



सत्यमेव जयते

THE

COLLECTION

OF

MEGHALAYA ACTS

AND

ORDINANCES

FOR THE YEAR 1977

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MEGHALAYA ACT 1 OF 1977

THE MEGHALAYA APPROPRIATION (No. I) ACT, 1977
(As passed by the Assembly)

[Received the assent of the Governor on the 26th March, 1977]
(Published in the Gazette of Meghalaya, Extraordinary, dated the 26th March, 1977)

An

Act

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of Meghalaya for the services of the financial year, 1976-77.

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

- | | |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title | 1. This Act may be called the Meghalaya Appropriation (No. I) Act, 1977. |
| Withdrawal of Rs.1, 23, 76,512 from and out of the Consolidated Fund of Meghalaya for the financial year, 1976-77. | 2. From and out of the Consolidated Fund of Meghalaya, there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of one crore, twenty-three lakhs, seventy-six thousand five hundred and twelve rupees towards defraying the several charges, which will come in course of payment during the financial year 1976-77 in respect of the service, specified in column (2) of the Schedule. |
| Appropriation. | 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of Meghalaya by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. |

SCHEDULE

(See Sections 2 and 3)

(1)		(2)			(3)		(4)	
Grant No.		Services and purposes (Major heads)			Sums not exceeding		Total	
					Voted by the Assembly	Charged on the Consolidated Fund		
					Rs.	Rs.		Rs.
3	213	-	Council of Ministers	...	76,728	...	76,728	
8	289	-	State Excise	1,09,080	...	1,09,080

SCHEDULE

(See Sections 2 and 3)

(1) Grant No.	(2) Services and purposes (Major heads)			(3) Sums not exceeding		(4) Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
10	241	- Taxes on Vehicle		6,49,952	...	6,49,952
13	252	- Secretariat General Services-I-Civil Departments.		4,52,200	...	4,52,200
15	253	- District Administration	...	4,52,200	...	4,52,200
17	255	- Police and 260-Five Protection and Control.		3,46,000	...	3,46,000
20	259	- Public Works	... ..	35,000	...	35,000
21	265	- Other Administrative Services-I- Civil Defence and Home Guards.		2,36,560	...	2,36,560
24	265	- Other Administrative Services-IV- Census, Vital Statistics, Guest Houses, etc.		1,49,751	...	1,49,751
29	276	- Secretariat-Social and Community Services-I-Civil Departments.		21,700	...	21,700
35	280	- Medical	... ..	1,72,000	...	1,72,000
36	281	- Family Planning	...	3,94,927	...	3,94,927
37	282	- Public Health, Sanitation and Water Supply-A-Public Health and Sanitation.		2,00,000	...	2,00,000
38	282	- Public Health, Sanitation and Water Supply-B-Sewerage and Water Supply and 283-Housing-C- Government Residential Buildings.		40,000	...	40,000
41	281	- Urban Development-A-General-I- Municipal Administration.		3,00,000	...	3,00,000

(1)		(2)			(3)		(4)
Grant No.	Services and purposes (Major heads)			Sums not exceeding		Total	
				Voted by the Assembly	Charged on the Consolidated Fund		
				Rs.	Rs.		Rs.
43	285	-	Information and Publicity	1,10,000	...	1,10,000	
50	288	-	Social Security and Welfare-D-Other Social Security and Welfare Programmes-IV-Soldiers', Sailors' and Airmen's Board.	1,00,000	...	1,00,000	
54	296	-	Secretariat-Economic Services-I-Civil Departments.	66,000	...	66,000	
56-A	299	-	Special and Backward Areas-C-North Eastern Areas.	10,14,300	...	10,14,300	
66	313	-	Forests	3,48,000	...	3,48,000	
67	314	-	Community Development and 283-Housing –C-VIII Government Residential Buildings and 288-Social Security and Welfare.	3,57,000	...	3,57,000	
77	339	-	Tourism	10,000	...	10,000	
80	432	-	Capital Outlay on Public Health, Sanitation and Water Supply.	2,91,000	...	2,91,000	
84-A	499	-	Capital Outlay on Special and Backward Areas-C- North Eastern Areas.	3.02,563	...	3,02,563	
94	537	-	Capital Outlay on Roads and Bridges.	23,23,000	...	23,23,000	
96	544	-	Capital Outlay on Other Transport and Communication Services.	50,000	...	50,000	
	604	-	Loans and Advances from the Central Government.	...	1,10,744	1,10,744	
99	683	-	Loans for Housing ...	4,65,000	...	4,65,000	
101	688	-	Loans for Social Security and Welfare –I- Relief Measures and Rehabilitation Schemes.	14,500	...	14,500	
112	734	-	Loans for Power Projects	32,50,000	...	32,50,000	
113-A	767	-	Miscellaneous Loans	32,000	...	32,000	
Total ...				1,22,65,768	1,10,744	1,23,76,512	

MEGHALAYA ACT 2 OF 1977

THE MEGHALAYA APPROPRIATION (VOTE-ON-ACCOUNT) ACT, 1977

(As passed by the Assembly)

[Received the assent of the Governor on the 26th March, 1977]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated the 26th March, 1977)

An

Act

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of Meghalaya for the services of a part of the financial year, 1977-78.

