



MEGHALAYA LEGISLATIVE ASSEMBLY

GOVERNMENT RESOLUTIONS
(EIGHTH ASSEMBLY 2008 - 2013)

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT
MAHATMA GANDHI ROAD, SHILLONG - 793001

PREFACE

This booklet contains the compilation on Government Resolutions adopted in the Meghalaya Legislative Assembly during the Eighth Assembly 2008-2013.

The compilation on Government Resolution 2008 - 2013 was compiled with the intention of providing quick ready reference to the hon'ble Members and all those who are interested on the different types of Government Resolutions as adopted by the House during the above mentioned periods.

Shillong;
12th January, 2017.

T.D.Sangma
Secretary,
Meghalaya Legislative Assembly.

CONTENTS

Sl. No.		Page
1.	Government Resolution for approval of the Order No.DCA.18/2004/pt/44., dt.15.04.2008 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India.	1
2.	Government Resolution for ratification of the Constitution (One Hundred and ninth Amendment) Bill, 2009.	2-3
3.	Government Resolution for approval of the Order vide Notification No.DCA. 18/2004/PT/80, dt 1.4.10 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India.	4
4.	Government Resolution for approval of Government Notification No.DCA.18/2004/PT/141,dated 17.09.10 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India	5-6
5.	Government Resolution for moving the Government of India for extension of the Tenth Scheduled of the Constitution of India to the three Autonomous District Councils.	7-8
6.	Government Resolution regarding Interstate Boundary.	8-9
7.	Government Resolution for approval of the Order vide Notification No.DCA. 14/2009/44, dt 1-4-2011 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution of India laid on 9-9-2011.	10
8.	Government Resolution on The Right of Children to Free and Compulsory Education, 2009.	11-13

SI. No.	GOVERNMENT RESOLUTION - 2009	REFERENCE
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2.	Government Resolution for ratification of the Constitution (One Hundred and Ninth Amendment) Bill, 2009.	M.L.A. Proc., dt. 8.12.2009 pg.E/1-E/2
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The Government Resolution was moved in the House by the Deputy Chief Minister in-charge Law, Shri B. M. Lanong, on the 8th December, 2009 during the Winter Session - 2009 and was approved by the House.

The text of the resolution was :-

"Whereas, the Constitution (One Hundred and Ninth Amendment) Bill, 2009 was passed by the Rajya Sabha on the 3-8-2009 and by the Lok Sabha on 4-8-2009;

Whereas, the above mentioned Bill seeks to amend Article 334 of the Constitution to provide for the continuous reservation of Scheduled Castes and Scheduled Tribes and representation of the Anglo-Indian Community by nomination in the House of the people and in the Legislative Assembly of the States for a further period of ten years i.e., substituting the word "Sixty years" appearing therein, by the words "Seventy years" in the said Article;

Whereas, it may be stated that the period of sixty years from the commencement of the Constitution as provided in the said Article 334 will cease to have effect on the 25th January, 2010 if not extended further;

Whereas, the Lok Sabha Secretariat vide their letter No.1/13/(1)/2009/L-1 dt. 20-8-2009 requested this Government to ratify the said

SI. No.

GOVERNMENT RESOLUTION - 2009

REFERENCE

Constitutional amendment Bill by resolution and place before the Meghalaya Legislative Assembly as early as practicable;

Whereas, amendment of Article 334 attracts clause (d) of the proviso to clause (2) of Article 368 whereby requires to be ratified by the Legislature of not less than one half of the States to that effect passed by those Legislatures before the Bill is presented to the President of India for assent;

Now, therefore, this House ratifies the amendment to Constitution of India falling within the purview of clause (d) of the proviso to clause (2) of Article 368, proposed to be made by the Constitution (One Hundred and Ninth Amendment) Bill, 2009 as passed by both the Houses of Parliament".

SI. No.	GOVERNMENT RESOLUTION - 2010	REFERENCE
3.	Government Resolution for approval of the Order vide Notification No.DCA.18/2004/PT/80,dt. 1.4.10, issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India	M.L.A. Proc., dt. dt.4.6.2010 pg. G/1 - H/3 dt. 7.6.2010 pg. Z/2 - BB/4

The Government Resolution was moved in the House by the Minister in-charge, District Council Affairs, Shri H.D.R. Lyngdoh, on the 4th June, 2010 during the Re-Assembled Budget Session-2010 and was approved by the House on the 7th June, 2010.

The text of the resolution was :-

"Whereas, the Governor of Meghalaya, in exercise of the powers conferred by sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India, had assumed *to* himself the Administration of the Garo Hills Autonomous District Council and all the functions and powers vested in or exercisable by the Garo Hills Autonomous District Council for a period of six months with effect from the 1st April, 2010 vide Notification No.DCA. 18/2004/Pt/80, dated 1st April, 2010;

And, whereas, the order made vide Notification aforesaid with reasons therefore have been laid before the House on the 4th June, 2010 as required under sub-paragraph (3) of paragraph 16 of the Sixth Scheduled to the Constitution of India;

Now, therefore, this House hereby approve the order vide Notification No.DCA. 18/2004/Pt/80, dated 1st April, 2010 made by the Governor under sub-paragraph (2) paragraph 16 of the Sixth Scheduled to the Constitution of India".

