

MEGHALAYA LEGISLATIVE ASSEMBLY



GOVERNMENT RESOLUTIONS 1998 – 2003

**MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT
MAHATMA GANDHI ROAD, SHILLONG – 793001.**

PREFACE

This booklet contains the compilation of Government resolution 1998 – 2003 (6th House)
Adopted by the Meghalaya Legislative Assembly.

Government resolutions are brought before the House from time to time for seeking to record approval of the House to an act or policy of the Government. These Government resolution relates to the socio-economic development and general well being of the people of the State.

It is hoped that the Legislators will find the booklet useful in getting quick reference on the types of Government resolutions adopted by the House during the above mentioned periods.

**Shillong,
July, 2006.**

Secretary,
Meghalaya Legislative Assembly.

Sl. No.	GOVERNMENT RESOLUTIONS - 2000	REFERENCE
1.	<p>Government resolution to move the Central Government to exempt the State of Meghalaya from the operation of the Forests (Conservation) Act, 1980.</p> <p>The Government resolution was moved in the House on the 13th April, 2000 during the Budget Session by Shri Adolf Lu Hitler R. Marak, Minister in-charge, Forest & Environment. Since there was no amendment to the resolution, the resolution was put to vote and carried. Thereafter the resolution was adopted.</p> <p>The text of the Government resolution was :-</p> <p>Shri Adolf Lu Hitler R. Marak, (Minister, Forest & Environment):- Mr. Deputy Speaker, Sir, I beg to move that where as the raising and operation of forest plantation in the State have continued since the distant past to be raised and regulated on the basis of customary, Clan community and individual forest ownership practices in consonance with precedent and tradition :</p> <p>Whereas the entire territory of the State of Meghalaya with the exclusion of 3 wards of Shillong consists of Autonomous areas covered by the provision of the Sixth Schedule to the Constitution of India.</p> <p>Whereas the Autonomous District Councils constitute under the provision of the Six Schedule to the Constitution of India has enacted and adopted the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 in the Khasi and Jaintia Hills Autonomous District and the Garo Hills District (Forest) Act, 1958 in the Garo Hills Autonomous District to control and regulate the raising and operation of clan, community and individual forestry plantations in the autonomous areas of the State excluding Reserved Forest, Protected Forest and Areas of National Parks and Sanctuaries:</p> <p>Whereas the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 codified the time tested customary, clan, community and individual forest ownership practice with a view to provide for regulated raising and operation of forest plantation in such Autonomous Districts and to maintain sustainable cover;</p> <p>Whereas the Forest (Conservation) Act, 1980 was subsequently enacted by the Central Government and made effective through out India except the State of Jammu & Kashmir;</p>	<p>Meghalaya Legislative Assembly Proceedings, 13.4.2000. P.51 – 55.</p>

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	<p>Whereas the provision Forest (Conservation) Act, 1980 provides for rigid controls of diversion of forest land for other uses and for ensuring sustained retention of forest cover;</p> <p>Whereas the provision of the Forest (Conservation) Act, 1980 was formulated and enacted keeping in view the land-tenural pattern prevalent in the rest of India, which is totally different from the land-tenural pattern of the Autonomous District of the State of Meghalaya.</p> <p>Whereas for such reasons, the provisions of the aforesaid Forest (Conservation) Act, 1980 are not harmonious with time tested ground realities relating to customary, clan, community and individual forest plantation ownership practices in Meghalaya;</p> <p>Now therefore, this House, resolves to move the Central Government to consider obtaining the Orders of the President of India in exercise of powers under the provisions of para 12A of the Sixth Schedule to the Constitution of India, to exempt the State of Meghalaya from the operation of the Forest (Conservation) Act, 1980 with a view to enable the raising, regulation and control of forest plantation in the State to be carried on in accordance with the provisions of the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 and the Garo Hills District (Forest) Act, 1958 in order to fulfill the legitimate expectations of the people of the State. Thank you.</p> <p>Mr. Deputy Speaker :- Now this resolution has been circulated to the Members and since we have got no amendment to the resolution, I'll put the question before the House. The question is that the Government resolution relating to exemption of the State of Meghalaya from the of Forest (Conservation) Act, 1980 be passed. Whereas the raising and operation of forest plantation in the State have continued since the distant past to be raised and regulated on the basis of customary, clan, community and individual forest ownership practices in consonance with precedent and tradition.</p> <p>Whereas the entire territory of the State of Meghalaya with the exclusion of 3 wards of Shillong consists of Autonomous areas covered by the provision of the Sixth Schedule to the Constitution of India.</p> <p>Whereas the Autonomous District Councils constitute under the provision of the Six Schedule to the Constitution of India has enacted and adopted the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 in the Khasi and Jaintia Hills Autonomous District and the Garo Hills District (Forest) Act, 1958 in the Garo Hills Autonomous District to control and regulate the raising and operation of clan, community and individual forestry plantations in the autonomous areas of the State excluding Reserved Forest, Protected Forest and Areas of National Parks and sanctuaries:</p>	