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

Short title and
commencement

1. (1) This Act may be called the Meghalaya Appropriation (Vote-on Account) Act, 1977.

(2) It shall come into force on the first day of April, 1977.

Withdrawal of Rs.13, 23, 19,900 from and out of the Consolidated Fund of Meghalaya for the financial year, 1977-78.

2. From and out of the Consolidated Fund of Meghalaya, there may be withdrawn sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of thirteen crores, twenty-three lakhs, nineteen thousand and nine hundred rupees towards defraying the several charges which will come in course of payment during the period of three months beginning on the first day of April, 1977 in respect of the services specified in column (2) of the Schedule.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of Meghalaya by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the financial year, 1977-78.

SCHEDULE

(See Sections 2 and 3)

(1) Grant No.	(2) Services and purposes (Major heads)			(3) Sums not exceeding		(4) Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
1	211	- Parliament/State/Union Territory Legislatures-B-State Legislature.		5,37,600	26,900	5,64,500
2	212	- Governor		2,500	2,07,800	2,10,300
3	213	- Council of Ministers ...		2,35,800	...	2,35,800
4	214	- Administration of justice		2,62,800	74,800	3,37,600
5	215	- Elections		2,61,000	...	2,61,000
6	229	- Land Revenue		3,49,800	...	3,49,800
7	230	- Stamps and Registration		15,800	...	15,800
8	239	- State Excise		1,75,000	...	1,75,000
9	240	- Sales Tax and 245-I-Other Taxes and Duties on Commodities and Services.		1,46,300	...	1,46,300
10	241	- Taxes on Vehicles		2,75,000	...	2,75,000
11	245	- Other Taxes and Duties on Commodities and Services –II- Inspectorate of Electricity.		29,300	...	29,300
12	247	- Other Fiscal Services-Promotion of Small Savings.		13,200	...	13,200
	248	- Appropriation for reduction or Avoidance of Debt.		...	...	...
	249	- Interest payment ... ..		...	47,68,900	47,68,900
	251	- Public Services Commission		...	83,000	83,000

(1) Grant No.	(2) Services and purposes (Major heads)				(3) Sums not exceeding		(4) Total
					Voted by the Assembly	Charged on the Consolidated Fund	Rs.
					Rs.	Rs.	
13	252	-	Secretariat General Services-I-Civil Departments.		13,28,800	...	13,28,800
14	252	-	Secretariat General Services-II-Public Works Departments.		1,84,500	...	1,84,500
15	253	-	District Administration		9,03,500	...	9,03,500
16	254	-	Treasury and Account Administration.		3,75,000	...	3,75,000
17	255	-	Police and 260-Fire Protection and Control.		76,25,000	...	76,25,000
18	256	-	Jails		3,22,500	...	3,22,500
19	258	-	Stationery and Printing		9,79,800	...	9,79,800
20	259	-	Public Works		47,05,600	...	47,05,600
21	265	-	Other Administrative Services-I-Civil Defence.		14,87,500	...	14,87,500
22	-	Do	-II- Motor Garages, etc.		82,500	...	82,500
23	-	Do	-III-Gazetteer and Statistical Members.		18,300	...	18,300
24	-	Do	-IV-Census, Vital Statistics, Guest Houses, etc.		2,00,000	...	2,00,000
25	-	Do	-V-Miscellaneous Administrative Services.		96,000	...	96,000
26	266	-	Pension and other Retirement Benefits.		4,47,500	2,500	4,50,000
27	267	-	Aid Materials and Equipments.		2,10,800	...	2,10,800
28	268	-	Miscellaneous general Services, Pre-partition Payment, State Lotteries, Pension for Distinguished Services.		1,000	...	1,000

