



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 120

Shillong, Wednesday, September 23, 2015

1st Asvina, 1937 (S.E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 23rd September, 2015.

No.LB.64/LA/2015/2.—The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Bill, 2015 introduced in the Meghalaya Legislative Assembly on the 23rd September, 2015 together with the statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

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

**A
BILL**

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 1st 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 The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1970 (Act I of 1970) is repealed and consequent upon such repeal the provision of Section 22 of the Meghalaya Interpretation and General Clauses Act, 1972 shall apply.

STATEMENT OF OBJECT AND REASONS

The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1970 was enacted by the Legislative Assembly of Meghalaya and further in 1972 a similar Act with more items in the Schedule was enacted and to avoid duplication and misinterpretation the Act of 1970 is to be repealed. As per item 9 of the Schedule to the Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Act, 1972, the Chairman, CEM and EMs or other Members of a District Council in an Autonomous District or any Member nominated to such a District Council by the Governor is not attracted from this qualification. The intension of this provision is only to them to contest the election. As soon as the Chairman, CEM or EMs or other Member or nominated Member get elected as MLA or MP he should vacate the post of Member of the District Council. The convention and practice is that an elected person holding public office cannot hold another elected office such as in the case of MP, MLA and member of Panchayat.

Therefore, it is proposed to delete item 9 from the Schedule of the 1972 Act.

Hence the Bill.

ROWELL LYNGDOH,
Deputy C. M. In-charge (Law)

E. C. KHARKONGOR,
Secretary,
Meghalaya Legislative Assembly

FINANCIAL MEMORANDUM

There shall be no financial expenditure from the State exchequer in implementation of this Act.