposes;

(xxix) “Trade” means any kind of transaction of sale and purchase of any agricultural produce;

(xxx) “Trade” means a person who is ordinarily engaged in the business of buying and selling of agricultural produce whether by himself or by a duly authorised agent and includes a person who is ordinarily engaged in the business of proceeding of agricultural produce;

(xxxi) “Warehousing Corporation” means the Meghalaya State Warehousing Corporation established in Meghalaya under section 18 of the Warehousing Corporation Act, 1962;

(xxxii) “Weightman” means a person is or is not an agriculturist or trader for the purpose of this Act shall be decided in the manner prescribed and such decision shall be final.

(2) The question as to whether a person is or is not an agriculturist or trader for the purpose of this Act shall be decided in the manner prescribed and such decision shall be final.

**Explanation.-** For the purpose of this Act the word ‘person’ includes any firm, joint family, association or body of individuals whether incorporated or not.

Constitution of State  
Agricultural Marketing  
Board.

3. (1) The State Government may for the purpose of this Act establish and constitute a Board to be known as the Meghalaya State Agricultural Marketing Board, with Headquarters at Shillong, consisting of not more than fifteen members and which shall include the following, namely-

(a) Six official members, that is-

(i) The Secretary to the Government of Meghalaya in the Agriculture Department;

(ii) The Director of Agriculture, Meghalaya;

(iii) The Director of Animal Husbandry and Veterinary, Meghalaya;

(iv) The Registrar of Co-operative Societies, Meghalaya; and

(v) Two others.

(b) Nine non-official members, that is-

(i) The Managing Director of the Meghalaya State Warehousing Corporation;

(ii) The Secretariat of the Executive Committee of the three District Council in the State;

(iii) One Agricultural representing the Market Committees;

(iv) One progressive farmer;

(v) One Licensee;

(vi) One representative of the Co-operative Marketing Societies; and

(vii) One representative of the Financial Institutions;

(2) The members in item (v) of clause (a) and in items (iii) (iv), (v), (vi) and (vii) of clause (b) of sub-section (1) shall be nominated by the Government.

(3) The Secretary to the Government in the Agriculture Department shall be the *Ex-officio* Chairman of the board and the Government shall appoint an officer of the Agriculture Department not below the rank of a Deputy Director to be its Secretary.

(4) The term of office of the non-official members of the Board shall be three years;

Provided that the any non-official member in items (iii),(v) (vi) and (vii) of clause (b) of sub-section (1) shall cease to be a member of the Board from the date he ceases to be an Agriculturist member representing the Market Committee, a licensee, a representative of the Marketing Societies or a representative of the Financial Institutions, as the case may be.

(5) A non-official member of the Board may resign his membership by tendering his resignation to the Chairman of the Board and such resignation shall take effect from the date of acceptance.

(6) In case of vacancy in the Board caused by the resignation of otherwise of any non-official member the Government may nominate another person in his place in the manner provided under this act and such person shall remain in office for the remaining term of his predecessor.

(7) Five persons shall constitute a quorum at a meeting of the Board;

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at such adjourned meeting.

(8) All questions before a meeting of the Board shall be determined by a majority of votes of the members present and voting and in case of equality of votes the Chairman may exercise a casting vote.

(9) No act or proceeding of the board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Incorporation of the Board.

4. (1) The Board shall be a body corporate by the name of the Meghalaya State Agricultural Marketing Board having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property and shall by the said name use and be used.

(2) The State Government shall exercise superintendence and control over the Board and its employees and may call for such information as it may deem necessary and in the event of its being satisfied that the Board is not functioning properly the State Government may reconstitute it.

Disqualification for membership in the Board.

No person shall be eligible to be a non-official member of the Board who-

- (a) is below twenty-one years of age;
- (b) has been removed under Section 34 of this Act;
- (c) is of unsound mind; or
- (d) has been declared as insolvent or sentenced by a criminal court for an offence involving moral turpitude:

Provided that the disqualification under a clause (d) shall not apply after the expiry of four years from the date on which the period of the sentence expired.



Powers of the Board.

6. (1) The Board shall exercise all the powers conferred on and perform the functions and duties assigned to it by or under this Act.

(2) It shall exercise superintendence and control over the Market Committees in the manner prescribed and may call for any information, or returns relating to notified agricultural produce from any Market Committee and shall have the power to inspect the records of any Market Committee and shall have the power to inspect the records of any Market Committee or such functionaries under or in relation to such Market Committee as the case may be.

(3) Notwithstanding anything contained in subsections (1) and (2) the State Government shall also have powers of superintendence and control over the Market Committees or other Functionaries under or in relation to such Market Committees.

Appointment of officers and staff.

7. Subject to other Provisions of this Act and rules and bye-laws framed thereunder the Board may its own officers and staff for carrying out the functions under this Act.

Power to borrow and maintenance of funds and accounts.

8.(1) The Board shall have its own fund into which all moneys received by it shall be paid and from all expenditure incurred shall be defrayed.

(2) The Board may, with the previous sanction of the Government, raise money required for carrying out of the purposes for which it is established on the security of any property vested in it.

(3) The accounts of the Board shall be maintained in such form as the Government may prescribe.

Annual Financial Statements.

9. Subject to rules made for this purpose the Board shall submit to the Government a statement of the estimated income and expenditure for each financial year and the State Government shall give its approval with or without modification within two months of the receipt thereof failing which it shall be deemed to have been approved.

Notification of intention of exercising control over purchase and sale of agricultural produce in specified areas.

10. (1) The State Government may, after consultation with the District Council concerned, by notification, declare its intention of regulating the purchase, sale, or storage of such agricultural produce in such areas as may be specified and such notification shall be published in the manner prescribed:

Provided that no such consultation shall be necessary where an area is within the Cantonment and Municipality of Shillong.

(2) The notification under sub-section (1) shall state that any objection or suggestion received by the State Government within a period of not less than one month to be specified in the notification under sub-section (1) shall be considered by the State Government.

Declaration of market

11. (1) After the expiry of the period specified in the notification issued under section 10 and after considering such objections and suggestions as may be received the State Government may, by notification, declare the area so notified or any portion thereof to be a market area for the purpose of this Act in respect of all or any of the agricultural produce specified in the said notification. The notification shall be published in the manner prescribed.

(2) After the date of the publication of the notification under sub-section (1) or at such later date as may be specified therein, no person, local or other authority notwithstanding anything contained in any law for the time being in force, shall, within the market area or within a distance thereof to be notified in the official Gazette in this behalf, set up, established or continued, any place for the purchase, sale or storage of any agricultural produce so notified, except in accordance with the provisions of this Act, rules or bye-laws framed thereunder.

(3) Nothing in sub-section (2) shall apply to the purchase, sale or storage of such agricultural produce if the producer of such produce is himself its seller and the purchaser is a person who purchases such produce for his own consumption or if such agricultural produce is sold by retail sale to a person who purchases such for his own consumption.

(4) The State Government may, at an time by notification in the official Gazette, exclude from the market area any area or any agricultural produce specified for the market area.

Declaration of market yard.

12. (1) For each market area there shall be one principal market-yard and one or more sub-market yards as may be necessary.

(2) The State Government may, by notification in the official Gazette, declare:-

(a) any enclosure, building or locality in any market area to be the principal market yard and other enclosures, buildings or localities in such market areas to be one or more sub-market yard or yards for the area; and

- (b) any area including all lands with the buildings and structures thereon within such distance of the principal or sub-market yard or yards as the case may be and as it thinks fit, to be market proper.

Establishment of Market Committee.

13. (1) The State Government may establish a market committee for every area declared to be a market area under sub-section (1) of Section 11. It shall be the duty of the market area under sub-section (1) of Section 11. It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws framed thereunder in such market area.

(2) The State Government may establish a separate market committee within the same market area of a part thereof if it is satisfied that trading in a particular type of agricultural produce can be regulated only when an independent market committee already functioning is unable to undertake regulated trading in that commodity because of its peculiar nature:

Provided that not more than one market committee shall be established within the same market area or a part thereof for the same type of agricultural produce.

Constitution of Market Committee.

14. Every market committee shall consist of the following member, namely:-
- (i) five agriculturists to be nominated by the Board from amongst the progressive farmers of the market area in the manner prescribed;
  - (ii) three to be nominated by the traders otherwise than the Co-operative Marketing Societies, holding valid licence under this Act from amongst themselves in the manner prescribed;
  - (iii) two to be nominated by the Registrar from amongst the members of the Managing Committee or Board of Directors, as the case may be, of the Co-operative Societies in the market area holding a licence under this Act;
  - (iv) one to be nominated by the State Government;
  - (v) one to be nominated by the members of the local authorities, if any, within whose jurisdiction the principal market yard is situated. When the principal market yard is situated within the jurisdiction of two or more local authorities shall nominate one members;

(vi) one to be nominated by the Warehousing Corporation, if a warehouse has been established by such Corporation within the market area.

Period of office of  
Market Committee  
Member.

15. (1) Every member of market committee shall hold office for a period of three years commencing from the date of the first meeting of the market committee.

(2) The State Government may, by notification for sufficient cause to be stated therein, direct from time to time that the term of office of the members of a market committee be extended by such period not exceeding one year as may be specified in the notification.

(3) A member nominated under clauses (i), (ii), (iii) or (vi) of Section 14 shall cease to hold office, if he ceases to be a member of the category of persons from which he was nominated.

(4) A member shall also cease to hold office if here signs his membership and the same is accepted by the market committee or if he is removed by the State Government.

(5) Whenever any vacancy occurs in membership for any of the reasons aforesaid, the said vacancy shall be filled in the same manner and such member shall hold office for the unexpired term of the member in whose place he is nominated.

(6) Notwithstanding any vacancy the market committee shall be competent to exercise its powers and perform its duties and none of its action shall be questioned merely on the ground of the existence of any vacancy or any defect in the constitution of the committee.

Election of a Chairman,  
etc.

16. (1) Every market committee shall elect, in the manner prescribed one of its members to be its Chairman.

(2) The Chairman shall exercise such powers and perform such duties on behalf of the committee under this Act and the rules made thereunder as may be prescribed.

(3) Whenever for any reason the office of the Chairman of any market committee falls vacant the Board shall appoint any one from amongst the members of such market committee as the Chairman to hold office as such, temporarily, till a Chairman is elected.

(4) The Chairman shall preside at every meeting of the market committee and in his absence the member present shall elect one from amongst themselves to preside over that meeting.

(5) When a meeting is held for the removal of the Chairman a duly elected at the meeting shall preside over that meeting.

Removal of Chairman

17. (1) The Chairman of any market committee may be removed from office by a resolution adopted by at least two-third of the total number of members of the market committee present and voting at the meeting convened for the purpose, in the manner prescribed.

(2) The State Government may, after giving an opportunity to explain, remove the Chairman of a market committee from office if he persistently omits or refuses to carry out or disobeys the provisions of this Act or the rules made thereunder or any directive issued by the competent authority under this act or rules made thereunder or if he becomes incapable of so acting or is declared insolvent or is convicted by a criminal court for any offence involving moral turpitude or declared disqualified under any of the provisions of this act or the rules made thereunder.

Calling of meetings and quorum.

18. (1) No business shall be transacted at any meeting of the market committee unless-

(a) such meeting is called by the Secretary, under the direction of the Chairman or on a requisition by the members as prescribed, and

(b) there is a quorum.

(2) The quorum referred to in sub-section (1) shall be one-third of the total number of members of the market committee. If at any meeting there is no quorum, the meeting shall stand adjourned to some future day to be appointed by the Chairman or any member who may preside at the meeting, as the case may be. The members a present at such adjourned meeting shall form a quorum whatever their number may be.

Incorporation of market committee.

19. (1) Every market committee shall be a body corporate by such name as the State Government may specify by notification in the official Gazette. It shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire, hold lease, sell or otherwise transfer any property and to contract and to do all other things necessary for the purpose for which it is established.

(2) Where a market committee is established in any area, no person shall function as a trader, commercial agent, broker, weightman, measurer, surveyor warehouseman or in any other capacity as the Board may determine within any market area under this act unless a licence is granted to such person by the market committee on payment of such fees and subject to such conditions as may be prescribed.

Functions of the market committee.

20. The functions of a market committee shall as follows-

- (i) to maintain and manage the market yard and to control, regulate, and run the market in the interest of the agriculturists and traders holding licence from the market committee;
- (ii) to regulate and control transactions in the market, and to deal with any defaulting licence holder with respect to any notified agricultural produce;
- (iii) to settle, mediate or arbitrate in all matters of claims, difference or disputes between the licensees, agriculturists or between licensees and agriculturists making use of the market;
- (iv) to control and regulate the admission to the market, to determine the conditions for the user of the market, to determine the conditions for the use of the market and to prosecute and confiscate the goods belonging to persons trading without a valid licence;
- (v) to bring prosecute or defend or aid in bringing, prosecuting or defending any suit, action, proceedings application or arbitration, on behalf of the market committee or otherwise as directed by the State Government;
- (vi) to purchase, hire, or acquire any land or other movable or immovable property for the purpose of its business to raise fund from the Government, or otherwise with the approval of the board and for the said purpose to enter into arrangement with the Government, local authority or otherwise;
- (vii) to levy and recover marker charges, fees on agricultural produce, licence, and other fees and to impose fines and penalties; and
- (viii) to do such other things as may be required for the purpose of achieving the objects and purposes of this Act and the rules and bye-laws framed thereunder.

Power of the Market Committee.

21. A market committee shall have the power to regulate entry of person into the principal or sub-market yards, to supervise the behaviour of the person so entered for transacting business and to take disciplinary action against the license who fails to fulfil the conditions of the licence or any direction of the market committee issues within the purview of this Act or rules or bye-laws framed thereunder.

Duties of the Market committee.

22. It shall be the duty of every market committee to enforce the provisions of this act, the conditions of licence granted under the rules and bye-laws framed under the Act in the market area and to provide such facilities as the State Government may, from time to time, direct in connection with the purchase and or sale of notified agricultural produce concerned.

Appointment of sub-committee and joint committee.

23. A market committee may appoint a sub-committee or an *ad-hoc* committee from amongst its members for the administration of the sub-market yard, for reporting or recommending or deciding any matter or matters and may delegate to such committee such of its powers or duties as it may think fit. There shall be at least three members in such committee.