(1) Grant No.	(2) Services and purposes (Major heads)				(3) Sums not exceeding		(4) Total
					Voted by the Assembly	Charged on the Consolidated Fund	Rs.
					Rs.	Rs.	
29	276	-	Secretariat –Social and Community Services –I- Civil Departments.		1,50,500	...	1,50,500
30	Do	-	II-Public Health Engineering Secretariat.		10,500	...	10,500
31	277	-	Education		1,38,13,300	...	1,38,13,300
32	277	-	Education,280-Medical, etc.		1,18,800	...	1,18,800
33	278	-	Art and Culture		1,93,800	...	1,93,800
34	279	-	Scientific Services and Research.		59,300	...	59,300
35	280	-	Medical		42,88,800	...	42,88,800
36	281	-	Family Planning		8,69,700	...	8,69,700
37	282	-	Public Health, Sanitation and Water Supply-A-Public Health and Sanitation		19,06,800	...	19,06,800
38	282	-	Public Health, Sanitation and Water Supply-B-Sewerage and Water Supply and 283-Housing –C- Government Residential Buildings.		20,87,300	...	20,87,300
39	283	-	Housing-I-A-General and B- Housing Schemes.		1,48,800	...	1,48,800
40	283	-	Housing-II-C-Government Residential Buildings (In-charge, P.W.D).		5,01,800	...	5,01,800
41	284	-	Urban Development-I-Municipal Administration.		63,000	...	63,000
42	284	-	Urban Development-A-General-II- Town and Regional Planning.		3,15,500	...	3,15,500

(1)		(2)		(3)		(4)
Grant No.		Services and purposes (Major heads)		Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
43	285	-	Information and Publicity	3,64,300	...	3,64,300
44	287	-	Labour and Employment –I- A- Labour.	5,69,300	...	5,69,300
45	287	-	Labour and Employment-II—A- Labour-Inspectorate of Factories and Steam Boilers.	21,000	...	21,000
46	287	-	Labour and Employment-III-B- Employment and Training.	2,72,000	...	2,72,000
47	288	-	Social Security and Welfare-A-I- Civil Supplies.	3,37,500	...	3,37,500
48	288	-	B-II-Relief and Rehabilitation of Displaced persons.	2,10,500	...	2,10,500
49	288	-	C-III- Welfare of Scheduled Castes, Tribes and other Backward Classes- D- Social Welfare.	12,23,500	...	12,23,500
50	288	-	IV-Soldiers', Sailors' and Airmen's Board.	20,500	...	20,500
51	288	-	E-Other Social Security and Welfare Programmes-V-Other Programmes.	1,300	...	1,300
52	289	-	Relief on account of Natural Calamities.	1,00,000	...	1,00,000
53	295	-	Other Social and Community Services.	60,000	...	60,000
54	296	-	Secretariat Economic Services-I- Civil Departments.	2,48,800	...	2,48,800
55	296	-	Secretariat Economic Services-II- Planning Board, etc.	2,08,900	..	2,08,900

(1)		(2)			(3)		(4)
Grant No.		Services and purposes (Major heads)			Sums not exceeding		Total
					Voted by the Assembly	Charged on the Consolidated Fund	
					Rs.	Rs.	Rs.
56	298	-	Co-operation	... ..	13,58,800	...	13,58,800
56A	299	-	Special and Backward Areas-C-North Eastern Area.		22,43,800	...	22,43,800
57	304	-	Other General Economic Services-I-Economic Advice and Statistics.		3,50,300	...	3,50,300
58	304	-	Other General Economic Services-II-Regulation of Weights and Measures.		1,11,500	...	1,11,500
59	304	-	Other General Economic Services-III-Land Ceilings.		48,800	...	48,800
59	305	-	Agriculture/306-Minor Irrigation/295-Other Social and Community Services/283-Housing-C-Government Residential Buildings.		58,11,000	...	58,11,000
60	306	-	Minor Irrigation-II-Works under Embankment and Drainage Wing, Public Works Department.		...	...	...
61	307	-	Soil and Water Conservation and 283-Housing-C-Government Residential Buildings.		35,70,000	...	35,70,000
62	308	-	Area Development	... ..	30,50,000	...	30,50,000
63	610	-	Animal Husbandry and 283-Housing-C-Government Residential Buildings.		34,42,000	...	34,42,000
64	311	-	Dairy Development and 283-Housing-C-Government Residential Buildings.		8,31,300	...	8,31,300
65	312	-	Fisheries	... ..	4,20,500	...	4,20,500

(1) Grant No.	(2) Services and purposes (Major heads)	(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund Rs. Rs.		(4) Total Rs.
66	313 - Forest	31,87,500	...	31,87,500
67	314 - Community Development and 283- Housing-C-Government Residential Buildings.	33,98,600	...	33,98,600
68	314 - Community Development-II-C- Rural Works Programme.	2,00,000	...	2,00,000
69	320 - Industries	3,75,900	...	3,75,900
70	321 - Village and Small Industries-I- Handloom and Sericulture and 283- Housing-C-Government Residential Buildings.	9,82,000	...	9,82,000
71	321 - Village and Small Industries-II- Small Industries.	11,71,000	...	11,71,000
72	328 - Mines and Minerals-B-Regulation and Development of Mines.	6,26,000	...	6,26,000
73	331 - Water and Power Development Services –B-Power Development.	...	...	...
74	333 - Irrigation, Navigation, Drainage and Flood Control Projects.	1,66,500	...	1,66,500
75	337 - Roads and Bridges	58,75,000	...	58,75,000
76	338 - Roads and Water Transport Services.	...	...	...
77	339 - Tourism	3,86,000	...	3,86,000
78	363 - Compensation and Assignments to Local Bodies and Panchayati Raj Institution.	...	...	...

