

## MEGHALAYA ACT 3 OF 1972

### The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972

(As passed by the Assembly)

(Received the assent of the Governor on the 23<sup>rd</sup> April, 1972)

(Published in the Gazette of Meghalaya, Extraordinary, dated 24<sup>th</sup> April, 1972)

*An*

*Act*

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

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

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| <b>Short title and commencement</b>                       | 1. | (1) This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972.   |
|   |    | (2) It shall be deemed to have come into force on the 21st day of January, 1972.  |
| <b>Removal of disqualification in certain cases</b>       | 2. | A person shall not be disqualified or shall not be deemed ever to have been disqualified for being, a member of the Legislative Assembly of Meghalaya by reason of the fact that he holds any of the offices specified in the Schedule in so far as it is an office of profit under the State Government. |
| <b>Repeal of Meghalaya State Ordinances and 5 or 1972</b> | 3. | The Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972 and the Prevention of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972 are hereby repealed.  |

### THE SCHEDULE

(See Section 2)

1. Any office held by a Minister, Minister of State, Deputy Minister or Parliamentary Secretary for Meghalaya.

“<sup>1</sup>1A. The office of the Leader of the Opposition.”

2. The office of the Minister of State or the Deputy Minister to the Government of Meghalaya.

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<sup>1</sup> Inserted by Act No. 5 of 1983, Section 2(i)

3. The Office of the Parliamentary Secretary to the Government of Meghalaya.
4. The Office of the Government Pleader or Public Prosecutor <sup>1</sup>“.” <sup>2</sup>“which terms shall include Additional Government Pleader, Government Advocate, Additional Public Prosecutor, Assistant Government Pleader, Assistant Public Prosecutor and any other Advocate or Pleader specially appointed by the Government to conduct State cases before any Court or Tribunal.”
5. The Office of the part-time Professor, Lecturer, Instructor or Teacher in Government Educational Institutions.
6. Medical practitioner rendering part-time service to Government.
7. The Office of the Chairman, Vice-Chairman, or member of any Committee, Board or authority appointed by the Government of India or Government of any State specified in the First Schedule to the Constitution of India.
 

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

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

<sup>3</sup>“*Explanation.* – 3 For the removal of the doubt, the word “Chairman” or “Vice Chairman” wherever appearing in this schedule includes and shall be deemed to have always included a Co-Chairman or Deputy Chairman respectively.”;
- <sup>4</sup>“7A. The office, whether whole time or not, of the Chairman, Vice-Chairman, Deputy Chairman or Member of the State Planning Board <sup>5</sup>“of the State Level Public Grievances Committee” or any other <sup>6</sup>“or Committee” Board constituted by the State Government of Meghalaya.”
8. Any Office under the Government which is not a whole time office remunerated either by salary or fees.
- <sup>7</sup>“9. \_\_\_\_\_”
10. Any office held in the Territorial Army or National Cadet Corps.

<sup>1</sup> Omitted by Act No 5 of 1983, Section 2 (ii) earlier the sentence ended with a full stop “.”.

<sup>2</sup> Inserted by Act No 5 of 1983, Section 2 (ii)

<sup>3</sup> Inserted by Act No 8 of 2006, Section 2 (a)

<sup>4</sup> Inserted by Act No 13 of 1979, Section 2

<sup>5</sup> Inserted by Act No 10 of 1985, Section 2(i)(a)

<sup>6</sup> Inserted by Act No 10 of 1985, Section 2(i)(b)

<sup>7</sup> Omitted by Act No 12 of 2015, Section 2

11. The Office of the Speaker or Deputy Speaker of the Legislative Assembly of the Meghalaya.
12. The Office of the Chairman or Vice-Chairman of the Municipal Board.
13. Any Office in a Village Defense Party (by whatever name called) constituted by or under the authority of the State Government.
14. The Office of Chairman or Member of the Committee of any Cooperative Society (which is registered under any law for the time being in force relating to the registration of Co-operative Societies) to which appointment is made by the State Government, or the office of Liquidator or Joint Liquidator to which appointment is made by the Registrar of Co operative Societies or the Office of nominee of the Registrar whether appointed individually or to a board or nominees.
- <sup>1</sup>15. The Office of Chief Whip, Deputy Chief Whip or Whip or Ruling or Opposition Party or Groups.
16. The office of a Chairman or Deputy Chairman of any Board or Committee , or any office, which a member of the Meghalaya Legislative Assembly holding it enjoys the facilities, privileges or status of a Minister or a Minister of State, as the case may be.
- <sup>2</sup>17. Chairman, Vice-Chairman, Deputy Chairman or Director of a Joint Sector company.”

**THE UNDERLINED TEXT INDICATES THE INSERTION/SUBSTITUTION OF THE SUBSEQUENT AMENDMENTS TO THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF MEGHALAYA) ACT, 1972 (ACT 3 OF 1972), AMENDED AND UPDATED WITH ACT 13 OF 1972,ACT 10 OF 1985,ACT 5 OF 1983,ACT 8 OF 2006 & ACT 12 OF 2005.**

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<sup>1</sup>Inserted by Act No 10 of 1985, Section 2(ii)

<sup>2</sup>Inserted by Act No 8 of 2006, Section 2(b)