Appointment of Secretary and other officers and staff.

24. (1) Every market committee shall have a Secretary appointed by the Government subject to such terms and conditions as may be prescribed.

(2) A market committee may also, with the approval of the Board, employ such other officers and staff as may be necessary for the management of the market on such terms and conditions as may be prescribed.

Execution of contracts.

25. Every contract entered into by a market committee shall be in writing and shall be executed by the Chairman and Secretary of the committee.

Power to levy fees.

26. A market committee shall levy and collect fees on the agricultural produce bought or sold in the notified market area at a rate not exceeding one rupee for every hundred rupee of the aggregate amount for which an agricultural produce is bought or sold whether for cash or for deferred payment or other valuable considerations:

Provided that-

(a) no fee shall be leviable in respect of any transaction in which delivery of the agricultural produce bought or sold is not actually made; and

(b) a fee shall be leviable only on the parties to a transaction in which delivery is actually made.

Market Committee Fund.

27. All money received by a market committee shall be paid into a fund to be called "The Market Committee Fund" and all expenditures incurred by the market committee under or for purpose of this Act shall be defrayed out of the said fund. Any surplus remaining with the market committee after such expenditure shall be invested in such manner as may be prescribed in this behalf.

Contribution to the Board.

28. Every market committee shall, out of its fund, contribute to the Board a sum not exceeding 30 percent of the moneys received by it as may be determined by the Government on account of the Board expenses and such other expenses incurred by the Board in the interest of market committee including the cost of staff that may be appointed by the Board for giving effect to the provisions of this Act in the market area.

Purposes for which market committee fund shall be expended.

29. The fund of the market committee shall be expended for the following purposes, namely:-

- (i) payment of interest on the loans that may be raised for the purposes of the market and the provisions of sinking fund in respect of such loans;
- (ii) the acquisition of a site or sites for the market;
- (iii) the maintenance and improvement of the market;
- (iv) the construction and repair of buildings necessary for the purposes of such market and for the persons using it;
- (v) pay, pensions, allowance, gratuities, compensations for injuries resulting from accidents while on duty and compassionate allowances of its employees and contribution towards leave salary and pensions of the officers and staff on deputation to the market committee;
- (vi) expenses connected with the collection dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce;
- (vii) contribution to the Board under Section 28; and
- (viii) other expenses connected with the carrying out the purposes of this Act and the rules and bye-laws framed thereunder.

Mis-application of funds.

30. If a market committee incurs an expenditure for any purpose other than those specified under the last preceding section or in excess of the expenditure approved by the Board then it shall be deemed to be a mis-application of the land.



Power to borrow.

31. (1) A market committee may, with the previous sanction of state Government, raise money required for carrying out of the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(2) A market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipments required for establishing the market obtain loan from the State Government or any financial institution.

(3) The conditions subject to which such money or loan shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the State Government.

Acquisition of land for the purpose of the Act.

32. (1) The State Government may, on the request of the board or a Market Committee, acquire land required for the purpose of this act under the provisions of the Land Acquisition Act, 1894 (Act I 1894).

(2) The Board Market Committee shall be deemed to be a local authority for the purpose of the Land Acquisition Act, 1894 (Act I of 1894).

No trade allowance permissible except as prescribed.

33. No person shall make or recover any trade allowance other than an allowance prescribed by rules or byelaws made under this Act in any market area in any transaction in respect of the notified agricultural produce concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to or recognise any trade allowance not so prescribed.

**Explanation** – Every deduction, other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard, when the purchase is made by reference to a known standard or on account of difference between the actual weights of the container and the standard weight or on account of the admixture of foreign matter shall be regarded as a trade allowance for the purposes of this section.

Liabilities of members of market committee to removal from office.

34. (1) The State Government may, on the recommendation of the market committee supported by atleast two-third of the total members or on the recommendation of the Board, remove any member of the market committee, if such a member has in the opinion of the State Government, been guilty of misconduct, in the discharge of his duties or has become incapable of performing his duties as a member.

Provided that no recommendation shall be made by the made by the market committee or the Board unless the member has been given a reasonable opportunity of showing cause why such recommendation should not be made;

Provided further that no order for removal of any member shall be passed by the State Government unless the member has been given a reasonable opportunity of showing cause why such order should not be passed.

(2) The decision of the State Government under subsection (1) shall be final.

Members to be held responsible for mis-application of funds.

35. Every member of the market committee shall be personally liable for the mis-application of fund to which he shall have been a party, which shall have happened through, or been facilitated by gross neglect of his duty as a member, and he may be sued for recovery of the moneys so mis-applied.

Duty to furnish information to the Government or other authority officer.

36. When the affairs of the Board or of a market committee are investigated or the proceedings of such Board or Committee are examined by the Government or any officer as may be authorised by the State Government in this behalf, all officers, and staff members of the Board and of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the Board or Committee as the Government or such officer may require.

Power to inspect.

37. The Director, or any officer authorised by the State Government by general or special order shall have power to inspect the accounts of the Board or any market committee or to institute an enquiry into the affairs of the Board or any market committee and to require it to do a thing or to desist from doing anything which the Director or such officer considers necessary in the interest of the Board or any market committee, as the case may be, and in case of non-compliance to furnish a written reply to him within a reasonable time stating reasons therefor.

Power of the Board in emergency.

38. (1) In case of an emergency, the Board may suspend or cancel all or any licence issued under the provisions of this Act and take such other steps as may be deemed necessary in the interest of a market.

(2) When a market committee is not competent to perform the duties imposed by under this Act, under orders or decision of a court, the Board shall make such arrangement for performing the duties and functions of such a market committee,

Recovery of loss.

39. (1) Any loss that may occur to a market committee due to its failure to carry out any instruction of the Board shall be recoverable from the members of the market committee after due enquiry and reasonable opportunity have been given to them to show cause as to why such loss should not be recovered from them.

(2) Any amount recoverable from the members of market committee under this section shall be realised as an arrear of land revenue.

Suppression of market committee.

40.(1) If in the opinion of the State Government a market committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or the rules and bye-laws framed thereunder, or if it abuses its powers, the State Government may, after giving the market committee an opportunity to submit an explanation and objections, if any, by notification, supersede such committee for a period not exceeding one year at a time or dissolve the committee and reconstitute it as soon as possible.

(2) When a committee is superseded or dissolved under his section the State Government may appoint any person as an Administrator to exercise and perform all powers, duties and functions of the Market Committee until a new committee is reconstituted.

Consequences following supersession or dissolution.

41 (1) When an order of supersession or dissolution shall have been passed under the last preceding section the following consequences shall ensure:-

(a) all the members as well as the Chairman of the market committee shall, from the date of such supersession or dissolution, be deemed to have vacated their offices;

(b) all assets vested in such committee shall during the period of supersession or dissolution vest in the State Government subject to all its liabilities.

(2) On the expiration of the period of supersession specified in the order

(a) extend the period of supersession for such further term as it may consider necessary, but not exceeding a period of one year at a time; or

(b) reconstitute the market committee:

Provided that the State Government may at any time before the expiration of the period of supersession take action under clause (b) of this sub-section.

(3) On the reconstitution of the market committee under sub-section (2) the Government shall transfer all assets and liabilities of the market committee as on the date of such transfer to the new market committee.

Penalty for  
contravention of  
Section II.

42. Whoever contravenes the provisions of sub-section (2) of Section II, shall, on conviction be punishable with fine which may extend to five hundred rupees and, in the case of continuing contravention, with further fine which may extend to one hundred rupees per day during which the contravention is continued after the conviction.

Eviction of encroacher  
of market yards.

43. Every encroacher of market yard or sub-market yard shall be evicted therefrom in such manner and procedure as provided in any law in force for eviction of encroachers.

Penalty for  
contravention of  
Section 33.

44. (1) Whoever makes or recovers any trade allowance in contravention of the rules or bye-laws made under this Act, shall on conviction, be punishable with fine which may extend to rupees two hundred.

(2) All fines and damages recovered from an offender shall be paid to the fund of the market committee concerned.

Penalty for  
contravening  
Provisions of Section  
36.

45. (1) if any officer or member of market committee which required to furnish information in regard to the affairs or proceedings of the Board or a market committee under Section 36-

- (a) Wilfully neglects or refuse to furnish any information, or
- (b) Wilfully furnished false information, he shall , on conviction, be punishable with fine which may extend to rupees two hundred.

(2) If any officer, member, or employee of the Board or a market committee wilfully neglects or refuses to do any act or, without any reasonable excuse disobeys an order issued under the provisions of this Act or fails to furnish information or return required from him he shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Chairman Members,  
and staff of market  
committees to be public  
servants.

46. The Chairman, members, Secretary and other officers and staff of the Board and a market committee shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Bar of suit in absence  
of notice.

47. (1) No suit shall be instituted against the Board or a market committee or any member, officer or staff thereof, or any person acting under the direction of such Board or market committee, for anything done or purported to be done in good faith for the purpose of this Act until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of the Board or a market committee, delivered or left at its office, staff or person as aforesaid, delivered to him or left at his office or usual place of abode and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be barred unless it is instituted within six months from the date the alleged cause of action arises.

Trial of Offences.

48. (1) No offence under this Act or any rule or bye-laws framed thereunder shall be used by a court other than that of a Magistrate of the First Class.

(2) No court shall take cognizance of any offence punishable under this act except on the complaint of the Secretary of the Board or of the Market Committee or any other officer authorised by the State Government in this behalf.

Admissibility of copy  
of entry as evidence.

49. A copy of any entry in any book, register or list regularly kept in course of business in the possession of market committee shall, if, duly certified, in such manner as may be prescribed, be admissible in evidence of the existence of such entry and shall be admitted as evidence of the matter and the transaction therein recorded to the same extent the original entry would, if produced, have been admissible to prove such matter.

Recovery of sums due  
to and from market  
committee.

50. (1) Every sum due from a market committee to the State Government or the Board on any Local authority shall be realised as arrears of land revenue,

(2) Every sum due to a market committee from any person shall be reduced to the form of a demand certificate, as may be prescribed and signed by the Director or such officer as may be authorised by him in this behalf.

Power of the State Government to delegate its powers.

51. The State Government may delegate by notification in the official Gazette any of the powers conferred on it by or under this Act, to any of its officers or to the Board or to its Chairman or Secretary.

Power to make rules

52. (1) The State Government may either generally or specially for the Board or any market area or market areas make rules after previous publication for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

- (i) The election of the Chairman of the market committee;
- (ii) The powers to be exercised and the duties to be performed by a market committee and its Chairman and Secretary;
- (iii) The management of the market, minimum and maximum fee which may be levied and collected by the market committee, the method, manner and mode of collection of such fee in respect of such agricultural produce sold and resold in the market areas;
- (iv) The issue of licences to traders, persons and firms engaged in processing of agricultural, weightmen, measurers, surveyors warehousemen and the cancellation and suspension of such licence and the category of such other persons operating in a market area as may be determined by the Board and the form in which and the condition subject to which such licences shall be issued, cancelled or renewed.
- (v) The method and manner of holding meetings, the procedure to be followed at such meetings and the powers to be exercised at such meetings;

- (vi) the form in which returns shall be submitted by the Board or a market committee;
- (vii) the person by whom and the form in which copies of document entries in the books of a market committee, may be certified and the charges to be levied for the supply of such copies;
- (viii) the kind and description of the weights and measures and the weighing and measuring instruments which shall be used in the transactions in agricultural produce in any market area;
- (ix) the periodical inspection of all weights and measures and weighing and measuring instruments in use in market areas;
- (x) the manner in which inquiry and inspection of the Board or a market committee shall be held ;
- (xi) the matters in respect of which the Board or a market committee may make bye-laws and the procedure to be followed in making, amending or rescinding the bye-laws;
- (xii) the declaration of market proper and market yards;
- (xiii) the condition of service, recruitment provident fund, pension, and such other terms and conditions as may be required for the employment of the staff of the Board and the market committee;
- (xiv) the trade allowance which may be made or received by any person in any transaction in any agricultural produce in a market area;
- (xv) the prohibition of brokers for acting in any transaction on behalf of both the buyer and seller of agricultural produce or as a buyer or seller;
- (xvi) the provision of accommodation for storing any agricultural produce brought into the market;

- (xvii) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee and the grant of sanction to such plans and estimates;
- (xviii) the form in which the accounts of the Board or a market committee and the grant or sanction to plans and estimates shall be kept, the audit, inspection and publication of the accounts and audit report and the inspection thereof and supply of copies of such accounts and reports;
- (xix) the preparation and submission for sanction of the annual budget and the report and returns to be furnished by the Board or a market committee;
- (xx) the investment and disposal of the surplus funds of a market committee;
- (xxi) the regulation of advance, if any given to agriculturist by brokers, commission agents, or traders;
- (xxii) the prevention of adulteration of agricultural produce;
- (xxiii) the grading and standardization of agricultural produce;
- (xxiv) the keeping of a list of prices of agricultural produce in respect of which the market is established;
- (xxv) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market;
- (xxvi) the recovery and disposal of cost leviable by or under this Act;
- (xxvii) other matters relating to the functioning of the Board or the Market Committee;
- (xxviii) any other matter which has to be or may be prescribed.



(3) Any rules made under this act may provide that any contravention thereof or any of the conditions of licences issued will render the offender punishable with fine which may extend to rupees two hundred.

Bye-laws.

53. (1) Subject to any rules made by the State Government under Section 52, the Board may from time to time, in respect of any notified produce and market area, make bye-laws not inconsistent with this Act for the regulation of business and the conditions of trading in such market area.

(2) Any bye-law made under this section may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to rupees one hundred.

(3) The power of making bye-laws under this section shall be subject to the condition of previous publication.

Power of State Government to call for proceedings of market committees and to pass orders thereon.

54. The State Government may at any time call for and examine the proceedings of the Board or any market committee for the purpose of satisfying itself, as to the legality or propriety of any decision or order passed by the Board or market committee. If, in any case, it appears to the State Government that any decision or order or proceedings so called for should be modified, annulled or revised the State Government may pass such order thereon as it may think fit and such order shall be final.