(1)		(2)		(3)		(4)
Grant No.		Services and purposes (Major heads)		Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
79	459	-	Capital Outlay on Public Works.	17,64,300	...	17,64,300
79A	477	-	Capital Outlay on Education, Arts and Culture, 480-Capital Outlay on Medical, 481-Capital Outlay on Family Planning, 510-Capital Outlay on Animal Husbandry and 511-Capital Outlay on Dairy Development.	11,17,500	...	11,17,500
80	482	-	Capital Outlay on Public Health, Sanitation and Water Supply.	35,15,000	...	35,15,000
81	483	-	Capital Outlay on Housing.	4,20,000	...	4,20,000
82	484	-	Capital Outlay on Urban Development.	...	...	...
83	488	-	Capital Outlay on Social Security and Welfare –E- Other Social Security and Welfare Programmes-I-Civil Supplies.	...	...	...
84	498	-	Capital Outlay on Co-operation.	4,68,800	...	4,68,800
84A	499	-	Capital Outlay on Special and Backward Areas-C-North Eastern Areas.	26,50,000	...	26,50,000
85	500	-	Investment in General Financial and Trading Institutions.	...	...	...
85A	505	-	Capital Outlay on Agriculture.	50,000	...	50,000

(1) Grant No.	(2) Services and purposes (Major heads)	(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund		(4) Total
		Rs.	Rs.	Rs.
86	506 - Capital Outlay on Minor Irrigation, Soil Conservation and Area Development.	50,000	...	50,000
86A	509 - Capital Outlay on Food and Nutrition.	1,08,000	...	1,08,000
87	513 - Capital Outlay on Forest	...	...	...
88	520 - Capital Outlay on Industrial Research and Development.	8,06,300	...	8,06,300
89	521 - Capital Outlay on Village and Small Industries.	71,500	...	71,500
90	222 - Capital Outlay on Machinery and Engineering Industries.	...	...	...
91	526 - Capital Outlay on Consumer Industries.	...	...	...
92	528 - Capital Outlay on Mining and Metallurgical Industries.	...	...	...
92A	530 - Investment in Industrial Financial Institutions.	...	...	...
93	533 - Capital Outlay on irrigation, Navigation, Drainage and Flood Control Projects.	3,00,000	...	3,00,000
94	537 - Capital Outlay on Roads and Bridges.	1,05,00,000	...	1,05,00,000
95	538 - Capital Outlay on Roads and Water Transport Services.	75,000	...	75,000
96	544 - Capital Outlay on Other Transport and Communication Services.	...	...	...

(1) Grant No.	(2) Services and purposes (Major heads)	(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund Rs. Rs.		(4) Total Rs.
603	- Internet Debt of the State Government.	...	24,56,900	24,56,900
608	- Loans and Advances from the Central Government.	...	65,93,800	65,93,800
97	677 - Loans for Education, Arts and Culture.	5,000	...	5,000
98	632 - Loans for Public Health, Sanitation and Water Supply.	...	...	...
99	683 - Loans for Housing	2,50,000	...	2,50,000
100	684 - Loans for Urban Development	...	...	...
101	688 - Loans for Social Security and Welfare –I-Relief and Rehabilitation Schemes.	...	...	...
102	688 - Loans for Special Security and Welfare –II-Loans to <i>Ex-Service</i> Personnel.	1,300	...	1,300
102A	688 - Loans for Social Security and Welfare-III-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes.	1,02,700	...	1,02,700
103	695 - Loans for other Social and Community Services.	1,300	...	1,300
104	898 - Loans to Co-operative Societies.	1,80,000	...	1,80,000

(1) Grant No.	(2) Services and purposes (Major heads)		(3) Sums not exceeding		(4) Total
			Voted by the Assembly	Charged on the Consolidated Fund	
			Rs.	Rs.	Rs.
105	699	- Loans for Special and Backward Areas.	...	...	...
106	705	- Loans for Agriculture..	50,000	...	50,000
107	706	- Loans for Minor Irrigation. Soil Conservation and Area Development.	...	...	...
108	710	- Loans for Animal Husbandry.	...	...	...
109	714	- Loans for Community Development.	...	...	...
110	720	- Loans for Industrial Research and Development.	...	...	...
111	721	- Loans for Village and Small Industries.	87,500	...	87,500
112	784	- Loans for Power Projects...	61,00,000	...	61,00,000
113	766	- Loans to Government Servants.	10,80,000	...	10,80,000
113A	767	- Miscellaneous Loans ...	...	...	...
114	768	- Inter State Settlement	13,06,200	...	13,06,200
115	769	- Appropriation to Contingency Fund.	...	...	...
Total ...			11,81,05,300	1,42,14,600	13,23,19,900