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	<p>Whereas the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 codified the time tested customary, clan, community and individual forest ownership practice with view to provide for regulated raising and operation of forest plantations in such Autonomous Districts and to maintain sustainable forest cover;</p> <p>Whereas the Forest (Conservation) Act, 1980 was subsequently enacted by the Central Government and made effective through out India except the State Jammu & Kashmir.</p> <p>Whereas the Forest (Conservation) Act, 1980 provides for rigid controls of diversion of forest land for other uses and for ensuring sustained retention of forest cover;</p> <p>Whereas the provision of the Forest (Conservation) Act, 1980 was formulated and enacted keeping in view the land-tenural pattern prevalent in the rest of India which is totally different from the land tenural pattern of the Autonomous District of the State of Meghalaya.</p> <p>Now, therefore this House resolves to move the Central Government to consider obtaining the Orders of the President of India in exercise of powers under the provisions of para 12A of the Sixth Schedule to the Constitution of India to except the State of Meghalaya from the operation of Forest (Conservation) Act, 1980 with a view to enable the raising, regulation and control of forest plantations in the State to be carried in accordance with the provisions of the United Khasi and Jaintia Hills Autonomous District (Management & Control of Forest) Act, 1958 and the Garo Hills District (Forest) Act, 1958 in order to fulfill the legitimate expectation of the people of the State be adopted.</p> <p>(The Resolution was put to vote and carried The Resolution was adopted).</p>	
2.	<p>Government resolution relating to the assumption of the Governor of Meghalaya the administration of the Jaintia Hills Autonomous District Council.</p> <p>The Government resolution was moved in the House on the 13th April, 2000 during the Budget Session by Shri H.B. Dan, Minister in-charge, Parliamentary Affairs. Since there was no amendment to the resolution, the resolution was put to vote and carried. Thereafter the resolution was adopted.</p> <p>The text of the Government resolution was :-</p>	<p>Meghalaya Legislative Assembly Proceedings, 13.4.2000. P.56 – 57.</p>