Power of State Government to amend the schedule.

55. The State Government may, by notification in the official Gazette, add to amend or cancel any of the items of agricultural produce specified in the Schedule.

Savings.

56. Nothing contained in any other law for the time being in force relating to the establishment, maintenance or regulation of a market shall apply to any market area or affects the powers of a market committee or the rights of a holder of a licence granted under this Act.

## SCHEDULE

(See Section 2 (1) (i))

Group	I.	(1)	Jute (baled and unbaled)
		(2)	Cotton (ginned and unginned)
		(3)	Mesta.

- |       |       |      |                             |
|-------|-------|------|-----------------------------|
| Group | II.   | (1)  | Paddy                       |
|       |       | (2)  | Rice.                       |
|       |       | (3)  | Chira.                      |
|       |       | (4)  | Khal.                       |
|       |       | (5)  | Wheat and wheat products.   |
|       |       | (6)  | Maize.                      |
|       |       | (7)  | Other millets.              |
|       |       | (8)  | Paddy husk.                 |
|       |       | (9)  | Rice brand and polish.      |
|       |       | (10) | Wheat brand and polish.     |
| Group | III.- | (1)  | Sesamum or til.             |
|       |       | (2)  | Mustard,                    |
| Group | IV.-  | (1)  | Mandarin                    |
|       |       | (2)  | Orange.                     |
|       |       | (3)  | Other citrus.               |
|       |       | (4)  | Pineapple.                  |
|       |       | (5)  | Banana.                     |
|       |       | (6)  | Papaya.                     |
|       |       | (7)  | Pear.                       |
|       |       | (8)  | Plum.                       |
|       |       | (9)  | Peach.                      |
| Group | V.-   | (1)  | Potato.                     |
|       |       | (2)  | Sweet potato.               |
|       |       | (3)  | Tomato.                     |
|       |       | (4)  | Leafy and fresh vegetables. |
|       |       | (5)  | Yam.                        |

- |       |        |      |   |
|-------|--------|------|---|
| Group | VI.-   | (1)  | Turmeric (whole and powdered).              |
|       |        | (2)  | Ginger.                                     |
|       |        | (3)  | Chillies (dry and green).                   |
|       |        | (4)  | Black Pepper.                               |
|       |        | (5)  | Betelnut.                                   |
|       |        | (6)  | Betel Leaf.                                 |
|       |        | (7)  | Tezpata.                                    |
| Group | VII.-  | (1)  | Eggs  |
|       |        | (2)  | Poultry.                                    |
|       |        | (3)  | Cattle.                                     |
|       |        | (4)  | Sheep.                                      |
|       |        | (5)  | Goats.                                      |
|       |        | (6)  | Buffaloes.                                  |
|       |        | (7)  | Milk.                                       |
|       |        | (8)  | Butter and cream.                           |
|       |        | (9)  | Ghee.                                       |
|       |        | (10) | Wool.                                       |
|       |        | (11) | Hide and skin.                              |
| Group | VIII.- | (1)  | Timber                                      |
|       |        | (2)  | Bamboo.                                     |
|       |        | (3)  | Grass Broom.                                |
|       |        | (4)  | Resin wood (Dhup lakri).                    |
| Group | IX.-   |      | All type of fishes (excluding canned fish). |

**MEGHALAYA ACT 2 OF 1961**

**THE MEGHALAYA APPROPRIATION (No. II) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 19<sup>th</sup> March, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 23<sup>rd</sup> March, 1981)

**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 1980-81.**

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

- |   |  |
|---|--|
| Short title.  | 1. (1) This Act may be called the Meghalaya Appropriation (No. II) Act, 1981.  |
| Withdrawal of Rs.6, 15, 13,642 from and out of the Consolidated Fund of Meghalaya for the financial year 1980-81. | 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 six crores, fifteen lakhs, thirteen thousand six hundred and forty two rupees towards defraying the several charges which will come in course of payment during the financial year 1980-81 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.  |

## SCHEDULE

(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.						
3	213 - Council of Ministers ...	Revenue	10,59,000	...	10,59,000					
5	215 - Elections ...	Revenue	4,15,000	...	4,15,000					
6	229 - Land Revenue ...	}	Revenue	...	...					
	288 - Social Security and Welfare-B-II- Relief and Rehabilitation of Displaced persons.									
	289 - Relief on Account of Natural Calamities.									
	295 - Other Social and Community Services.									
	304 - Other General Economic Services-III- Land Ceilings.									
6	688 - Loans for Social Security and Welfare- III-Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.	}	Capital	20,000	...	20,000				
	695 - Loans for Other Social and Community Services.									
	705 - Loans for Agriculture ...									
10	241 - Taxes on Vehicles ...	}	Revenue	2,24,095	...	2,24,095				
	265 - Other Administrative Services-II- Motor Garages, etc.									
	338 - Roads and Water Transport Services.									
	538 - Capital Outlay on Road and Water Transport Services, etc.						Capital	...	...	...
11	245 - Other Taxes and Duties on Commodities and Services-II- Inspectorate of Electricity.	}	Revenue	40,668	...	40,668				
	331 - Water and Power Development Services-B-Power Development.									
	734 - Loans for Power Projects						Capital	...	...	...
	251 - Public Service Commission ( <i>Charged</i> )						Revenue	...	25,000	25,000

## SCHEDULE – contd...

(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.	
13	{ 252 - Secretariat-General Service-I-Civil Departments. 276 - Secretariat-Social and Community Services-I-Civil Departments. 296 - Secretariat-Economic Services-I-Civil Departments. }	Revenue	28,87,000	...	28,87,000
14	253 - District Administration ...	Revenue	4,75,259	...	4,75,259
15	254 - Treasury and Accounts Administration.	Revenue	80,000	...	80,000
16	{ 255 - Police and 160-Fire Protection and Control and 283-Housing-C- Government Residential Buildings. 483 - Capital Outlay on Housing –A- Government Residential Buildings. }	Revenue	31,08,000	...	31,08,000
27	{ 280 - Medical ... 281 - Family Welfare 282 - Public Health, Sanitation and Water Supply-B-Sewerage and Water Supply-A-Public Health and Sanitation. }	Revenue	26,03,260	...	26,03,260
28	{ 282 - Public Health, Sanitation and water Supply-B-Sewerage and Water Supply. 283 - Housing-C-Government Residential Buildings. 482 - Capital Outlay on Public Health, Sanitation and Water Supply. 682 - Loans for Public Health, Sanitation and Water Supply. }	Revenue	5,57,000	...	5,57,000
		Capital	2,96,00,000	...	2,96,00,000

## SCHEDULE – contd...

(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.	
30	284 - Urban Development-A-General-I-Municipal Administration.	Revenue	45,687	...	45,687
	684 - Loans for Urban Development.	Capital	...	...	...
34	288 - Social Security and Welfare-A-I-Civil Supplies.	Revenue	1,66,700	...	1,66,700
	309 - Food.				
	488 - Capital Outlay on Social Security and Welfare-E-Other Social Security and Welfare Programmes -I- Civil Supplies schemes.	Capital	...	...	...
41	509 - Capital Outlay on Food and Nutrition.	Revenue	13,09,905	...	13,09,905
	298 - Co-operation ... ..				
	498 - Capital Outlay on Co-operation.				
42	505 - Capital Outlay on Agriculture.	Capital	4,20,000	...	4,20,000
	698 - Loans to Co-operative Societies.				
45	299 - Special and Backward Areas-C-North Eastern Areas.	Revenue	2,30,000	...	2,30,000
	499 - Capital Outlay on Special and Backward Areas-C-North Eastern Areas.	Capital	...	...	...
	699 - Loans for Special and Backward Area-G-North Eastern Areas.				
51	305 - Agricultural/306-I-Minor Irrigation/295-Other Social and Community Services/283-Housing-C-Government Residential Buildings.	Revenue	13,50,000	...	13,50,000
	515 - Investment in Agricultural Financial Institutions.	Capital	47,00,000	...	47,00,000
	705 - Loans for Agriculture.	Revenue	1,16,200	...	1,16,200
312 - Fisheries ... ..					
513	313 - Forest ... ..	Revenue	44,00,000	...	44,00,000
	513 - Capital Outlay on Forests	Capital	...	...	...

## SCHEDULE – contd...

(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.	
53	314 - Community development-283- Housing-C-Government Residential Buildings and 283-Social Security and Welfare.	Revenue	4,50,000	...	4,50,000
	314 - Community Development-II-C-Rural Works Programme.				
	714 - Loans for Community Development.				
54	320 - Industries ... ..	Revenue	1,25,000	...	1,25,000
	520 - Capital Outlay on Industrial Research and Development.	Capital	...	...	...
	522 - Capital Outlay on Machinery and Engineering Industries.				
	526 - Capital Outlay on Consumer Industries.				
	720 - Loans for Industrial Research and Development.				
56	321 - Village and Small Industries-II-Small Industries.	Revenue	2,00,000	...	2,00,000
	283 - Housing-C-Government Residential Buildings.				
	521 - Capital Outlay on village and Small Industries-II-Small Industrial.	Capital	1,25,000	...	1,25,000
	721 - Loans for Village and Small Industries-II-Small Industries.	Revenue	80,868	...	80,868
328 - Mines and Minerals-B-Regulation and Development of Mines.					
57	528 - Capital Outlay on Mining and Metallurgical Industries,	Capital	2,00,000	...	2,00,000
	337 - Road and Bridges ... ..	Revenue	...	...	...
58	537 - Capital Outlay on Roads and Bridges.	Capital	38,00,000	...	38,00,000
61	766 - Loans to Government Servants.	Capital	27,00,000	...	27,00,000
<b>Total</b>		...	<b>6,14,88,642</b>	<b>25,000</b>	<b>6,15,13,642</b>



**MEGHALAYA ACT 3 OF 1961****THE MEGHALAYA APPROPRIATION (No. I) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 25<sup>th</sup> March, 1981](Published in the *Gazette of Meghalaya*, Extraordinary, dated 26<sup>th</sup> March, 1981)**An****Act**

**to provide for the authorisation of appropriation of money out of the Consolidated Fund of Meghalaya to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1978, in excess of the amount authorised or granted for those services and for that year.**

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

- |  |   |
|--|---|
| Short title.   | 1. (1) This Act may be called the Meghalaya Appropriation (No. I) Act, 1981.  |
| Issue of Rs.69,82,700 from and out of the Consolidated Fund of Meghalaya to meet certain excess expenditure for the year ended on 31 <sup>st</sup> day of March, 1978. | 2. From and out of the Consolidated Fund of Meghalaya the sums specified in column (3) of the Schedule amounting in the aggregate to the sum of sixty-nine lakhs, eighty-two thousand and seven hundred rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the Schedule during the financial year ended on the 31 <sup>st</sup> day of March, 1978 in excess of the amounts authorised or granted for those services and for that year. |
| Appropriation.   | 3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of Meghalaya under this act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31 <sup>st</sup> day of March 1978.  |

## SCHEDULE

(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.
14	255	- Police and Control.	260-Fire Protection and	3,00,000	...	3,00,000	
31	277	- Education	...	15,58,000	...	15,58,000	
35	280	- Medical	...	11,87,000	...	11,87,000	
37	282	- Public Health, Sanitation and Water Supply-A-Public Health and Sanitation.		13,000	...	13,000	
66	313	- Forest	...	8,50,000	..	8,50,000	
67	314	- Community Development and Housing-C-Government Residential Buildings and 288-Social Security and Welfare.	283-	1,50,000	...	1,50,000	
79	459	- Capital Outlay on Public Works		24,700	...	24,700	
84	498	- Capital Outlay on Co-operation		11,10,000	...	11,10,000	
94	537	- Capital Outlay Roads and Bridges.		5,90,000	...	5,90,000	
110	720	- Loans for Industrial Research and Development.		12,00,000	...	12,00,000	
<b>Total</b>				<b>69,82,700</b>	<b>...</b>	<b>69,82,700</b>	

**MEGHALAYA ACT 4 OF 1981**

**THE MEGHALAYA APPROPRIATION (No. III) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 30<sup>th</sup> March, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 31<sup>st</sup> March, 1981)

**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, 1982.**

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

- Short title.
1. (1) This Act may be called the Meghalaya Appropriation (No. III) Act, 1981.
- (2) It shall be deemed to have come into force on the first day of April, 1981.
- Withdrawal of Rs.96, 65, 19,400 from and out of the Consolidated Fund of Meghalaya for the financial year 1981-82.
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 Ninety six crores, sixty-five lakhs, nineteen thousand, and four hundred rupees towards defraying the several charges which will come in course of payment during the financial year ending on the 31<sup>st</sup> day of March, 1983 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 expired in the Schedule in relation to the said year.