MEGHALAYA ACT 3 OF 1977
THE MEGHALAYA FINANCE ACT, 1977
(As passed by the Assembly)

[Received the assent of the Governor on the 30th March, 1977]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 31st March, 1977)

An

Act

to fix the rates at which the Meghalaya Purchase Tax shall be levied and charged for the financial year 1977-78

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

Short title, extent
and commencement

1. (1) This Act may be called the Meghalaya Finance Act, 1977.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall be deemed to have come into force on the 1st day of April, 1977.

Rates of the
Meghalaya Purchase
Tax.

2. The rates at which the tax shall be levied and collected on the purchase of the items of the Schedule under the Meghalaya Purchase Tax Act (Assam Act XIX of 1967 as modified by Meghalaya) for the year beginning on the first day of April, 1977, shall be as follows:-

In respect of items 1, 2 and 3. Four paise per rupee value of the price at which taxable goods are purchased.

In respect of item 4 ... Two Paise per rupees value of the price at which the taxable goods are purchased.

MEGHALAYA ACT 4 OF 1977

THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS' SALARIES AND ALLOWANCES) (AMENDMENT) ACT, 1977

(As passed by the Assembly)

[Received the assent of the Governor on the 30th March, 1977]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 31st March, 1977)

An

Act

further to amend the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972.

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

- | | |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title and commencement | <p>1. (1) This Act may be called the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Act, 1977.</p> <p>(2) It shall be deemed to have come into force on the 1st day of October, 1977.</p> |
| Insertion of new section 6Z in Act 8 of 1972. | <p>2. After section 6 of the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972, the following section shall be inserted as section 6A, namely:-</p> |
| "Entitlement of telephone connection and telephone charges. | <p>6A. (1) Each member shall be entitled to have a telephone connection in a place of his choice where he normally resides or carries on his duties as the member of the Assembly.</p> <p>(2) The installation charges and the annual rent of such telephone shall be borne by the Government and the member shall also be paid a telephone allowance of one hundred rupees per month for telephone calls and the charges for the excess over the minimum calls permissible to the subscriber.</p> <p>(3) The telephone allowance under this section shall be paid to each member irrespective of the fact whether or not telephone connections have been provided to him."</p> |
| Repeal of Meghalaya Ordinance 1 of 1977. | <p>3. The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Ordinance, 1977 is hereby repealed.</p> |

MEGHALA ACT 5 OF 1977

THE MEGHALAYA APPROPRIATION (No. II) ACT, 1977

(As passed by the Assembly)

[Received the assent of the Governor on the 20th March, 1977]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 23rd June, 1977)

An

Act

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of Meghalaya for the services of the financial year ending on the thirty-first day of March, 1978

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

Short title
and commencement

1. (1) This Act may be called the Meghalaya Appropriation (No. II) Act, 1977.

(2) It shall be deemed to have come into force on the first day of April, 1977.

Withdrawal of Rs.52, 92, 73,800 from and out of the Consolidated Fund of Meghalaya for the financial year 1977-78.

2. From and out of the Consolidated Fund of Meghalaya there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate [inclusive of the sum specified in column (3) of the Schedule to the Meghalaya Appropriation (Vote-on-Account) Act, 1977] to the sum of fifty-two crores, ninety-two lakhs, seventy-three thousand and eight hundred rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first of March, 1978 in respect of services specified in column (2) of the Schedule.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of Meghalaya by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year

SCHEDULE*(See Sections 2 and 3)*

(1) Grant No.	(2) Services and purposes (Major heads)			(3) Sums not exceeding		(4) Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
1	211	- Parliament/State/Union/Territory Legislatures-B.-State Legislature.		21,50,300	1,07,600	22,57,900
2	212	- Governor		10,000	8,31,000	8,41,000
3	213	- Council of Ministers		9,43,000	...	9,43,000
4	214	- Administration of Justice.		10,51,000	2,99,000	13,50,000
5	215	- Elections		10,44,000	...	10,44,000
6	229	- Land Revenue		13,99,000	...	13,99,000
7	230	- Stamps and Registration.		63,000	...	63,000
8	239	- State Excise		7,00,000	...	7,00,000
9	240	- Sales Tax and 245-I-Othr Taxes and Duties on Commodities and Services.		5,85,000	...	5,85,000
10	241	- Taxes on Vehicles ...		11,00,000	...	11,00,000
11	245	- Other Taxes and Duties on Commodities and Services-II-Inspectorate of Electricity.		1,17,000	...	1,17,000
12	247	- Other Fiscal Services-Promotion of Small Savings.		53,000	...	53,000
	248	- Appropriation for reduction or avoidance of Debt.		...	...	...

