



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

Act 3 of 1972

Keyword(s):

Disqualification, Member of Legislative Assembly, Parliamentary Secretary,  
Deputy Minister

Amendments appended: 13 of 1979, 5 of 1983, 10 of 1985, 8 of 2006, 12 of  
2015

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**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:-

*Short title and  
commencement.*

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

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

*Removal of  
disqualification in  
certain cases*

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

*Repeal of Meghalaya  
State Ordinances and 5  
or 1972*

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of Disqualification (Members of the Legislative Assembly of the State of Meghalaya) Ordinance, 1972 are hereby repealed.

**THE SCHEDULE**

(See Section 2)

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

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

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

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

8. Any office under the Government which is not a whole time office remunerated either by salary or fee.
9. The office of the Chairman, Chief Executive Member, or other Executive Member or ordinary member of a District Council in an autonomous District or any member nominated to such a District Council by the Governor
10. Any office hold in the Territorial Army or National Cadet Corps.
11. The office of the Speaker or Deputy Speaker of the Legislative Assembly of the Meghalaya.
12. The office of the Chairman or Vice-Chairman of the Municipal Board.
13. Any office in a Village Defence Party (by whatever name called) constituted by or under the authority of the State Government.
14. The Office of Chairman or Member of the Committee of any 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.

**MEGHALAYA ACT 13 OF 1979**

**THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF MEGHALAYA) (AMENDMENT) ACT, 1978**

(As passed by the Assembly)

[Received the assent of the Governor of Meghalaya on the 8<sup>th</sup> July, 1979]

(Published in the *Gazette of Meghalaya*, Extraordinary issue, dated the 9<sup>th</sup> July, 1979)

**An**

**Act**

**to amend the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972**

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

Short title and commencement.

1. (1) This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Act, 1979.

(2) It shall come into force at once.

Amendment of Schedule to act 3 of 1972.

2. In Schedule to the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972, after the existing item 7 below Explanation 2, the following shall be inserted as new item 7A, namely:-

“7A. The office, whether, whole time or not, of the Chairman, Vice-Chairman, Deputy Chairman or Member of the State Planning Board or any other Board constituted by the State Government of Meghalaya.”

**MEGHALAYA ACT 14 OF 1979**

**THE MEGHALAYA AGRICULTURAL INCOME-TAX (REPEALING) ACT, 1979**

(As passed by the Assembly)

[Received the assent of the Governor of Meghalaya on the 13<sup>th</sup> July, 1979]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated the 18<sup>th</sup> July, 1979)

**An**

**Act**

**to repeal the Meghalaya Agricultural Income-tax Act (Assam Act IX of 1939 as adapted by Meghalaya).**

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

Short title and commencement.

1. (1) This Act may be called the Meghalaya Agricultural Income-tax Act (Repealing) Act, 1979.

(2) It shall come into force at once.

**MEGHALAYA ACT 5 OF 1983****THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF MEGHALAYA) (AMENDMENT) ACT, 1983****(As passed by the Assembly)**[Received the assent of the Governor on the 22<sup>nd</sup> April, 1983](Published in the *Gazette of Meghalaya*, Extraordinary, dated 22<sup>nd</sup> April, 1983)**An****Act****further to amend the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972.**

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

Short title extent and commencement.

1. (1) This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Act, 1983.

- (2) It shall come into force at once.

Amendment of the Schedule to Act 3 of 1972.

2. In the Schedule to the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972-

- (i) after the existing item 1, the following shall be inserted as new item 1A, namely:-

“1A, The office of the Leader of Opposition.”

- (ii) in the existing item 4, the full-stop “(.)” occurring at the end shall be omitted and the following shall be added, namely.

“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 of Tribunal,”

**MEGHALAYA ACT 10 OF 1985**

**THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF MEGHALAYA) (AMENDMENT) ACT, 1985**

**(As passed by the Assembly)**

[Received the assent of the Governor on the 24<sup>th</sup> July, 1985] (Published in the

*Gazette of Meghalaya*, Extraordinary, dated 25<sup>th</sup> July, 1985) **And**

**Act**

**further to amend the legislative Assembly of Meghalaya (Speaker and Deputy Speaker Salaries and Allowances) Act, 1972.**

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

Short title and Commencement.

4. (1) This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Act, 1985.

(2) It shall come into force at once.

Amendment of Schedule to Act 3 of 1972.

5. In the Schedule to the Prevention of Disqualification of (Members of the Legislative Assembly of Meghalaya) Act, 1972.

(i) in the existing item 7A,-

(a) between the words "or" and "any" the words "of the State Level Public Grievances Committee or" shall be inserted, and

(b) between the words, "Board" and "constituted", the words "or Committee" shall be inserted;

(ii) after the existing item 14, the following new items shall be added, namely,-

"15. The Office of Chief, Whip, Deputy Chief Whip or Whip of the Ruling or Opportunity 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."

**No. LL(B). 151/85/14-** The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya (Amendment) Act, 2006 (Act No. 8 of 2006) is hereby published for general information.

**MEGHALAYA ACT NO. 8 OF 2006**

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 25<sup>th</sup> July, 2006

Published in the Gazette of Meghalaya Extra-ordinary, issued dated 26<sup>th</sup> July, 2006

**THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (AMENDMENT) ACT, 2006**

**An**

**Act**

Further to amend the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972.

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

- |  |   |
|--|---|
| <b>Short title</b>                                 | 1 This Act may be called the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Amendment Act, 2006.   |
| <b>Amendment of the Schedule Act No. 3 of 1972</b> | 2 In the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972, in the schedule:-<br><br>(a) After “explanation-2” to item 7, the following new<br><br>“explanation-3” shall be inserted, namely:-<br><br>“Explanation 3 - For the removal of 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”;<br><br>(b) After item 16, the following new item 17 shall be added, namely:- |

“17 Chairman, Vice-Chairman, Deputy Chairman or Director of a joint sector company”.

L. M. SANGMA,

Joint Secretary to the Govt. of Meghalaya,

Law (B) Department





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ORDERS BY THE GOVERNOR

### NOTIFICATION

The 8th October, 2015.

**No.LL(B).151/85/275.**—The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Act, 2015 (Act No. 12 of 2015) is hereby published for general information.

### MEGHALAYA ACT NO. 12 OF 2015.

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 8th October, 2015.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 8th October, 2015.*

THE PREVENTION OF DISQUALIFICATION (MEMBERS OF THE LEGISLATIVE  
ASSEMBLY OF MEGHALAYA) (AMENDMENT) ACT, 2015

An

Act

further to amend the Prevention of Disqualification (Members of the  
Legislative Assembly of Meghalaya) Act, 1972.

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

**Short title and  
commencement.**

1. (1) This Act may be called the Prevention of  
Disqualification (Members of the Legislative Assembly  
of Meghalaya) (Amendment) Act, 2015.

(2) It shall come into force on and from 1<sup>st</sup> October,  
2015.

**Amendment of  
Schedule.**

2. In the Schedule to the Prevention of Disqualification  
(Members of the Legislative Assembly of Meghalaya)  
Act, 1972, entry No. 9 shall be omitted.

**Repeal.**

3. The Prevention of Disqualification (Members of the  
Legislative Assembly of Meghalaya) Act, 1970 (Act I of  
1970) is repealed and consequent upon such repeal  
the provision of Section 22 of the Meghalaya  
Interpretation and General Clauses Act, 1972 shall  
apply.

L. M. SANGMA,

Special Secretary to the Govt. of Meghalaya,  
Law Department.