## SCHEDULE

(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.						
1	211 - Parliament/State/Union Territory Legislature-B-State Legislature.	Revenue	38,00,00	1,65,000	39,65,000					
2	212 - Governor ... ..	Revenue	10,000	11,70,000	11,80,000					
3	213 - Council of Ministers ...	Revenue	21,29,000	...	21,29,000					
4	214 - Administration of Justice	Revenue	19,85,000	4,39,000	24,24,000					
5	215 - Elections ... ..	Revenue	21,61,000	...	21,61,000					
6	{ 229 - Land Revenue 288 - Social Security and Welfare-B-II- Relief and Rehabilitation of Displaced Persons. 289 - Relief on account of Natural Calamities. 295 - Other Social and Community Services. 304 - Other General Economic Services-III- Land Ceilings.	Revenue	61,25,000	...	61,25,000					
						{ 688 - Loans for Social Security and Welfare- III-Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes. 695 - Loans for other Social and Community Services. 705 - Loans for Agriculture.	Capital	15,000	...	15,000

## SCHEDULE-Contd...

(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.							
7	230 - Stamps and Registration	Revenue	1,90,000	...	1,90,000						
8	239 - State Excise ... ..	Revenue	20,10,000	...	20,10,000						
9	240 - Sales Tax and 245-I-Other Taxes and Duties on Commodities and Services.	Revenue	15,10,000	...	15,10,000						
10	{ 241 - Tax on Vehicles 265 - Other Administrative Services-II- Motor Garages, etc. 338 - Roads and Water Transport Services. 538 - Capital Outlay on Road Water Transport Services etc.	Revenue	30,32,000	...	30,32,000						
						Capital	1,75,00,000	...	1,75,00,000		
		Revenue	2,28,000	...	2,28,000						
						Capital	1,32,50,000	...	1,32,50,000		
11	{ 245 - Other Taxes and Duties on Commodities and Services-II- Inspectorate of Electricity. 331 - Water and Power Projects Development Services-B-Power Development. 734 - Loans for Power Projects.	Revenue	2,28,000	...	2,28,000						
12	247 - Other Fiscal Services-Promotion of Small Savings.	Revenue	80,000	...	80,000						
	248 - Appropriation for Reduction of Avoidance of Debt ( <i>Charged</i> )	Revenue	...	...	...						
	249 - Interests Payments( <i>Charged</i> )	Revenue	...	2,03,87,200	2,03,87,200						
	251 - Public Service Commission ( <i>Charged</i> ).	Revenue	...	5,72,000	5,72,000						
13	{ 252 - Secretariat-General Services-I-Civil Departments 276 - Secretariat-Social and Community Services-I-Civil Departments. 296 - Secretariat-Economic Services-I-Civil Departments.	Revenue	1,41,90,000	...	1,41,90,000						
						14	253 - District Administration.	Revenue	54,15,000	...	54,15,000
						15	254 - Treasury and Accounts Administration.	Revenue	26,78,000	...	26,78,000

## SCHEDULE-Contd...

(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.					
16	255 - Police, 260-Fire Protection and Control and 283-Housing-C-Government Residential Buildings.	Revenue	5,51,07,000	...	5,51,07,000				
	483 - Capital Outlay on Housing-A-Government Residential Buildings.	Capital	81,42,000	...	81,42,000				
17	256 - Jails ... ..	Revenue	20,70,000	...	20,70,000				
18	258 - Stationery and Printing.	Revenue	67,38,500	...	67,38,500				
	252 - Secretariat-General Services-II-Public Works Department-Secretariat.								
19	259 - Public Works ... ..	Revenue	3,65,81,600	...	3,65,81,600				
	277 - Education, 278-Art and Culture, 280-Medical, 282-Public Health, etc.								
	283 - Housing-II-C-Government Residential Buildings (I/C.P.W.D.).								
	287 - Labour and Employment -III-B-Employment and Training, 288-Social Security and Welfare-Social Welfare, etc.								
	310 - Animal Husbandry								
	311 - Dairy Development								
	339 - Tourism ... ..								
	459 - Capital Outlay on Public Works.					Capital	2,85,91,500	...	2,85,91,500
	477 - Capital Outlay on Education, Arts and Culture.								
	480 - Capital Outlay on Medical.								
481 - Capital Outlay on Family Welfare.									
482 - Capital Outlay on Public Health Sanitation and Water Supply-A-Public Health.									
483 - Capital Outlay on Housing-A-Government Residential Buildings (in-charge, Public Works Department).									
510 - Capital Outlay on Animal Husbandry.									
511 - Capital Outlay on Dairy Development.									
530 - Investment in Industrial Financial Institutions.									

## SCHEDULE-Contd...

(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.							
20	265 - Other Administrative Services-I-Civil Defence and Home Guards.	Revenue	90,91,000	...	90,91,000						
21	{ 265 - Other Administrative Services-III- Gazetteers and Statistical Memoirs. 268 - Miscellaneous General Services- Pensions and Awards in consideration of distinguished Services. 277 - Education ... .. 278 - Art and Culture ... .. 279 - Scientific Services and Research. 677 - Loans for Education, Art and Culture.	Revenue	10,09,04,000	...	10,09,04,000						
						Capital	20,000	...	20,000		
						22	265 - Other Administrative Service-IV- Census Vital Statistics, Guest Houses etc.	Revenue	28,40,000	...	28,40,000
						23	265 - Other Administrative Service-V- Miscellaneous Administrative Services.	Revenue	3,43,000	...	3,43,000
		24	266 - Pension and other Retirement Benefits.	Revenue	25,00,000	...	25,00,000				
25	267 - Aid Materials and Equipments.	Revenue	30,77,000	...	30,77,000						
26	268 - Miscellaneous General Services-Pre- partition Payments, State Lotteries and Pension for Distinguished Services.	Revenue	...	...	..						
27	{ 280 - Medical ... .. 281 - Family Welfare ... .. 282 - Public Health, Sanitation and Water Supply-A-Public Health and Sanitation.	Revenue	5,82,03,000	...	5,82,03,000						
						Revenue	1,76,30,000	...	1,76,30,000		
		28	{ 283 - Housing-C-Government Residential Buildings. 482 - Capital Outlay on Public Health, Sanitation and Water Supply. 682 - Loans for Public Health, Sanitation and Water Supply.	Capital	8,63,26,000	...	8,63,26,000				
Capital	8,63,26,000							...	8,63,26,000		

## SCHEDULE-Contd...

(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.
29	283 - Housing-I-A-General and B-Housing Schemes.	Revenue	4,04,000	...	4,04,000
	683 - Loans for Housing ...	Capital	23,20,000	...	23,20,000
30	284 - Urban Development-A-General I – Municipal Administration.	Revenue	6,80,000	...	6,80,000
	684 - Loans for urban Development.	Capital	...	...	...
31	284 - Urban Development-A-General-II-Town and Regional Planning.	Revenue	23,06,000	...	23,06,000
	484 - Capital Outlay on Urban Development-A-General.	Capital	1,00,00,000	...	1,00,00,000
32	285 - Information and Publicity	Revenue	20,83,000	...	20,83,000
33	287 - Labour and Employment-I-a-Labour.	} Revenue	51,12,000	...	51,12,000
	287 - Labour and Employment-I-A-Labour Inspectorate of Factories and Steam Boilers.				
	287 - Labour and Employment-III-B-Employment and Training.				
34	288 - Social Security and Welfare –A-I-Civil Supplies.	Revenue	19,61,000	...	19,61,000
	309 - Food	} Capital	1,38,900	...	1,38,900
	488 - Capital Outlay on Social Security and Welfare-E-Other Social Security and Welfare Programmes-I-Civil Supplies Schemes.				
	509 - Capital Outlay on Food and Nutrition.				
35	288 - Social Security and Welfare-B-II-Relief and Rehabilitation of Displaced Person.	Revenue	1,02,000	...	1,02,000
	688 - Loans for Social Security, and Welfare-I-Relief Measures and Rehabilitation Schemes.	Capital	...	...	...



## SCHEDULE-Contd...

(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.
36	288 - Social Security and Welfare-C-III. Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes and D-Social Welfare.	Revenue	1,07,93,000	...	1,07,93,000
	688 - Loans for Social Security and Welfare-C-III-Welfare of Schedule Castes, Scheduled Tribes and Other Backward Classes.	Capital	...	...	...
37	288 - Social Security and Welfare-E-Other Social Security and Welfare Programmes-IV – Soldier’s, Sailors’ and Airmen’s Board.	Revenue	1,34,000	...	1,34,000
	688 - Loans for Social Security and Welfare-II-Loans to <i>Ex</i> -Service Personnel.	Capital	10,000	...	10,000
38	288 - Social Security and Welfare E-Other Social Security and Welfare Programmes-V-Other Programmes.	Revenue	1,20,000	...	1,20,000
39	295 - Other Social and Community Services.	Revenue	3,00,000	...	3,00,000
40	296 - Secretariat-Economic Services-II-Planning Board and attached Offices.	Revenue	17,50,000	...	17,50,000
41	298 - Co-operation ... ..	Revenue	1,01,84,000	...	1,01,84,000
	498 - Capital Outlay on Co-operation.	Capital	45,25,000	...	45,25,000
	505 - Capital Outlay on Agriculture.				
	698 - Loans to Co-operative Societies.				
42	299 - Special and Backward Area-C-North Eastern Areas.	Revenue	97,44,000	...	97,44,000
	499 - Capital Outlay on Special Backward Areas-C-North Eastern Areas.	Capital	1,89,50,000	...	1,89,50,000
	699 - Loans for Special; and Backward Areas-C-North Eastern Areas.				

## SCHEDULE-Contd...

(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.	
43	304 - Other General Economic Services-I- Economic Advice and Statistics.	Revenue	26,22,000	...	26,22,000
44	304 - Other General Economic Services-II- Regulation of Weights and Measures.	Revenue	7,51,000	...	7,51,000
45	305 - Agriculture/306-I-Minor Irrigation/295-Other Social and Community Services/283-Housing -C- Government Residential Buildings. 515 - Investments in Agriculture Financial Institution. 705 - Loans for Agriculture. ...	Revenue	4,13,00,000	...	4,13,00,000
		Capital	1,00,000	...	1,00,000
46	306 - Minor Irrigation-II-Works under Embankment and Drainage Wing, P.W.D. Minor Irrigation Projects. 333 - Irrigation, Navigation, Drainage and Flood Control Projects. 506 - Capital Outlay on Minor Irrigation, Soil Conservation and Area Development. 533 - Capital Outlay on Irrigation, Navigation, Drainage and Flood Control Projects.	Revenue	7,30,000	...	7,30,000
		Capital	39,00,000	...	39,00,000
47	307 - Soil and Water Conservation and 283- Housing-C-Government Residential Buildings.	Revenue	2,37,18,000	...	2,37,18,000
48	308 - Area Development ... 706 - Loans for minor Irrigation, Soil Conservation and Area Development.	Revenue	1,89,32,000	...	1,89,32,000
		Capital	...	...	...
49	310 - Animal Husbandry and 283-Housing- C-Government Residential Buildings. 710 - Loans for Animal Husbandry.	Revenue	1,84,15,000	...	1,84,15,000
		Capital	...	...	...

## SCHEDULE-Contd...

(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.	
50	311 - Dairy Development and 283-Housing -C-Government Residential Buildings.	Revenue	47,11,000	...	47,11,000
51	312 - Fisheries and 283-Housing-C- Government Residential Buildings.	Revenue	35,22,000	...	35,22,000
52	313 - Forests ... ..	Revenue	3,23,27,000	...	3,23,27,000
	513 - Capital Outlay on forests ...	Capital	...	...	...
53	314 - Community Development-283- Housing-C-Government Residential Buildings and 288-Social Security and Welfare.	Revenue	2,43,88,000	..	2,43,88,000
	314 - Community Development-II-C-Rural Works Programme.				
	714 - Loans for Community Development.	Capital	...	...	...
54	320 - Industries ... ..	Revenue	42,13,000	...	42,13,000
	520 - Capital Outlay on Industrial Research and Development.	Capital	60,00,000	...	60,00,000
	522 - Capital Outlay on Machinery and Engineering Industries.				
	526 - Capital Outlay on Consumer Industries.				
	720 - Loans for Industrial Research and Development.				
55	321 - Village and Small Industries I- Handloom and Sericulture and 283- Housing-C-Government Residential Buildings.	Revenue	87,14,000	...	87,14,000
55	698 - Loans to Co-operative Societies.	Capital	...	...	...
	721 - Loans for Village and Small Industries-I-Handloom and Sericulture.				

## SCHEDULE-Contd...

(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.	
56	321 - Village and Small Industries-II-Small Industries and 283-Housing-C-Government Residential Buildings.	Revenue	86,06,000	...	86,06,000
	521 - Capital Outlay on Village and Small Industries-II-Small Industries.				
	721 - Loans for Village and Small Industries II-Small Industries.	Capital	17,50,000	...	17,50,000
57	328 - Mines and Minerals-B-Regulation and Development of Mines.	Revenue	29,80,000	...	29,80,000
	528 - Capital Outlay on Mining and Metallurgical Industries.	Capital	2,00,000	...	2,00,000
58	337 - Roads and Bridges ...	Revenue	3,26,40,000	...	3,26,40,000
	537 - Capital Outlay on Roads and Bridges.	Capital	7,04,78,000	...	7,04,78,000
59	339 - Tourism ... ..	Revenue	52,82,000	...	52,82,000
	544 - Capital Outlay on Other Transport and Communication Services.	Capital	...	...	...
60	530 - Investment in Industrial Financial Institutions.	Capital	...	...	...
	603 - Internal debt of the State Government (Charged).	Capital	...	1,15,92,400	1,15,92,400
	604 - Loans and Advances from the Central Government (Charged).	Capital	...	2,61,85,800	2,61,85,800
61	766 - Loans to Government Servants.	Capital	82,12,000	...	82,12,000
62	767 - Miscellaneous Loans ...	Capital	...	...	...
63	768 - Inter-State Settlement ...	Capital	54,28,000	...	54,28,000
64	769 - Appropriation to Contingency Fund.	Capital	...	...	...
<b>Total</b>			<b>90,60,08,000</b>	<b>6,05,11,400</b>	<b>96,65,19,400</b>

**MEGHALAYA ACT 5 OF 1981**

**THE MEGHALAYA FINANCE (SALES TAX) (FIRST AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 10<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 13<sup>th</sup> April, 1981)

**An**

**Act**

**further to amend the Meghalaya Finance (Sales Tax) Act (Assam Act XI of 1956 as adapted and modified by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title, extend and commencement

1. (1) This Act may be called the Meghalaya Finance (Sales Tax) (First Amendment) Act, 1981.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of the Schedule to the principal Act.

2. In the Schedule to the principal Act,-
  - (i) for the figures and words “12 paise in the rupee” against items 1 to 9 and 10A to 15, the figure and words “7 paise in the rupee” shall be substituted;
  - (ii) for the figures and words “10 paise in the rupee” against item 16, the figure and words “7 paise in the rupee” shall be substituted.

**MEGHALAYA ACT 6 OF 1981**

**THE MEGHALAYA FINANCE (SALES TAX) (SECOND AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 10<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 13<sup>th</sup> April, 1981)

**An**

**Act**

**further to amend the Meghalaya Finance (Sales Tax) Act (Assam Act XI of 1956 as adapted and modified by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title,  
extend and  
commencement

1. (1) This Act may be called the Meghalaya Finance (Sales Tax) (Second Amendment) Act, 1981.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of item  
10A of the Schedule  
to the principal Act.