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	<p>Shri H.B. Dan (Minister in-charge Parliamentary Affairs) :- Mr. Deputy Speaker, Sir, I beg to move that whereas the Governor of Meghalaya in exercise of the powers conferred by and under Sub-paragraph (2) of Paragraph 16 of the Sixth Schedule to the Constitution of India had assume to himself the Administration of Jaintia Hills Autonomous District 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, 2000 vide Notification No. DCA.12/2000/1 dated 1st April, 2000.</p> <p>And, whereas, the Order made vide notification aforesaid with reasons therefore have been laid before the House on the 11th April, 2000, as required under Sub-paragraph (3) of Paragraph 16 of the Sixth Schedule to the Constitution:</p> <p>Now, therefore, this House hereby approve the Order vide Notification No. DCA.12/2000/1 dated 1st April, 2000 made by the Governor under Sub-paragraph (2) of Paragraph 16 of the Sixth Schedule to the Constitution of India.</p> <p>Mr. Deputy Speaker :- Since there is no Amendment to the Resolution, let me put the question before the House. The question is that whereas, the Governor of Meghalaya, in exercise of the powers conferred by and under Sub-paragraph (2) of Paragraph 16 of the Sixth Schedule to the Constitution of India has assumed to himself the Administration of the Jaintia Hills Autonomous District 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, 2000.</p> <p>And, whereas, the Order made vide Notification aforesaid with reasons therefore have been laid before the House on the 11th April, 2000 as required under Sub-paragraph (3) of Paragraph 16 of the Sixth Schedule to the Constitution.</p> <p>Now, therefore, this House hereby approve the Order vide Notification No. DCA.12/2000/1 dated 1st April, 2000 made by the Governor under Sub-paragraph (2) of Paragraph 16 of the Sixth Schedule to the Constitution of India be adopted.</p> <p>(The motion was put to vote and carried and the Resolution was adopted)</p>	<p>Meghalaya Legislative Assembly Proceedings, 13.4.2000. P.56 – 57.</p>
<p>3.</p>	<p>Government resolution to empowered Parliament to regulate by law matters relating to Government security.</p> <p>The Government resolution was moved in the House on the 30th June, 2000 during the Re-Assembled Budget Session by Shri A. H. Scott Lyngdoh, Minister in-charge Finance. Since there was no amendment to the resolution, the resolution was put to vote and carried. Thereafter the resolution was adopted.</p>	<p>Meghalaya Legislative Assembly Proceedings, 30.6.2000. P.20 – 22.</p>

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	<p>The text of the Government resolution was:-</p> <p>MOTION</p> <p>I beg to move the following Resolution for consideration by the House.</p> <p style="text-align: center;">RESOLUTION</p> <p>WHEREAS, the Meghalaya Legislative Assembly considers that it is desirable to have a uniform law throughout India for the regulation of Public Debt of the States and for all matters connected therewith or ancillary and incidental thereto;</p> <p>AND WHEREAS, the subject matter of such a law is relatable mainly to the matter enumerated in entry 43 in List II in the Seventh Schedule to the Constitution of India;</p> <p>AND WHEREAS, Parliament has no power to make such a law for the States with respect to the matter enumerated in entry 43 in List II aforesaid except as provided in Articles 249 and 250 of the Constitution of India.</p> <p>AND WHEREAS, the Public Debt Act, 1944 is applicable for marketable loans raised by Reserve Bank of India on behalf of both the Union and the State Governments.</p> <p>AND WHEREAS, it is felt desirable to repeal the Public Debt Act, 1944 and replace the same with a new Legislation viz. "Government Securities Act" in order to enable the Reserve Bank of India to render efficient and improved service to the holders of Government Securities.</p> <p>Now, therefore, in pursuance of clause (1) of Article 252, this Assembly hereby resolves that the Parliament be empowered to regulate by law matters relating to Government securities and all other matters connected therewith or ancillary or incidental thereto.</p> <p>Mr. Deputy Speaker :- Now, the resolution moved since there is no amendment submitted to this resolution. Let me put the question before the House. The question is that</p> <p>WHEREAS, the Meghalaya Legislative Assembly considers that it is desirable to have a uniform law throughout India for the regulation of Public Debt of the States and for all matters connected therewith or ancillary and incidental thereto;</p> <p>AND WHEREAS, the subject matter of such a law is relatable mainly to the matter enumerated in entry 43 in List II in the Seventh Schedule to the Constitution of India;</p>	

