

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

ACT NO. 3 OF 1972

[23rd 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:—

**1. Short title and commencement.**—(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.

**2. Removal of disqualification in certain cases.**—A person shall not be disqualified or shall not be deemed ever to have been disqualified for being chosen as, or for being, a member of the Legislative Assembly of 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.

**3. Repeal of Meghalaya State Ordinances 1 and 5 of 1972.**—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Disqualification (Members of the Legislative Assembly of the State of Meghalaya) (Amendment) Ordinance, 1972 are hereby repealed.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.
- 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.
3. The Office of the Parliamentary Secretary to the Government of Meghalaya.
4. The Office of Government Pleader or Public Prosecutor.
5. The Office of the part-time Professor, Lecturer, Instructor or Teacher in Government Educational Institution of which term 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.
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.

*Prevention of Disqualification (Member of the Legislative Assembly of Meghalaya) Act, 1972*  
(PART IV. —Law Relating to Removal of Disqualification)

7A. The office, whether whole-time or not of the Chairman, Vice-Chairman, Deputy Chairman or member of the State Planning Board or of the State Level Public Grievances Committee or any other Board or Committee 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.

9. The office of 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 held in the Territorial Army or National Cadet Corps.

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

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

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

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

15. The office of Chief Whip, Deputy Chief Whip or Whip of the Ruling or Opposition Party or group.

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.

*Note:*— The Act is as it stands amended up to 31-12-1985 last amended *vide* Meghalaya Act No. 10 of 1985.