2. In Item 10A of the Schedule to the principal the words “motor taxi, cabs” occurring in the item shall be deleted.

**MEGHALAYA ACT 7 OF 1981**

**THE MEGHALAYA FINANCE (SALES TAX) (THIRD AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 10<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 13<sup>th</sup> April, 1981)

**An**

**Act**

**further to amend the Meghalaya Finance (Sales Tax) Act (Assam Act XI of 1956 as adapted and modified by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title,  
extend and  
commencement

1. (1) This Act may be called the Meghalaya Finance (Sales Tax) (Third Amendment) Act, 1981.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of the  
Schedule to principal  
Act.

2. In the Schedule to the principal Act, for the figure and words “7 paise in the rupee” occurring against item 20, the figures and words “10 paise in the rupee” shall be substituted.

**MEGHALAYA ACT 8 OF 1981****THE MEGHALAYA PURCHASE TAX (AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 10<sup>th</sup> April, 1981](Published in the *Gazette of Meghalaya*, Extraordinary, dated 13<sup>th</sup> April, 1981)**An****Act****further to amend the Meghalaya Purchase Tax Act (Assam Act XIX of 1967 as adapted and modified by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title,  
extend and  
commencement

1. (1) This Act may be called the Meghalaya Purchase Tax (Amendment) Act, 1981.

Amendment  
of section 3  
of the  
principal Act.

2. In the Section 3 of the principal Act, for the existing sub-section (1) and the first and second provisos thereunder the following shall be substituted, namely:-

“(1) Subject to the provisions of this Act, every dealer in taxable goods shall be liable to pay tax on his turnover at the rates specified in column 3 of the Schedule to this Act;

Provided that the liability for payment of tax in respect of item 5 of the Schedule as substituted by the Meghalaya Purchase Tax (Amendment) act, 1981 shall commence on and from the 1<sup>st</sup> April 1981”.

Substitution of the  
Schedule to the  
principal Act.

3. For the existing Schedule to the principal Act the following shall be substituted, namely:-

**SCHEDULE**

[Vide Section 2 (14A) and (15) and Section 3 (1)]

Serial No	Name of taxable goods	Rate of Tax
1	Raw Jute ... ..	Four paise per rupee value at which the taxable goods are purchased



Serial No	Name of taxable goods	Rate of Tax
2	Raw hides and skins ... ..	Four paise per rupee value at which the taxable goods purchased.
3	Bones of animals, birds, reptiles and fishes.	Four paise per rupee value at which the taxable goods are purchased.
4	Paddy ... ..	Two paise per rupee value at which the taxable goods are purchased.
5	(a) Converted timber other than firewood.	Fifteen paise per rupee value at which the taxable goods are purchased.
	(b) Logs other than firewood.	Thirty paise per rupee value at which the taxable goods are purchased.

**MEGHALAYA ACT 9 OF 1981**

**THE MEGHALAYA AMUSEMENTS AND BETTING TAX (AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 10<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 13<sup>th</sup> April, 1981)

**An**

**Act**

**further to amend the Meghalaya Amusement and Betting Tax Act (Assam Act VI of 1939, as adapted by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title,  
extend and  
commencement

1. (1) This Act may be called the Meghalaya Amusements and Betting Tax (Amendment) Act, 1981.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of Section  
3 (1) (b) of the  
principal Act.

2. In the principal Act, in clause (b) of sub section (1) of Section 3,-

(i) in item (i), for the figures “35” the figures “50” shall be substituted;

(ii) in item (ii), for the figures “70”, the figures “80” shall be substituted, and

(iii) in item (iii), for the figures “80” the figures “100” shall be substituted.

**MEGHALAYA ACT 10 OF 1981**

**THE MEGHALAYA FINANCE (SALES TAX) (FOURTH AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 12<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 15<sup>th</sup> April, 1981)

**An**

**Act**

**further to amend the Meghalaya Finance (Sales Tax) Act (Assam Act XI of 1956 as adapted and modified by Meghalaya) (hereinafter referred to as the principal Act).**

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

Short title,  
extend and  
commencement

1. (1) This Act may be called the Meghalaya Finance (Sales Tax) (Fourth Amendment) Act, 1981.

(2) It shall have the like extent as the principal Act.

(3) It shall be deemed to have come into force on and with effect from the date of commencement of the principal Act.

Insertion of new  
Sections 13A, 13B and  
13C in the principal  
Act.

2. In the principal Act, after Section 13, the following sections shall be inserted, namely:-

“Prohibition to collect  
excess tax.

3. 13A. (1) No person shall collect any sum by way of tax in respect of sale of any goods on which by virtue of Section 3 read with the Schedule attached to this Act no tax is payable.

(2) No person who is not a registered dealer and liable to pay tax in respect of any sale, shall collect on the sale of any goods any sum by way of tax from any other person and no registered dealer shall collect any amount by way of tax in excess of the amount of tax payable by him under the provisions of this Act.

Forfeiture of excess tax, etc.

13B. (1) If any person,-

- (i) not being a dealer liable to pay tax under this Act, collects any sum by way of tax, or
- (ii) being a registered dealer collects any sum by way of tax in excess of the tax payable by him, or
- (iii) otherwise collects tax in contravention of the provisions of Section 13A.

any sum collected by that person by way of tax in contravention of Section 13A shall be forfeited to the State Government and when any order of forfeiture is made, the Commissioner shall publish or cause to be published a notice thereof for the information of the persons concerned giving such details and in such manner as may be prescribed.

(2) Where the Commissioner has reason to believe that any person has wilfully contravened provisions of Section 13A, the Commissioner may impose upon such person a penalty of an amount not exceeding two thousand rupees or double the sum collected by such person by way of tax in contravention of the provisions of Section 13A, whichever is less:

Provided that no penalty shall be imposed in respect of any such contravention which occurred on a date prior to the publication of the Meghalaya Finance (Sales Tax) (Fourth Amendment) act, 1981, in the official Gazette.

(3) If the Commissioner in the course of any proceeding under this act or otherwise has reason to believe that any person has become liable to forfeiture of any sum under sub-section (1), or both forfeiture of any sum under sub-section (1) and penalty under sub-section (2), he shall serve on such person a notice in the prescribed form requiring him on a date and at a place specified in the notice to attend and show cause why forfeiture or both the forfeiture and penalty of any sum as provided in sub-section (1) and sub-section (2) should not be imposed on him.

(4) The Commissioner shall thereupon hold an enquiry and shall make such order as he thinks fit.

(5) No prosecution for an offence under the Act shall be instituted in respect of the same facts on which a penalty has been imposed under this section.

Payment to sum  
forfeited, etc.

13C. (1) The amount of penalty levied and/or the sum forfeited to the State Government under Section 13B shall be paid by the dealer or the person liable therefor in Government Treasury by such date as may be specified in a notice issued by the Commissioner for this purpose, being a date not earlier than thirty days from the date of service of the notice:

Provided that the Commissioner may, in respect of any particular dealer or person and for reasons to be recorded in writing, extend the date of payment imposed under Section 13B or the sum forfeited by instalments.

(2) Any penalty imposed or sum forfeited under Section 13B which remains un-paid after the date specified in the notice for payment or after the extended date of payment and any instalment not duly paid shall be recoverable as an arrear of land revenue.

(3) Notwithstanding anything contained in this Act or in any other law for the time being in force where any sum collected by a person by way of tax in contravention of Section 13A, is forfeited to the State Government under Section 13B and is recovered from him, such payment or recovery shall discharge him, such payment or recovery shall discharge him of the liability to refund the sum to the person from whom it was so collected.

(4) A refund of any such sum or any part thereof may be claimed from Government by the person from whom it was realised by way of tax, provided such tax was not passed on by him in any form or manner to some other person and if such tax was passed on to some other person, the claim for refund may be made by such other person only.

(5) An application for such claim shall be made in writing in the prescribed form to the Commissioner within one year from the date of the order of forfeiture.

(6) On receipt of an application under sub-section (5) the Commissioner shall hold such inquiry as he deems fit and if the Commissioner is satisfied that the claim is valid and admissible and that the amount so claimed as refund was actually paid in Government treasury or recovered, and no drawback, set-off, refund or remission in respect of that amount was granted, he shall refund the sum or any part thereof, which is found due to the person concerned.”

**MEGHALAYA ACT 11 OF 1981**  
**THE MEGHALAYA REMOVAL OF RESTRICTIONS ON USE AND ENJOYMENT OF**  
**LAND ACT, 1980**

(As passed by the Assembly)

[Received the assent of the President on the 12<sup>th</sup> April, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 1<sup>st</sup> May, 1981)

**An**

**Act**

**to remove restrictions on the use occupation and enjoyment of land by a purchaser and for matters connected therewith.**

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

Short title,  
extent and  
commencement

1. (1) This Act may be called the Meghalaya Removal of Restrictions on User and Enjoyment of Land Act, 1981.  
  
(2) It shall extend to such areas of Meghalaya as the State Government may, by notification, specify in this behalf.  
  
(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas of the State.

Exemption from  
application of the Act.

2. This Act shall not apply to Government land.

Definitions

3. In this Act, unless there is anything repugnant in the subject or context:-
  - (a) "land" includes benefits arising out of land and things and structures attached to the earth; and
  - (b) "prescribed" means prescribed by Rule made under this Act.

Removal of restrictions on use and enjoyment of land.

4. Notwithstanding anything to the contrary in any contract, custom, usage or practice when a person who has acquired a permanent, heritable and transferable right of use, occupation or enjoyment in any land by purchase or otherwise sells his land, it shall not be lawful for him or the landlord to impose any restriction or condition on the buyer regarding enjoyment or disposal of the land and such restriction or condition shall be void.

Illegal realisation.

5. Notwithstanding anything to the contrary in any contract, custom, usage or practice, realisation of any 'Salami' in any form, shall be illegal.

Penalties.

6. Whoever wilfully fails or neglects to comply with any requirement made of him under this Act, or violates any provision of this Act shall, on conviction before a Magistrate, be punishable with fine which may extend to one thousand rupee.

Power to make rules.

7. The State Government may, from time to time, by notification, make rules for carrying out the purpose of this Act.

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT, 1981

(Act 12 of 1981)

*ARRANGEMENT OF SECTIONS*

*Sections*

1. Short title, extent commencement.
2. Definitions.
3. Removal of Timber outside the State.
4. Application for license and its disposal.
5. License fee and period of its validity.
6. Appeal.
7. Penalty.
8. Power to direct submission of report or return.
9. Power to enter search, arrest and detain.
10. Searches and arrest how to be made.
11. Production of persons arrested and things seized.
12. Report of arrest and seizure.
13. Erection of check-posts.
14. Penalty for refusal to produce things or furnish information.
15. Power to compound offence.
16. When Court to take cognizance of offence.
17. Bar of suit in Civil Courts.
18. Suit, etc., against authority Officers or persons acting in good faith.
19. Officer and person to be public servants.
20. Effect of other laws.
21. Exemption.
22. Power to make rules.
23. Schedule.



Meghalaya Act, 12 of 1981

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT, 1981

(As passed by the Assembly)

[Received the assent of the President on the 29th May, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 2<sup>nd</sup> June, 1981)

**An**

**Act**

**to regulate and control removal of timber outside the State for the preservation of forests and to prevent their indiscriminate destruction and for matters connected therewith and incidental thereto.**

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

Short title,  
extent and  
commencement

1. (1) This Act may be called the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.
- (2) It shall extend to the whole State of Meghalaya.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires;
  - (a) “competent authority” means such authority as the State Government may, by notification appoint for the purpose of exercising the powers and functions of a competent authority under this act and the rules made thereunder for the whole or any part of the State;
  - (b) “prescribed” means prescribed by Rules made under this Act;
  - (c) “State” means the State of Meghalaya;
  - (d) “State Government” means the Government of Meghalaya;
  - (e) “Schedule” means a Schedule to this Act;
  - (f) “Trading Depot” means any place or premises used for keeping, storing or stocking timber for the purpose of trade or otherwise of the timber outside the State.

(2) Word and expressions used, but defined in this Act and defined in the Meghalaya Forest Regulation 7 of 1891 as applied in Meghalaya) shall have the meanings respectively assigned to them in that Regulation.

Removal of timber outside the State.

3. (1) No person shall remove or cause to be removed for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a license from the competent authority:

Provided that no such license shall be granted by the competent authority:-

- (a) in respect of timber the size of which is below the minimum size prescribed for such timber; and
- (b) in respect of timber of such categories or species of trees or groups thereof specified in the Schedule to his Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the official Gazette and shall be laid as soon as may be after its publication before the House of the Legislative Assembly of the State.

Application for License and its disposal.

4. (1) Every application for grant of license under this Act shall be made to the competent authority through the District Council concerned in such form and on payment of such fee as may be prescribed.

(2) In granting or refusing license under this Act the competent authority shall take into account all or any of the following matters according to the circumstances of each case, namely:-

- (a) Whether the application is recommended by the District Council or not;
- (b) Whether the applicant holds any trading license from the District Council;
- (c) Whether the applicant holds any other license under this Act;
- (d) Whether the applicant is a registered dealer and possesses certificate of registration under any tax Law of the State;

- (e) Whether the applicant is a resident of the State;
- (f) Whether the timber for which application for licenses is made is for the personnel use of the applicant;
- (g) Whether the grant of license to the applicant would promote the interest of tribals resident in the State, economically or otherwise;

Provided that a license shall be refused if the applicant-

- (a) is not a citizen of India, or-
- (b) has been convicted by a competent Court of an offence involving moral turpitude unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release, or
- (c) has violated any provision of any Act, Regulation or Rule made by the State or any District Council, or is a defaulter in the payment of any tax or revenue of the State or any District Council, or
- (d) has been debarred from taking up any business transaction or contract work by any Government, or any Company or Corporation, owned controlled or managed by any Government.

(3) Every other granting or refusing a license under this Act shall be in writing, and in case of refusal shall contain reasons therefor.

(4) Every application for license under this act shall be disposed of by the competent authority as early as possible and not later than six months from the date of receipt of the application by the competent authority unless the competent authority for reasons to be recorded in writing extends the period by such further period or periods as it may consider necessary and if no order is passed within the period or periods so extended it shall be deemed that license has been granted.

License fee and period of its validity.