SI. No.

GOVERNMENT RESOLUTION - 2010

REFERENCE

4.

Government Resolution for approval of Government Notification No.DCA.18/2004/Pt/141, dated 17.09.10 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India.

M.L.A. Proc.,
dt.3.12.2010
pg. U/1-V/4

The Government Resolution was moved in the House by the Minister in-charge District Council Affairs, Shri H.D.R. Lyngdoh, on the 3rd December, 2010 during the Winter Session 2010 and was approved by the House.

The text of the resolution was :-

"Whereas, the period of operation of the order made by the Government in sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India relating to Garo Hills Autonomous District Council as notified vide Notification No.DCA/18/2004/Pt/80, dated 1st April, 2010 expired on the 30th September, 2010;

And, whereas, the Governor was satisfied that it was necessary to extend the period of operation of the initial order on 1st April, 2010 aforesaid;

And, whereas, the Governor of Meghalaya, in exercise conferred by the Proviso to sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India, vide Notification No.DCA. 18/2004/Pt/141, dated 17th September, 2010 extended the period of initial order of the aforesaid by a further period of six months with effect from 1st October, 2010;

And, whereas, the order made vide Notification aforesaid with reasons, therefore

SI. No.

GOVERNMENT RESOLUTION - 2010

REFERENCE

have been laid before the House on the 1st December, 2010 as required under sub-paragraph (3) of paragraph 16 of the Sixth Scheduled to the Constitution of India;

Now, therefore, the Legislative Assembly of Meghalaya does hereby resolves that the order of the Governor No.DCA.18/2004/Pt/141, dated 17th September, 2010 made under Proviso to sub-paragraph (2) of paragraph 16 of the Sixth Scheduled to the Constitution of India extending the period of operation of the initial order aforesaid by a further period of six months with effect from 1st October, 2010 as provided under sub-paragraph (3) of paragraph 16 of the Sixth Scheduled to the Constitution of India".

Sl. No.	GOVERNMENT RESOLUTION - 2011	REFERENCE
5.	Government Resolution for moving the Government of India for extension of the Tenth Scheduled of the Constitution of India to the three Autonomous District Councils.	M.L.A. Proc., dt. 16.3.2011 pg. CC/2-EE/2

The Government Resolution was moved in the House by the Deputy Chief Minister in-charge Law, Shri B. M. Lanong, on the 16th March, 2011 during the Budget Session - 2011 and was adopted by the House.

The text of the resolution was :-

"Whereas, the Constitution (Fifty-Second Amendment) Act, 1985 as amended by the (Ninety-First Amendment) Act, 2003 was added as the Tenth Scheduled to the Constitution by the Parliament of India;

Whereas, the law of Tenth Scheduled provides for disqualification on ground of defection by the Members of Parliament and Members of the State Legislatures in India;

Whereas, the Members of Autonomous District Councils under the Sixth Schedule of the Constitution of India are duly elected by the people for a term of five years under the similar process of direct election;

Whereas, the provisions of the Tenth Schedule to the Constitution of India do not apply to the Members of the Autonomous District Councils under the Sixth Schedule of the Constitution of India and as such the Autonomous Councils have been going through frequent toppling incidents, leading to switching of

SI. No.

GOVERNMENT RESOLUTION - 2011

REFERENCE

allegiance by members of one party to another, horse trading and other form of corrupt practices thereby causing instability and destabilization in administration;

Now, therefore, in order to ensure uniformity and stability in the Autonomous District Councils, this House do hereby unanimously resolve to move the Government of India to extend the application of the spirit of the Tenth Schedule to all the Autonomous District Councils under the Sixth Schedule of the Constitution of India within the State of Meghalaya".

6. Government Resolution regarding Interstate Boundary.

M.L.A. Proc.,
dt. 16.3.2011
pg. EE/2 - EE/3

The Government Resolution was moved in the House by the Minister in-charge Revenue & Disaster Management, Prof. R. C. Laloo, on the 16th March, 2011 during the Budget Session - 2011 and was adopted by the House.