(1) Grant No.	(2) Services and purposes (Major heads)				(3) Sums not exceeding		(4) Total
					Voted by the Assembly	Charged on the Consolidated Fund	Rs.
					Rs.	Rs.	
	249	-	Interest payment	... ..	...	1,90,75,700	1,90,75,700
	251	-	Public Service Commission.		...	3,32,000	3,32,000
13	252	-	Secretariat General Services-I-Civil Departments.		53,15,000	...	53,15,000
14	252	-	Secretariat General Services-II- Public Works Department Secretariat.		7,38,000	...	7,38,000
15	253	-	District Administration		36,14,000	...	36,14,000
16	254	-	Treasury and Accounts Administration.		15,00,000	...	15,00,000
17	255	-	Police and 260-Fire Protection and Control.		3,05,00,000	...	3,05,00,000
18	256	-	Jails	... ..	12,90,000	...	12,90,000
19	258	-	Stationery and Printing.		39,19,000	...	39,19,000
20	259	-	Public Works	... ..	1,88,22,600	...	1,88,22,600
21	265	-	Other Administrative Services-I- Civil Defence and Home Guards.		59,50,000	...	59,50,000
22	-Do	-	II-Motor Garages, etc.		3,30,000	...	3,30,000
23	-Do	-	III-Gazetteer and Statistical Memoirs.		73,000	...	73,000
24	-Do	-	IV-Census, Vital Statistics, Guest Houses, etc.		8,00,000	...	8,00,000
25	-Do	-	V-Miscellaneous Administrative Services.		3,84,000	...	3,84,000

(1)		(2)			(3)		(4)
Grant No.		Services and purposes (Major heads)			Sums not exceeding		Total
					Voted by the Assembly	Charged on the Consolidated Fund	
					Rs.	Rs.	Rs.
26	266	-	Pension and other Retirement Benefits.		17,90,000	10,000	18,00,000
27	267	-	Aid Materials and Equipments.		8,43,000	...	8,43,000
28	268	-	Miscellaneous General Services, Pre-partition Payments, State Lotteries, Pensions for Distinguished Services.		4,000	...	4,000
29	276	-	Secretariat – Social and Community Services-I-Civil Departments.		6,02,000	...	6,02,000
30	-Do	-	II-Public Health Engineering Secretariat.		42,000	...	42,000
31	277	-	Education	...	5,52,55,000	...	5,52,55,000
32	277	-	Education, 280-Medical,etc.		4,75,000	...	4,75,000
33	278	-	Art and Culture	...	7,75,000	...	7,75,000
34	279	-	Scientific Services and Research.		2,37,000	...	2,37,000
35	280	-	Medical	...	1,71,55,000	...	1,71,55,000
36	281	-	Family Planning	...	34,78,700	...	34,78,000
37	282	-	Public Health, Sanitation and Water Supply-A- Public Health and Sanitation.		76,27,000	...	76,27,000
38	282	-	Public Health, Sanitation and Water Supply-B-Sewerage and Water Supply and 283-Housing –C- Government Residential Buildings.		83,49,000	...	83,49,000

(1)		(2)		(3)		(4)
Grant No.	Services and purposes (Major heads)			Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	
39	283	-	Housing-I-A-General and B-Housing Schemes.	5,95,000	...	5,95,000
40	283	-	Housing-II-C-Government Residential Buildings (In-charge of P.W.D.).	20,07,000	...	20,07,000
41	284	-	Urban Development-A-General-I-Municipal Administration.	2,52,000	...	2,52,000
42	284	-	Urban Development-A-General-II-Town and Regional Planning.	12,62,000	...	12,62,000
43	285	-	Information and Publicity.	14,57,500	...	14,57,500
44	287	-	Labour and Employment-I-A-Labour.	22,77,000	...	22,77,000
45	287	-	Labour and Employment-II-A-Labour-Inspectorate of Factories and steam Boilers.	34,000	...	34,000
46	287	-	Labour and Employment-III-B-Employment and Training.	10,88,000	...	10,88,000
47	288	-	Social Security and Welfare-A-I-Civil Supplies.	13,50,000	...	13,50,000
48	-Do	-	B-II-Relief and Rehabilitation of Displaced persons.	8,42,000	...	8,42,000
49	-Do	-	C-III-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes-D-Social Welfare.	48,94,000	...	48,94,000