5. (1) The fee payable for a license granted under this Act, the condition of the license, the route or routes the timber are to be transported outside the State, and the period of validity of the license shall be such as may be prescribed which shall also be specified in the license;

Provided that the license fee, the conditions of the license and the period of this validity may vary for different categories of timber:

Provided further that such period shall not exceed twelve, months and the amount of fee shall not exceed one thousand rupees.

(2) The license fee shall be paid in such manner as may be prescribed.

(3) Every license granted under this act may be renewed on the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed.

(4) The provision of Section 4 shall apply in case of application for renewal under this Section.

Appeal

6. Any person aggrieved by any order passed by the competent authority under Sections 3 and 4 may , within a period of sixty days from the date the order is communicated and on payment of such fee, not exceeding fifty rupees, prefer an appeal to such authority as the State Government may, by notification, appoint in his behalf and its order shall be final:

Provided that the appellate authority may entertain as appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Penalty

7. Any person who contravenes any of the provisions of Section 3 , shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both and the Court trying the offence may further order that the timber in respect of which the offence was committed and the vessel, vehicle or animal with which the offence was committed shall be confiscated to the State Government.

Power to direct submission of report or return.

8. The competent authority may direct any person holding any license under this Act to submit such report or return and in such form and manner as may be prescribed.

Power to enter, search, arrest and detain

9. (1) Any Forest Officer not below the rank of Forest Ranger and Police Officer not below the rank of Sub-Inspector of Police who from his personal knowledge or from information received and after such enquiry as he may consider necessary, has reason to believe that any person has committed an offence under this Act, may-

(a) enter and search at all reasonable time any premises, land, vehicle or vessel in the occupation of such person;

(b) require such person to produce for his inspection the license or any other documents granted by the competent authority or any books of account or other documents that may have any bearing on such offence;

(c) seize any timber in respect of which the offence was committed and any books of account or other documents relating such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed;

(2) It shall be lawful for any of the officers referred to in subsection (1), to stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant any such person:

Provided that the Officer making such arrest may release such person on his furnishing his name and address and otherwise satisfies such Officer that he will duly answer any summon or other proceedings which may be taken against him.

Searches and arrest how to be made.

10. All searches and arrests under this Act shall be conducted and made, as far as may be in accordance with the procedure laid down in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Prediction of persons arrested and things seized.

11. Every person detained or arrested under any of the provisions of this Act shall be taken or produced before the nearest Magistrate having jurisdiction with a report containing full particulars of the person arrested or articles seized and the circumstances under which the arrest or seizure was affected, within 24 hours of such arrest or seizure, exclusive of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

Report of arrest and seizure.

12. Any Forest or Police Officer making an arrest or seizure under this act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior Officer.

Erection of check-posts.

13. (1) The State Government may, by notification, set up and erect, in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to prevent any unlawful removal or transportation of timber outside the State.

(2) Every person transporting timber shall, at any check post or barrier referred to in sub-section (1) and before crossing such check-post or barrier produce before the Officer in-charge of the check-post or barrier such document as may be prescribed.

(3) The Officer-in-Charge of the check-post or barrier may, for the purpose of satisfying himself that the provisions of this Act and the Rules made therein are not being contravened, intercept, detain and search any animal, vehicle or vessel.

Penalty for refusal of produce things or furnish information

14. Whoever-

(i) Wilfully refuses or is unable to produce license or document or wilfully refuses or fails to give such information which under the provisions of this Act or the Rules made thereunder he is required to produce or to give, or otherwise furnishes in format on which he knows or believes to be false or does not believe to be true, or

(ii) Forcibly resists arrest or attempts to evade arrest or obstructs any Forest or Police Officer to enter or search or to affect arrest or seizure under the powers conferred by this Act or the Rules made thereunder,

shall be guilty of an offence against this Act, and he shall, on conviction, be punished with fine which may extend to on thousand rupees or with imprisonment for a term which may extend to six months or with both.

Power to compound offence.

15. (1) An Offence duly authorised by the State Government in this behalf may accept from any person, against whom a reasonable suspicion exists that he has committed any offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to the Officer mentioned in sub-section (1) the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him in respect of the offence compounded.

(3) The provisions of this section shall apply also where a prosecution or an appeal against conviction of offence under this act is pending and in such a case the composition of such offence under this section shall have the effect of the acquittal of the accused with whom an offence has been compounded.

Hen Court to take cognizance of offence.

16. No Court shall take cognizance of any offence under this Act,-

- 1) except on the complaint made by an officer authorised by the State Government in this behalf; and
- 2) unless the prosecution is instituted within three month from the date on which the offence is alleged to have been committed.

Bar of suit in Civil Courts.

17. No suit shall be brought in any civil court to set aside or modify any order made under this Act.

Suit, etc., against authority, Officers or persons acting in good faith.

18. No suits, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

Officer and person to be public servants.

19. Every person or officer, appointed under, or exercising any power conferred by an under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Effect of other laws.

20. The provisions of this Act, shall be in addition, and not in derogation, of the provisions of the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) or the Rules made thereunder.

Exemption.

21. The provision of this Act, shall not apply to removal of timber outside the State by or on behalf of the State Government under the provisions of the Meghalaya Forest Regulation.

Power to make rules.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- a. to prescribe the minimum size of timber under Section 3;

- b. the form and conditions of license under Sections 3 and 5 and the fees payable therefor;
- c. the form and manner in which application for license under Section 4 may be made and the fees payable therefor;
- d. the fees payable for appeal under Section 6;
- e. the form of register, report or return to be maintained and submitted by the licensee;
- f. the conditions for storing, stocking and manner or making or marking the timber to be removed outside the State;
- g. the manner in which the inspection of timber and of document maintained by licensee shall be carried out;
- h. the routes by which the timber shall be transported outside the State;
- i. the terms and conditions for setting up or establishment of trading depot;
- j. the manner in which the right of access to document and the right to entry conferred by Section 9 may be exercised;
- k. the manner in which check-post and barrier may be set up and erected and the form of document under Section 13;
- l. the procedure and manner for payment of fees under the Act and of composition money under Section 15 and the amount of composition payable for composition of offences under Section 15;
- m. any other matter which is to be or may be prescribed.

(3) The power to make rules under this Section shall be subject to the condition of previous publication.



## SCHEDULE

[See Section 3 (1) (b)]

Serial No.	Local (Common) Name	Commercial Name	Scientific Name.
1	Dieng Soh Risang	Indian Horn	... Carpinus Vaminea.
2	Tek, Tegun	Teak	... Tectona Grandis.
3	Dieng Laphiang, Bo! gippok, Gamari.	Gamari	... Gmelina Arborea.
4	Dieng Rai, Tita Sopa ...	Champ	... Michelia Champaca.
5	Bola, Dieng Ngai	Bola	... Morus ferrea.
6	Nahar Dieng Ngai ...	Mesua	... Mesua ferrea.
7	Sal, Dieng blei, Bol Sal ...	Sal	... Shorea Robusta
8	Mundhani ...	Mundani	... Acrocarpus fraxinifalius.
9	Amari, La li ...	Amari	... Amoora Willichii.
10	Cham, Sam ...	Chaplash	... Artocarpus Chaplasha.
11	Birch, Dieng Lieng ...	Birch	... Betula alnoides.
12	Bogipoma, Diengbti. Tyrneng, Bol Derek.	Chiekrassy	... Chikrassia tabularis.
13	Khokam, Dieng Bai ...	Lampati Khokam.	... Duabanga grandiflora.
14	Karal ...	Karal	... Kayea floribunda.
15	Badam ...	Badam	... Mansonai Dipikai.
16	Holok, Diengmaras Rakseng.	Hollocck	... Terminalia Myriocarpa
17	Poma, Dieng Bti.	Toon	... Toona Ciliata.
18	Kadam ...	Kadam	... Anthocephalus Dadamba.
19	Pine, Khasi Pine, Dieng Kseh.	Pine	... Pinus Kosiya.
20	Gogra, Dieng Ngan	Gogra/Chilauni	... Schima Khasiana/Schima Wallichii.

MEGHALAYA ACT 13 OF 1981  
THE MEGHALAYA FINANCE (SALES TAX) (FIFTH AMENDMENT) ACT, 1981

(As passed by the Assembly)

[Received the assent of the Governor on the 16<sup>th</sup> October, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 17<sup>th</sup> October, 1981)

**An**

**Act**

**further to amend the Meghalaya Finance (Sales Tax) Act (Assam Act XI of 1956 as adapted by Meghalaya) (hereinafter referred to as the principal Act).**

Be it enacted by the Legislature of Meghalaya in the Thirty-second 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) (Fifth Amendment) Act, 1981.

(2) It shall have the like extent as the principal Act..

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of the  
Schedule to the  
principal Act.

2. In the Schedule to the principal Act, for the existing item 65, the following shall be substituted, namely:-

“65. India-made and imported foreign liquor including whisky, brandy, gin, rum, wine, chau pagne, cider, perry, ale and other fermented potable liquors, except rum sold to-

(a) Defence personnel in Defence Service Canteens strictly for personnel consumption.

and

(b) Personnel of the Meghalaya Police Battalion strictly for personal consumption on production of a certificate from the Commissioner of Excise.

40 paise in  
the rupee.

## MEGHALAYA ACT 14 OF 1981

## THE MEGHALAYA APPROPRIATION (NO.IV) ACT, 1981

(As passed by the Assembly)

[Received the assent of the Governor on the 16<sup>th</sup> October, 1981](Published in the *Gazette of Meghalaya*, Extraordinary, dated 17<sup>th</sup> October, 1981)**An****Act****to authorise payment and appropriation of certain further sums from out of the Consolidated Fund of Meghalaya and for the services of the financial year 1981-82.**

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

Short title,  
extent and  
commencement

1. (1) This Act may be called the Meghalaya Appropriation (No. IV) Act, 1981.

Withdrawal of  
Rs.1, 03, 44,342  
from and out of the  
Consolidated Fund  
of Meghalaya for  
the financial year  
1981-82.

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 sums of one crore, three lakhs, forty-four thousand, three hundred and forty-two rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82 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.



## SCHEDULE - Contd....

(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.	
36	288 - Social Security and Welfare-C-III- Welfare of Scheduled Castes Scheduled Tribes and Other Backward Classes-D-Social Welfare.	Revenue	2,00,000	...	2,00,000	
		688 - Loans for Social Security and Welfare- G-III-Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes.	Capital	...	...	...
			305 - Agriculture/306-I-Minor Irrigation/295-Other Social and Community Services/283-Housing -C- Government Residential Buildings.	Revenue	...	...
45	515 - Investments in Agricultural Financial Institutions.	Capital	25,00,000	...	25,00,000	
						705 - Loans for Agriculture ...
47	307 - Soil and Water Conservation and 283- Housing-C-Government Residential Buildings.	Revenue	...	95,179	95,179	
49	310 - Animal Husbandry and 283-Housing - C-Government Residential Buildings.	Revenue	...	6,000	6,000	
		710 - Loans for Animal Husbandry.	Capital	...	...	...
53	314 - Community Development-283- Housing-C-Government Residential Buildings and 286-Social Security and Welfare.	Revenue	15,01,570	...	15,01,570	
						314 - Community Development -II-C-Rural Works Programme.
		714 - Loans for Community Development.	Capital	...	...	...
56	321 - Village and Small Industries-II-Small Industries and- 283-Housing-C- Government Residential Buildings.	Revenue	1,00,000	...	1,00,000	
		521 - Capital Outlay on Village and Small Industries -II-Small Industries.	Capital	...	...	
						721 - Loans for Village and Small Industries-II-Small Industries.
<b>Total ...</b>			<b>1,02,15,312</b>	<b>1,29,030</b>	<b>1,03,44,342</b>	

**MEGHALAYA ACT 15 OF 1981**  
**THE INDIAN STAMP (MEGHALAYA AMENDMENT) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 16<sup>th</sup> October, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary)

**An**

**Act**

**to amend the Indian Stamp (Meghalaya Amendment) Act 1980 (Act 22 of 1980).**

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

Short title,  
extent and  
commencement

1. (i) This Act may be called the Indian Stamp (Meghalaya Amendment) Act, 1981.
- (ii) It extends to the whole of Meghalaya.
- (iii) It shall be deemed to have come into force on and from the 19<sup>th</sup> day of July, 1980.

Amendment of  
Schedule I.

2. In Schedule I to the Indian Stamp Act, 1890 as amended by the Indian Stamp (Meghalaya Amendment) Act, 1980 (Act 22 of 1980)-
  - (i) in article 22, for the words "Three rupees sixty paise" occurring in the second column, the words "Thirty-nine rupees sixty paise" shall be substituted;
  - (ii) in article 23, after the words "Thirty-nine rupees sixty paise", "Fifty-two rupees eighty paise and "Sixty-six rupees" occurring in the second column at the end of the article and before the proviso, the words "for every one thousand rupees" shall respectively be added; and
  - (iii) in article 64, before the hyphen "(-)" appearing before the word "Revocation" the letter "B" shall be inserted and for the words "Thirty-three paise" occurring in the second column of the article, the words "Thirty-three rupees" shall be substituted.

**THE MEGHALAYA SCHOOL EDUCATION ACT, 1981**

**Arrangement of Sections:**

CHAPTER I  
PRELIMINARY

**Sections:**

1. Short title, extent, application and commencement.
2. Application of the Act to Primary Schools and Primary Education in Autonomous Districts
3. Definition.

CHAPTER II  
ESTABLISHMENT RECOGNITION, MANAGEMENT  
OF AND AID TO SCHOOLS

4. Power of the Government to regulate education in Schools.
5. Recognition of Schools.
6. Scheme of management.
7. Aid to recognized Schools.

CHAPTER III  
SCHOOL PROPERTY

8. Schools Property.

CHAPTER IV  
TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES  
OF RECOGNISED PRIVATE SCHOOLS.

9. Terms and conditions of service of employees of recognized private schools.
10. Employees to be governed by a Code of Conduct.
11. Salaries of Employees.
12. Chapter not to apply to unaided minority schools.

CHAPTER V  
PROVISIONS APPLICABLE  
TO UNAIDED MINORITY SCHOOLS.

13. Power to prescribe minimum qualification for recruitment.
14. Power to prescribe Code of Conduct.
15. Contract of service.