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4.	<p>AND WHEREAS, Parliament has no power to make such a law for the States with respect to the matter enumerated in entry 43 in List II aforesaid except as provided in Articles 249 and 250 of the Constitution of India.</p> <p>AND WHEREAS, the Public Debt Act, 1944 is applicable for marketable loans raised by Reserve Bank of India on behalf of both the Union and the State Governments.</p> <p>AND WHEREAS, it is felt desirable to repeal the Public Debt Act, 1944 and replace the same with a new Legislation viz. "Government Securities Act" in order to enable the Reserve Bank of India to render efficient and improved service to the holders of Government Securities.</p> <p>Now, therefore, in pursuance of clause (1) of Article 252, this Assembly hereby resolves that the Parliament be empowered to regulate by law matters relating to Government securities and all other matters connected therewith or ancillary or incidental thereto is adopted.</p> <p>(The resolution was put to vote. The motion was carried and the Resolution was adopted)</p> <p>Government resolution to ratifies the amendment to the Constitution of India fulfilling within the purview of clauses (a) and (d) of the proviso to clause (2) of Article 368 proposed to be made by the Constitution (Ninety first Amendment) Bill, 2000 as passed by the two houses of Parliament.</p> <p>The Government resolution was moved in the House on the 21st June, 2000 during the Re-Assembled Budget Session by Shri H. B. Dan Minister in-charge Parliamentary Affairs. Since there was no amendment to the resolution, the resolution was put to vote and carried. Thereafter the resolution was adopted.</p> <p>The text of the Government resolution was :-</p> <p>Shri H.B. Dan (Minister in-charge Parliamentary Affairs) :- Mr. Deputy Speaker, Sir, I beg to move that this House ratifies the amendment to the Constitution of India falling within the purview of Clauses (a) and (d) of the proviso to clause (2) of Article 368 proposed to be made by the Constitution (Ninety first Amendment) Bill, 2000 as passed by the two houses of Parliament.</p> <p>Shri C. R. Marak :- On a point of order. I do agree with the motion moved for ratification the Amendment to the Constitution of India for the election of the Speaker or President of India. I received the Amendment only the day before yesterday. So how can I make an Amendment. I therefore, suggest that we get equal part of votes for the election of the President as it has been done in Uttar Pradesh,</p>	<p>Meghalaya Legislative Assembly Proceedings, 21.6.2000. P.5 – 6.</p>

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	<p>Bihar, West Bengal and other States of India. As it is now we are getting only 17 or 18 percent of votes. We have been looking down very much in this respect. We should get 100% of votes for the election of the President as is being done for other States. One MLA should get one vote. Similarly, one MP should get one vote. It should not be based on population wise.</p> <p>Shri T. H Rangad :- Mr. Speaker, Sir, I rise to support the point of order raised by Shri C. R. Marak. We agree that we ratify this Amendment but as has been suggested by Mr. Marak the Government should take up with the Central Government that every MLA and MP should get one vote. Our votes should be equal. Therefore, as I have said the Government should take up this matter with the Central Government that all the North Eastern States should get equal votes as other States in the country. This point should be considered by the Central Government. This should be taken up by the Government itself. There is no need for us to submit any Amendment.</p> <p>Shri H.B. Dan (Minister in-charge Parliamentary Affairs) :- Mr. Speaker, Sir, as regards to point of order raised, since there is no amendment at this stage I think it is not proper and wise for the House but it can however, resort to some other means.</p> <p>Shri T. H. Rangad :- Mr. Speaker, Sir, under Article 55 of the Constitution para-2, the Government will take up with the Centre with the Parliament quality and weightage while voting for the President.</p> <p>Shri H.B. Dan (Minister in-charge Parliamentary Affairs) :- Mr. Speaker, Sir, for this point, the Government will discuss in other forms in consultation with the opposition members.</p> <p>Mr. Speaker :- Because of this, let me put the question before the House. The question is “That this House ratifies the Amendment to the Constitution of India falling within the purview of Clauses (a) and (d) of the proviso to clause (2) of Article 368 proposed to be made by the Constitution (Ninety first Amendment) Bill, 2000 as passed by the two houses of Parliament.”</p>	