(1) Grant No.	(2) Services and purposes (Major heads)	(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund Rs. Rs.		(4) Total Rs.
50	-Do - E-Other Social Security and Welfare Programmes-IV-Soldiers', Sailors' and Airmen's Board.	82,000	...	82,000
51	-Do - E-Other Social Security and Welfare Programmes-V-Other Programmes.	5,000	...	5,000
52	289 - Relief on account of Natural Calamities.	4,00,000	...	4,00,000
53	295 - Other Social and Community Services.	2,40,000	...	2,40,000
54	296 - Secretariat-Economic Services-I-Civil Departments.	9,95,000	...	9,95,000
55	296 - Secretariat-Economic Services-II-Planning Boards, etc.	8,35,600	...	8,35,600
56	298 - Co-operation 	54,35,000	...	54,35,000
56A	299 - Special and Backward Areas-C-North Eastern Areas.	89,75,000	...	89,75,000
57	304 - Other General Economic Services-I-Economic Advice and Statistics.	14,01,000	...	14,01,000
58	304 - Other General Economic Services-II-Regulation of Weights and Measures.	4,46,000	...	4,46,000
58A	304 - Other General Economic Services-III-Land Ceilings.	1,95,300	...	1,95,300

(1)		(2)		(3)		(4)
Grant No.	Services and purposes (Major heads)			Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	
59	305	-	Agriculture/306-Minor Irrigation/295-Other Social and Community Services/283-Housing- C-Government Residential Buildings.	2,32,44,000	...	2,32,44,000
60	306	-	Minor Irrigation-II-Works under Embankment and Drainage Wing, Public Works Department.	...	...	...
61	307	-	Soil and Water Conservation and 283-Housing-C-Government Residential Buildings.	1,42,80,000	...	1,42,80,000
62	308	-	Area Development ...	1,22,00,000	...	1,22,00,000
63	310	-	Animal Husbandry and 283- Housing-C-Government Residential Buildings.	1,37,68,000	...	1,37,68,000
64	311	-	Dairy Development and 283- Housing –C-Government Residential Buildings.	33,25,000	...	33,25,000
65	312	-	Fisheries ...	16,82,000	...	16,82,000
66	313	-	Forests ...	1,27,50,000	...	1,27,50,000
67	314	-	Community Development and 283- Housing-C-Government Residential Buildings and 288-Social Security and Welfare.	1,35,94,400	...	1,35,94,400
68	314	-	Community Development-II-C- Rural Works Programme.	8,00,000	...	8,00,000

(1) Grant No.		(2) Services and purposes (Major heads)				(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund Rs. Rs.		(4) Total Rs.
69	320	-	Industries	...	...	15,03,500	...	15,03,500
70	321	-	Village and Small Industries-I- Handloom and Sericulture and 283- Housing-C-Government Residential Buildings.			39,28,000	...	39,28,000
71	321	-	Village and Small Industries-II- Small Industries.			46,84,200	...	46,84,200
72	328	-	Mines and Minerals-B-Regulation and Development of Mines.			25,04,000	...	25,04,000
73	331	-	Water and Power Development Services-B-Power Development.			...	...	...
74	338	-	Irrigation, Navigation, Drainage and Flood Control Projects.			6,66,000	...	6,66,000
75	337	-	Roads and Bridges	...		2,35,00,000	...	2,35,00,000
76	338	-	Roads and Water Transport Services.			...	...	...
77	339	-	Tourism	...	...	15,44,000	...	15,44,000
78	363	-	Compensation and Assignments to Local Bodies and Panchayati Raj Institutions.			...	...	...
79	459	-	Capital Outlay on Public Works.			70,57,000	...	70,57,000

(1)		(2)		(3)		(4)
Grant No.	Services and purposes (Major heads)			Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	
79A	477	-	Capital Outlay on Education ,Art and Culture,480-Capital Outlay on Medical,481-Capital Outlay on Family Planning,510-Capital Outlay on Animal Husbandry and 511- Capital Outlay on Dairy Development.	44,70,000	...	44,70,000
80	482	-	Capital Outlay on Public Health, Sanitation and Water Supply.	1,40,60,000	...	1,40,60,000
81	483	-	Capital Outlay on Housing-A- Government Residential Buildings (in-charge of Public works Department.)	16,80,000	...	16,80,000
82	484	-	Capital Outlay on Urban Development.	...	...	...
83	488	-	Capital on Social Security and Welfare-E-Other Social Security and Welfare Programmes-I-Civil Supplies Schemes.	...	...	...
84	498	-	Capital Outlay on Co-operation.	18,75,000	...	18,75,000
84A	499	-	Capital Outlay on Special and Backward Areas-C- North Eastern Areas.	1,06,00,000	...	1,06,00,000