CHAPTER VI  
ADMISSION TO SCHOOL AND FEES

16. Admission to recognized schools.
17. Fees and other charges.
18. School fund.
19. Affiliations.

CHAPTER VII  
TAKING OVER THE MANAGEMENT OF SCHOOL.

20. Taking over the management of schools.
21. Not to apply to minority schools.

CHAPTER VIII

MISCELLANEOUS

22. Meghalaya School Education Advisory Board.
23. Delegation of Powers.
24. Inspection of Schools.
25. Jurisdiction of Civil Courts barred.
26. Protection of action taken in good faith.
27. Liability of members of the managing committee
28. Penalty of obstructing officer or other person exercising powers under this Act.
29. Power of Government to give direction.
30. Power to enter and inspect.
31. Power to make rules.
32. Power to remove difficulties.
33. Members of the managing committee, teachers, etc., to be public servants.



**MEGHALAYA ACT, 16 OF 1981**  
**THE MEGHALAYA SCHOOL EDUCATION ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 21<sup>st</sup> October, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary dated the 10<sup>th</sup> November, 1981)

**An**

**Act**

**to provide for better organisation, management and development of School Education in the State of Meghalaya and for matters connected therewith or incidental thereto.**

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

Short title  
extent application  
and  
commencement

1. (1) This Act may be called the Meghalaya School Education Act, 1981.
- (2) It extends and applies to the whole of the State of Meghalaya:

Provision that this Act shall not apply to Primary Schools and Primary Education within the areas of the Autonomous Districts.

- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas or provisions of this Act, and any reference to the commencement of the Act in relation to any area of provision thereof shall be construed as reference to the date on which the Act is extended to that area or any provision of the Act comes into force.

Application of the Act to Primary School and Primary Education in Autonomous Districts.

2. Notwithstanding anything contained in Section 1, or any other law for the time being in force, the State Government may, on the recommendation of the District Council, apply this Act to Primary Schools and Primary Education in the Autonomous District concerned.

Definition

3. In this Act, unless the context otherwise require:-

- (i) "Aid or "Grant-in-aid" means any sum of money paid by the State Government to any educational institution;

- (ii) "Aid School" means a recognised private school which receives aid in the form of maintenance and/pr development grant from the State Government or any other authority designated by the State Government;
- (iii) "Appropriate Authority" means the Director of Public Instruction or any other officer authorised by the Government in this behalf;
- (iv) "Competent Authority" means any person, officer or authority authorised by the Government, by notification, to perform the function of the competent authority under this Act for such area or in relation to such class of educational institution as may be specified in the notification;
- (v) "Constitution" means the Constitution of India;
- (vi) "Director" means the Director of Public Instruction of Meghalaya or any other officer authorised by the Government to perform all or any of the function of the Director under this Act;
- (vii) "Employees" means a teacher and every employee working in a recognised school;
- (viii) "Existing Employee" means an employee of an existing school who is employed in such school immediately before the commencement of this Act, and includes an employee who has been employed in such school for a period of not less than twelve months prior to the commencement of this Act;
- (ix) "Existing School" means a recognised private school which is in existence at the commencement of this Act;
- (x) "Educational Institution" means a recognised school or an institution (including boarding home or hostel or all other premises attached to it), other than a school or an institution imparting religious education only, by whatever name called, the management of which carries on, either exclusively or among other activities, the activity of imparting education therein;
- (xi) "Government" means the Government of the State of Meghalaya;
- (xii) "Head of School" means the principal academic officer, by whatever name called of a recognised school;

- (xiii) "Inspection" includes the scrutiny of records, and registers in regard to buildings, libraries, laboratories, playgrounds and other allied matters and overall appraisal of the educational institution and its functionaries. It also includes supervision and examination of academic work, discipline and except in the case of a minority school of internal administration of the institution;
- (xiv) "Managing Committee" means the body of individuals who are entrusted with the management of any recognised private school;
- (xv) "Minority School" means schools established and administered by a minority having the right to do so under Clause (1) of Article 30 of the Constitution;
- (xvi) "Prescribed" means prescribed by Rules made under this Act;
- (xvii) "Prescribed Authority" means any authority prescribed by rules made under this Act;
- (xviii) "Private School" means a school which is not run by the Central Government, State Government, a District Council or any other authority designated or sponsored by the State Government;
- (xix) "Public Examination" means an examination conducted by the Meghalaya Board of School Education, Council for Indian School Certificate Examination or any other Board/Body recognised or which may be recognised by the Government or any other officer authorised by the Government in this behalf;
- (xx) "Recognised School" means a school recognised by the appropriate authority;
- (xxi) "School" includes pre-primary, primary, middle and high school, or any institution which imparts technical or vocational education or training up to certificate or diploma level;

(xxii) “School Property” means all movable and immovable property belonging to, or in the possession of the School and all other rights and interest in, or arising out of such property and includes land, buildings, and its appurtenances, playgrounds, hostels, furniture; books, apparatus, maps, equipments, utensils, cash, reserve funds, investments and bank balances.

(xxiii) “Teacher” includes the Head of School;

(xxiv) “Unused Minority School” means a recognised minority school which does not receive any aid.

## CHAPTER II

### ESTABLISHMENT, RECOGNITION MANAGEMENT OF, AND AID TO SCHOOL.

Power of the Government to regulate education in schools.

4. (1) The Government may subject to the provisions of clause (1) of Article 30 of the Constitution, regulate education in all the schools in Meghalaya in accordance with the provisions of this Act and the rules made thereunder.

(2) The Government may establish and maintain any schools in Meghalaya, may permit any person or authority to establish and maintain any school in Meghalaya, subject to compliance with the provision, of this Act and the rules made thereunder.

(3) On and from the commencement of this Act, the establishment of a new school or the closing down of an existing school or the opening of a higher class or the closing down of an existing, class in any existing school shall be subject to the provisions of this Act and the rules made thereunder.

Recognition of Schools.

5. (1) Every application for recognition shall be addressed to the appropriate authority in such form and manner as may be prescribed.

(2) No recognition shall be given by the appropriate authority unless.

- (a) the Institution has adequate financial provision for continued and efficient maintenance of the Institution regarding payment of salary and allowances to its employees, as prescribed;
- (b) the area has the need for providing educational facilities to the people in the locality;
- (c) the Institution provides for approved course of study and efficient instruction;
- (d) the Institution has teachers with prescribed qualifications;
- (e) the Institution has the prescribed facilities for physical education, library service, laboratory work, workshop practice or co-curricular activities; and
- (f) the Institution satisfies the other requirements laid down by this Act and the rules and orders made thereunder.

(3) Every application under this Section shall be considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date of receipt of the application and in case recognition is not granted the reasons thereof also shall be communicated to the applicant within the said period.

(4) Any person aggrieved by any decision under sub-section (3) may, within thirty days from the date the decision is communicated to him, appeal against such decision to the prescribed authority in the prescribed manner and the decision of the prescribed authority thereon shall be final;

Provided that the prescribed authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend for reasons to be recorded by it in writing, the said period by a further period sixty days.

(5) Where a school obtains recognition by fraud, misrepresentation or suppression of material particulars or where, after obtaining recognition, the school fails to continue to comply with any of the conditions specified in sub-sections (2), the appropriate authority may, after giving the managing committee of the school one month's notice to show cause against the proposed action, withdraw the recognition.

(6) The recognition granted under this Act, shall not, by itself, entitle, entitle any school to, receive aid.

(7) Every existing recognised school shall be deemed to have been recognised under this Act and shall be subject to the provisions of this act and the rules made thereunder;

Provided that where any such school does not satisfy any of the conditions specified in sub-section (2), the appropriated authority may require the school to satisfy such conditions within a specified period and if such conditions are not satisfied, recognition may be withdrawn from such school.

(8) Every school whose any such school does not satisfy any of the conditions specified in sub-section (7), may appeal, within one month from the date of communication of the order of withdrawal of recognition, to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.

(9) The appellate authority under sub-section (4) or sub-section (8) may, after giving the appellant a reasonable opportunity of being heard, pass such order as it may deem fit and proper.

Scheme of  
management.

6. (1) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law the managing committee of every recognised school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority a scheme of management for such school:

Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed:

Provided further that so much of this sub-section as relates to the previous approval of the appropriate authority, and the particulars of the scheme of management shall not apply in the case of minority school.

(2) A scheme may be made, in like manner, to add to, vary or modify any scheme made under sub-section (1).

Aid to recognised schools.

7. (1) The State Government may, subject to such conditions and in such manner as may be prescribed pay to the Director, for distribution of aid to recognised private schools, such sum of money Government may consider necessary:

Provided that no existing school, receiving aid immediately before the commencement of this Act, shall be eligible for the continuance of such aid unless it complies, within such period as may be specified by the Director, with conditions specified in the proviso to sub-section (2) of section 5.

(2) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions governing such aid, as prescribed.

(3) The aid may cover such part of the expenditure of the school as may be prescribed.

(4) No payment, out of the aid given for salary, allowances and provident fund of the employees of the school, shall be made for any other purpose.

(5) No aid shall be given to a school the management of which has been taken over under section 20.

(6) No unrecognised school shall be eligible to receive any aid or other financial assistance from the Government.

### **CHAPTER III**

#### **School Property**

Aid to recognised schools.

8. (1) On and from the commencement of this act, the management of every aided school shall furnish to the appropriate authority annually, a statement containing a list of school property together with such particulars as may be prescribed.

(2) Without prejudice to the generally of the provisions contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority:

Provided that such movable or immovable property was acquired, constructed or development with financial assistance received from the Government:

Provided further that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

(3) Any person aggrieved by the grant or refusal of permission under sub-section (2) may prefer, in such form and within such time as may be prescribed, appeal to the prescribed authority against such grant or refusal of permission and the decision of the said authority shall be final.

(4) Any transaction made in contravention of the provisions of sub-section (2) shall be void.

#### **CHAPTER IV**

##### **Terms and conditions of service of employees of recognized private schools.**

Terms and conditions of service of employees of recognised private schools.

9. (1) The State Government may make rules regulating the minimum qualifications for recruitment and the conditions of services of employees of recognised schools;

Provided that neither the salary nor the service conditions of any employee in the employment of an existing recognised school at the commencement of this Act shall be varied to the disadvantage of such employee.

(2) Subject to any rule that may be made in this behalf no employee of a recognised private school shall be dismissed removed or reduced in rank nor shall his service be order wise terminated except with the prior approval of the competent authority.

(3) Any employees of a recognised private school who is dismissed, removal or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the prescribed authority.

(4) Where the managing committee of recognised private school intends to suspend any of its employees, such intention shall be communicated to the competent authority and no such suspension shall be made except with the prior approval of the competent authority:

Provided that the managing committees may suspend an employee with immediate effect and without the prior approval of the competent authority if it is satisfied that such immediate suspension is necessary by reason of gross misconduct, within the meaning of the Code of Conduct prescribed under the section 10 of the Act;



Provided further that no such immediate suspension shall remain in force for more than period of thirty days from the date of suspension unless it has been communicated to the competent authority and approved by it before the expiry of the said period.

(5) Nothing contained in sub-sections (2), (3) and (4) shall apply in the case of a minority school.

(6) Where the intention to suspend or the immediate suspension of any employee is communicated to the competent authority, it may, if it is satisfied that there are adequate and reasonable grounds for such suspension, accord its approval to such suspension.

Employees to be governed by the Code of Conduct.

10. Every employee of a recognised school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

Salaries of employees.

11. (1) The scale of pay and allowances and other prescribed benefits of the employees of a recognised private school shall be determined by the State Government by general or special order issue from time to time in this behalf.

(2) The managing committee of every aided school shall deposit its share towards pay and allowances and other prescribed benefits with the prescribed authority in such manner and within such time as may be prescribed, and the prescribed authority shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools.

Chapter not to apply to unaided minority schools.

12. Nothing contained in this chapter shall apply to unaided minority schools.

## CHAPTER V

### PROVISIONS APPLICABLE TO UNAIDED MINORITY SCHOOLS,

Power to prescribe minimum qualifications for recruitments.

13. The Government may make rules regulating minimum qualifications for teachers of unaided minority schools:

Provided that no qualification shall be verified to the disadvantage of an existing employee of such school.

Power to prescribe code of conducts.

14. Every employee of an unaided minority school shall be governed by such Code of Conduct as may be prescribed.

Provided that such a Code of Conduct shall not infringe upon the distinctive character or interfere with the management of unaided minority schools.

Contract of service.

15. (1) The managing committee of every unaided minority school shall enter into a contract of service with every employee of such school:

Provided that if, at the commencement of this Act, there is no contract of service in relation to any existing employee of an unaided minority school the managing committee of such school shall enter into such contract within a period of three months from such commencements;

Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the term of any contract between him and the school subsisting at the commencement of this Act.

(2) Every contract of service referred to in sub-section (1), shall be forwarded by the managing committee of the concerned unaided minority school to the Director for record in such manner as may be prescribed.

(3) Every contract of service referred to in sub-section (1) may provide for the following matters namely:-

- (a) the terms and conditions of service of the employee including the scale of pay and other allowances to which the employee shall be entitled;
- (b) the leave of absence, age of retirements pension and gratuity or contributory provident fund in lieu of pension and gratuity, and medical and other benefit to which the employee shall be entitled;

- (c) the penalties which may be imposed on the employee for the violation of any code of conduct or the breach of any term of the contract entered into by him.
- (d) the manner in which disciplinary proceeding in relation to the employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;
- (e) arbitration of any dispute arising out of any breach of contract between the employee and the managing committee, and
- (f) any other matter which, in the opinion of the managing committee, ought to be or may be specified in such contract.

## **CHAPTER VI**

### **ADMISSION TO SCHOOL AND FEES**

Admission to  
recognised school.

16. (1) A child who has not attained the age of six years, shall not be admission to Class I, or an equivalent class or any class higher than class I, in a recognised school.'

(2) A student seeking admission for the first time in a recognised school in a class higher than class I, shall not be admitted to that class if his age reduced by the number of years of normal study between that class and class I or an equivalent class, falls short of six years.

(3) Admission to a recognised school or to any class thereof shall be regulated by rules as may be described.

Fees and other  
Charges.