The text of the resolution was :-

"Whereas, Meghalaya became an Autonomous State in 1971 and a full fledged State on the 21st January, 1972. Since then the Interstate Boundary as defined under the North Eastern Areas (Re-Organisation) Act, 1971 has been a point of difference between the State of Meghalaya and Assam;

Whereas, over the years, there have been a series of meetings between the two States both at the political and administrative levels with a view to finding an amicable solution to this

protracted problem, but in spite of sincere attempts, a long term solution has not emerged so far;

Whereas, this ongoing issue is causing immense hardship and economic dislocation to the people living in the border areas including loss of life, impacted adversely on the implementation of schemes in these areas, resulted in deterioration of inter-community relations between the people residing along the border, and such others;

Whereas, this long standing problem involves issues of interpretation of the Constitutional provisions, historical links of the communities living in these areas, their ethnic roots, linguistic affiliations, present preferences, administrative convenience, and other inter-related aspects, on account of which there are inherent difficulties in evolving a bilateral consensus;

This House now, therefore, unanimously resolves that the Government of India be moved to constitute a Boundary Commission which would be tasked to re-examine and redefine the Interstate Boundary between Meghalaya and Assam acceptable to both the States, having regard to the Constitutional provisions, while giving due weightage to historical, ethnic and linguistic linkages".

SI. No.	GOVERNMENT RESOLUTION - 2011	REFERENCE
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7.	Government Resolution for approval of the Order vide Notification No.DCA. 14/2009/44 dt.1-4-2011 issued by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution of India laid on 9-9-2011.	M.L.A. Proc., dt. 15.09.2011 pg. G/2
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The Government Resolution was moved in the House by the Minister in-charge District Council Affairs, Shri H.D.R. Lyngdoh, on the 15th September, 2011 during the Autumn Session - 2011 and was approved by the House.

The text of the resolution was :-

"Whereas, the Governor of Meghalaya, in exercise of the powers conferred by sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution of India, had assumed to himself the Administration of the Jaintia Hills Autonomous District Council and all the functions and powers vested in or exercisable by the Jaintia Hills Autonomous District Council for a period of six months with effect from the 1st April, 2011 vide Notification No.DCA. 14/2009/44 dated 1st April, 2011;

And, whereas, the order made vide notification aforesaid with reasons therefore have been laid before the House on the 9th September, 2011 as required under sub-paragraph (3) of paragraph 16 of the Sixth Schedule to the Constitution of India;

Now, therefore, this House hereby approve the order vide Notification No.DCA. 14/2009/44 dated 1st April, 2011 made by the Governor under sub-paragraph (2) of paragraph 16 of the Sixth Schedule to the Constitution of India".

Sl. No.	GOVERNMENT RESOLUTION - 2011	REFERENCE
8.	Government Resolution on The Right of Children to Free and Compulsory Education, 2009. The Government Resolution was moved in the House by the Minister in-charge Education, Prof R. C. Laloo, on the 15 th September, 2011 during the Autumn Session - 2011 and was adopted by the House The text of the resolution was :- "Whereas, The Right of Children to Free and Compulsory Education, 2009 was enacted by Parliament and notified on 1 st April, 2010; And, whereby, it was mandatory for all State Government to frames Rules for implementing the provision of the Act. Accordingly, the Government of Meghalaya had notified the said Rules under the name and style "The Meghalaya Right of Children to Free and Compulsory Education Rules, 2011" on 1 st August, 2011 and as per section 34 of the said Act, the above Rules had to be laid in the Assembly; And, whereas, The Meghalaya Right of Children to Free and Compulsory Education Rules, 2011 was laid in the ongoing Assembly Session on 12 th September, 2011. And, whereas, in the course of discussion of the Rules, the majority of the members expressed concern about the provisions of section21 of the aforesaid Act mainly concerning the Constitution of School Managing Committees for Aided Schools managed and administered by religious	M.L.A. Proc., dt.15.09.2011 pg. G/2 - K/3

institutions which specify that three-fourth of the members will be drawn from the parent association and the remain 25% will be drawn from teachers' representatives, local leaders, local educationist, etc;

And, Whereas, the right of religious institutions to manage and administer Aided Schools of their choice has been conferred by Article 30 (1) of the Constitution of India;

And, whereas, the Government recognize the significant contributions made by the religious Educational Institutions, and concerns raised by the members relating to the existing management structures of Missionaries Schools run by religious organizations which may be affected, under the ambit of the existing Acts and Rules;

And, whereas, the Government of Meghalaya resolves to urge the Government of India to consider amendment of section 21 of the aforesaid Act to exempt constitution of School Managing Committees of Aided Schools managed and administered by religious institutions, as laid down under the aforesaid provision and further till finalization of such proposed amendment by the Government of India, the status quo in respect of the existing School Managing Committee should be maintained;

Therefore, this House resolves that the Government of India be urged to consider amendment of section 21 of The Right of Children to Free and Compulsory Education, Act, 2009 to exempt the Aided Schools run and managed by the religious institutions and also urge the Government of India that status quo in respect

Sl. No.

GOVERNMENT RESOLUTION - 2011

REFERENCE

of existing School Managing Committees of the Aided Schools run and managed by religious institutions be maintained till consideration and finalization of such amendment is completed by Government of India notwithstanding what the Act specifies".