17. (1) No aided school shall levy any fee or collect any other charge or receive any other payment except those as may be prescribed including those listed under Section 18 of the Act.

(2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

(3) The managing committee of every recognised school shall, before the commencement of each academic session, file with the appropriate authority a full statement of the fees to be prescribed and levied by such school during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during that academic session any fee in excess of the fee so prescribed.

School Fund.

18. (1) In every aided school, there shall be a fund, to be called the "School fund" and there shall be credited thereto-

- (a) any aid granted by the Government;
- (b) income accruing to the school by way of fees, charges or other payments; and
- (c) any other contributions, endowments and the like made to the school.

(2) The School Fund and all other funds, established with the approval of the Director, shall be accounted for and operated in accordance with the rules as may be prescribed.

(3) In every recognised unaided school, not being a minority school there shall be a fund to be called the "Recognised Unaided School Fund" and there shall be credited thereto income accruing to the school by way of-

- (a) fees;
- (b) any charges and payments which may be realised by the school for other specific purposes; and
- (c) any other contributions, endowments, gifts and the like made to the school.

(4) (a) Income derived by recognised unaided schools by way of fees shall be utilised only for such educational purposes as may be prescribed, and

(b) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.

(5) The managing committee of every aided school shall file every year with the appropriate authority such financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed.

Affiliations.

19. (1) For the purpose of any public examination every recognised high school shall be affiliated to one or more of the Boards or Councils conducting such examination and shall fulfil the conditions specified by the Board or Council in this behalf.

(2) The students of every recognised high school, middle school and primary school shall be prepared for, and presented to the public examination or such other form of evaluation, as may be held by recognised Boards or Councils conducting such examinations, or by the Director, or by such authority as may be approved by the State Government.

Provided that if any student is physically, academically or otherwise found to be unfit to appear as such public examination, he may not be presented to such examination.

## CHAPTER VII

### **Taking over the management of Schools**

Taking over the management Schools.

20. (1) Whenever the Government is satisfied that the managing committee of any school, whether recognised or not, has neglected to perform any duties imposed on it by or under this act or any Rule made thereunder and that it is expedient in the interest of school education to take over the management of such school, the Government may, after signing the managing committee of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years;

(2) Whenever the management of any school is taken over under sub-section (1), every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to the Government or any officer authorised in this behalf.

(3) After taking over the management of any school under this section, the Government may arrange to manage the school through any person or officer authorised by the Government in his behalf thereinafter referred to as the “Authorised Officer.”

(4) Where the management of any school has been taken over under sub-section (1) the managing committee of such school may, within one month from the date of taking over, appeal to the State Government who may, after considering the representation made by the managing committee, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Government, as it may deem fit.

(5) Where the management of a school has been taken over under this section, the Government shall pay such rent as may be payable for the building/buildings of the school to the person entitled to receive it as was being paid by the managing committee immediately before the management of such school taken over.

(6) During such period as any school remains under the management of the Government-

- (a) the service conditions, as approved by the Government of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage;
- (b) all educational facilities which the school has been affording immediately before such management was taken over, shall continue to be afforded;
- (c) the School Fund and all other existing funds shall continue to be available to the “Authorised Officer” for being spent for the purposes of the schools; and
- (d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Government.

Not apply to  
minority School.

21. Nothing contained in section 20 shall apply to any minority school.

## CHAPTER VIII

### Miscellaneous

Meghalaya School  
Education  
Advisory Board.

22. (1) There shall be an Advisory Board for School Education to be called the "Meghalaya School Education Advisory Board" for the purpose of advising the Government on matters of policy relating to education in Meghalaya.

(2) The Advisory Board shall be constituted by the Government and shall consist of a Chairman, Secretary and fifteen other members to be nominated by the Government.

(3) The Advisory Board constituted under sub-section (2) shall include-

(a) the Secretary to the Government in the Education Department as Chairman,

(b) the Director of Public Instruction as member-Secretary, and

(c) fifteen other members to be nominated from amongst the following:-

(i) heads of recognised Schools;

(ii) representatives of recognised organisations of teachers of recognised schools;

(iii) representative of the Managing Committee of recognised schools; and

(iv) representatives of parents or guardians of students of recognised schools; and

(v) eminent Educationists.

(4) The Advisory Board shall regulate its own procedure.

(5) The terms of office of every member of the Board and travelling and other allowances payable to a member of the Board shall be as may be prescribed.

Delegation of  
powers.

23. (1) The State Government may delegate all or any of its powers, duties and functions under this Act to the Director or any other officer.

(2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by and under this Act and not by way of delegation.

Inspection of  
Schools.

24. (1) Every recognised schools shall be subjected to inspection as may be prescribed.

(2) The Director may also arrange special inspection of any school on such aspects of its working as may from time to time, be considered necessary by him.

(3) The Director may also give direction to the Managing Committee requiring the management to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.

(4) If the Managing Committee fails to comply with any direction given under sub-section (3), the Director may after considering the explanation or report if any, given or made by the Managing Committee, take such action as he may think fit including:-

(a) stoppage of aid.

(b) withdrawal of recognition, or

(c) except in the case of a minority school, taking over of the management under Section 20.

Jurisdiction of  
civil courts barred.

25. No civil court shall have jurisdiction in respect of any matter in relation to which the Government or the Director or any other person authorised by the Government or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Protection of  
action taken in  
good faith.

26. No suit, prosecution or other legal proceeding shall lie against the Government, Director or any other person authorised by the Government or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

Liability of  
members of the  
managing  
committee.

27. If the Managing Committee of any recognised private school:-

(a) omits or fails, without any reasonable excuse to carry out any orders made by the Competent Authority, or



(b) presents any student for any public examination without complying with the provisions of section 19 read with proviso, or

(c) omits or fails to deliver any school property to the prescribed authority under sub-section (2) of Section 20, except in case of school under section 21, every person constituting the Managing Committee shall be punished with simple imprisonment for a term which may extend to three months or with a fine which may extend to two thousand rupees or with both:

Provided that nothing contained in this Section shall render the Secretary or any member of the Managing Committee liable to any punishment if he proved that the offence was committed without his knowledge or that he exercised due diligence and precaution to prevent the crime.

Penalty of obstructing officer or other person exercising powers under this Act.

28. Any person who wilfully obstructs an officer of the Government in the exercise of any power conferred on him, or in the performance of any function entrusted to such officer in the exercise of such power or in the performance of such functions or who fails to comply with any lawful direction made by such officer or person shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

Power of Government to give direction.

29. The Government may, subject to other provision of this Act by order, direct the Director of any other officer to make an enquiry or to take appropriate proceedings under this Act in respect of any matter specified in the said order, and the Director or the other officers, as the case may be, shall report to the Government in due course the result of the enquiry made or the proceeding taken by him.

Power to enter and inspect.

30. Any officer authorised in this behalf and not below the rank of a Deputy Inspector of Schools shall be competent to enter at any time during the normal working hours of any educational institution and to inspect any record or other documents or any movable or immovable property relating to such institution for the purpose of exercising his powers and performing his function as prescribed in this behalf.

Power to make rules.

31. (1) The State Government, may, subject to the condition of previous publication, make Rules to carry out the provisions of this Act.

(2) In particulars and without prejudice to the generality of the foregoing power, such rules, may provide for all or any of the following matters, namely:-

- (i) the manner in which education may be regulated and restructured in the State of Meghalaya.
- (ii) the conditions which every existing school shall be required to comply with;
- (iii) establishment of a new school or the opening of a higher class or the closing down of any existing school or the closing down of an existing class in any of the existing school;
- (iv) the minimum qualification for, and method of recruitment and the terms and conditions of service of employees;
- (v) the authorities to be specified for the purposes of the different provisions of the Act;
- (vi) the particulars which a scheme of management shall contain, and the manner in which such a scheme shall be made;
- (vii) variations and modifications which may be made in the scheme of management for a recognised school which does not receive any aid;
- (viii) the conditions under which aid maybe granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended;
- (ix) the part of the expenditure of a recognised school which is to be covered by aid;

- (x) particulars of school property which should be furnished to the appropriate authority;
- (xi) the form in which, and the time within which, an appeal shall be preferred to the appropriate authority against an order made in relation to the transfer, mortgage or lease of any school property;
- (xii) the form and manner, including fees, for preferring any other appeal under this Act;
- (xiii) the Code of Conduct for employees and the disciplinary action to be taken for the violation thereof;
- (xiv) the benefits which should be granted to the employees of aided schools;
- (xv) the regulation for admission into educational institutions of pupils for the academic course, private study and other special courses and attendance thereat;
- (xvi) fees and other charges which may be collected by an aided or unaided recognised school;
- (xvii) the inspection of recognised schools;
- (xviii) the terms of office, travelling and other allowances payable to the members of the Advisory Board;
- (xix) the financial and other returns to be filled by the Managing Committee of aided schools and the authority by which such returns shall be audited;

- (xx) the educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;
  
- (xxi) the registers, statements, reports, and other information to be maintained or furnished by the Managing Committees in respect of school fund;
  
- (xxii) the manner of accounting and operation of school funds and other funds of aided schools and also the auditing authority thereof;
  
- (xxiii) the manner in which any enquiry under this Act shall be held;
  
- (xxiv) the powers and functions of the officers and other subordinate staff of the Education Department;
  
- (xxv) the declaration as to what constitute pre-primary, primary, middle and higher school education, professional education vocational education, technical education, special education and other types of education;
  
- (xxvi) the maintenance and administration of aided schools under this Act, and the constitution and function of their Managing Committee other than those of minority schools;
  
- (xxvii) the preparation and sanction of plans and estimates of a new school building or extensions to be constructed with Government aid and the requirements to be fulfilled by the Managing Committee of the school in this regard;
  
- (xxviii) the purpose for which educational institutions may be used and the restrictions and conditions subject to which such educational institutions may be used for any other purpose;

(xxix) the regulation of the user of textbooks, maps, plans, instruments and other laboratory and sports equipments in the institutions;

(xxx) the opening of special morning or night classes and the conditions for their working and of parallel sections or classes in the institutions for linguistic minorities;

(xxxi) the scale of fees or charges, or the manner of fixing fees or charges, payable in respect of any certificate, permission, marksheet or other documents for which such fees may be collected; and

(xxxii) all matters expressly required or allowed by this Act to be prescribed, or in respect of which this Act makes no provision, or opinion of the Government, necessary for the proper implementation of this Act.

Power to remove difficulties.

32. If any difficulty arise in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act remove the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the commencement of this Act.

Member of the Managing Committee, teachers, etc., to be public servants.

33. Every member of the Magistrate Committee of any educational institution and every member of the teaching and non-teaching staff of such institution shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code when on duty in connection with any public examination or any other examination conducted under this Act.

**MEGHALAYA ACT 17 OF 1981**

**THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS SALARIES AND ALLOWANCES) (AMENDMENTS) ACT, 1981**

(As passed by the Assembly)

[Received the assent of the Governor on the 30<sup>th</sup> October, 1981]

(Published in the *Gazette of Meghalaya*, Extraordinary dated the 1<sup>st</sup> December, 1981)

**An**

**Act**

**further to amend the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972.**

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

Short title  
application and  
commencement

1. (1) This Act may be called the Legislative Assembly of Meghalaya (Member's Salaries and Allowances) (Amendment) Act, 1981.

(2) It shall come into force at once.

Amendment of  
Section 4 and 6A  
of Act 8 of 1972.

2. In the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972 as amended (hereinafter referred to as the principal Act)-

(a) In Section 4,

(i) in clause (a), for the words "three hundred" the words "four hundred and fifty" shall be substituted.

(ii) the full stop "(.)" occurring at the end of clause (c) shall be substituted by a semi-colon "(:)" and after clause (c) the following shall be added as a new clause (d), namely:-

"(d) a postage allowance of rupees one hundred per mensem,"

(b) in Section 6A for the words "one hundred" the words "two hundred" shall be substituted

Insertion of new section 6B.

3. In the principal act, after section 6A, the following section shall be inserted as section 6B, namely:-

“Travel concession,

6B. A member and the members of his family not exceeding five, shall during the term of office be entitled to Travel Concession for visiting any place in India, up to the maximum limit of ten thousand kilometres, by rail in first class accommodation.

**Explanation-** For the purpose of this Section,-

- (i) the expression “member” shall also include the Speaker, Deputy Speaker and a Minister;
- (ii) the expression “term of office” means the period beginning with the date of publication of the notification of election of the person as a member of the Legislative Assembly of Meghalaya and ending with the date on which his seat becomes vacant.”

## MEGHALAYA ORDINANCE I OF 1981

## THE INDIAN STAMP (MEGHALAYA AMENDMENT) ORDINANCE, 1981

**An****Ordinance****to amend the Indian Stamp (Meghalaya Amendment) Act, 1980 (Act 22 of 1980)**

Whereas, Legislative Assembly of Meghalaya is not in session and 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 Thirty-second Year of the Republic of India the following Ordinance, namely:-

**1. Short title, extent and commencement:-** (1) This Ordinance may be called the Indian Stamp (Meghalaya Amendment) Ordinance, 1981.

(2) It extends to the whole of Meghalaya.

(3) It shall be deemed to have come into force on and from the 19<sup>th</sup> July, 1980.

**2. Amendment of Schedule I –** In Schedule I to the Indian Stamp Act, 1980, as amended by the Stamp Act, 1980, as amended by the Indian Stamp (Meghalaya Amendment) Act, 1980 (Act 22 of 1980)-

- (i) in article 22 for the words “Three rupees sixty paise” occurring in the second column, the words “Thirty-nine rupees sixty paise” shall be substituted;
- (ii) in article 23 after the words “Thirty-nine rupees sixty paise” “Fifty-two rupees eighty paise” and “Sixty-six rupees” occurring in the second column at the end of the article and before the proviso, the words “for every one thousand rupees” shall respectively be added; and
- (iii) in article 64 before the hyphen (-) appearing before the word “Revocation” the letter “B” shall be inserted and for the words “thirty-three paise” occurring in the second column, of the article, the words “thirty-three rupees” shall be substituted.

RAJ BHAVAN  
SHILLONG  
The 25<sup>th</sup> July, 1981

LALLAN PRASAD SINGH  
Governor of Meghalaya.