(1) Grant No.			(2) Services and purposes (Major heads)		(3) Sums not exceeding Voted by the Assembly Charged on the Consolidated Fund Rs. Rs.		(4) Total Rs.	
85	500	-	Investment in General Financial and Trade Institutions.		...	...	...
85-A	505	-	Capital Outlay on Agriculture.		2,00,000	...	2,00,000	
86	506	-	Capital Outlay on Minor Irrigation, Soil Conservation and Area Development.		2,00,000	...	2,00,000	
86-A	509	-	Capital Outlay on Food and Nutrition.		4,32,000	...	4,32,000	
87	513	-	Capital Outlay on Forests.		...	...	...
88	520	-	Capital Outlay on Industrial Research and Development.		32,25,000	...	32,25,000	
89	521	-	Capital Outlay on Village and Small Industries.		2,86,000	...	2,86,000	
90	522	-	Capital Outlay on Machinery and Engineering Industries.		...	...	...
91	526	-	Capital Outlay on Consumer Industries.		...	...	...
92	528	-	Capital Outlay on Mining and Metallurgical Industries.		...	...	...
92-A	530	-	Investment in Industrial Financial Institutions.		...	...	...

(1)		(2)		(3)		(4)
Grant No.	Services and purposes (Major heads)			Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	
93	533	-	Capital Outlay on Irrigation, Navigation Drainage and Flood Control Projects.	12,00,000	...	12,00,000
94	537	-	Capital Outlay on Road and Bridges.	4,20,00,000	...	4,20,00,000
95	538	-	Capital Outlay on Roads and Water Transport Services.	3,00,000	...	3,00,000
96	544	-	Capital Outlay on Other Transport and Communication Services.	...	...	...
	603	-	Internal Debt of the State Government.	...	98,27,700	98,27,700
	604	-	Loans and Advances from the Central Government.	...	2,63,75,100	2,63,75,100
97	677	-	Loans for Education, Art and Culture.	20,000	...	20,000
98	682	-	Loans for Public Health, Sanitation and Water Supply.	...	...	...
99	683	-	Loans for housing	10,00,000	...	10,00,000
100	684	-	Loans for Urban Development.	...	...	...
101	688	-	Loans for Social Security and Welfare-I-Relief Measures and Rehabilitation Schemes.	...	...	...
102	688	-	Loans for Social Security and Welfare-II-Loans to Ex-Service Personnel.	5,000	...	5,000

(1)		(2)		(3)		(4)
Grant No.		Services and purposes (Major heads)		Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
102-A	688	-	Loans for Social Security and Welfare-III-Welfare of Scheduled Tribes and Other Backward Classes.	4,10,7000	...	4,10,7000
103	695	-	Loans for Other Social and Community Services.	5,000	...	5,000
104	698	-	Loans to Co-operative Societies.	7,20,000	...	7,20,000
105	699	-	Loans for Special and Backward Areas.	...	...	...
106	705	-	Loans for Agriculture	2,00,000	...	2,00,000
107	706	-	Loans for Minor Irrigation, Soil Conservation and Area Development.	...	...	...
108	710	-	Loans for Animal Husbandry.	...	...	...
109	714	-	Loans for Community Development.	...	...	...
110	720	-	Loans for Industrial Research and Development.	...	...	...
111	721	-	Loans for Village and Small Industries.	3,50,000	...	3,50,000
112	734	-	Loans for Power Projects.	2,44,00,000	...	2,44,00,000
113	766	-	Loans to Government Servants.	43,20,000	...	43,20,000
113-A	767	-	Miscellaneous Loans	...	...	...
114	768	-	Inter-State Settlement	52,24,900	...	52,24,900
115	769	-	Appropriation to Contingency Fund.	...	...	...
TOTAL				...	47,24,15,700	5,68,58,100
						52,92,73,800

MEGHALAYA ACT 6 OF 1977

THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS' PENSION) ACT,
1977

(As passed by the Assembly)

[Received the assent of the Governor on the 23rd June, 1977]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 27th June, 1977)

An

Act

**to provide for the payment of pension to persons who have served as members of the
Legislative Assembly**

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

Short title
and commencement

- a. (1) This Act may be called the Legislative Assembly Meghalaya (Member's Pension) Act, 1977.
- (2) It shall come into force at once.

Definitions.

- b. In this Act, unless the context otherwise requires:-
 - a) "member of the Legislative Assembly" means a member of the Legislative Assembly of Meghalaya, and includes-

Central Act 55 of
1969.

- i. a member of the Legislative Assembly or Provisional Legislative Assembly of the autonomous State of Meghalaya formed under section 3 of the Assam Re-organisation (Meghalaya) Act, 1969.
 - ii. a member of the Legislative Assembly of the State of Assam as existing immediately before the 21st day of January, 1972 elected to the said Assembly from any area in Meghalaya ;
- b) "term of office" in relation to a member of the Legislative Assembly, means the period beginning with the date of publication of the notification of his election or nomination as member and ending with the date on which his seat becomes vacant.

Pension of payable to members.

- c. (1) With effect from the commencement of this Act, there shall be paid a pension of three hundred rupees per mensem to every person who has served for a period of not less than five years, whether continuous or not, as a member of the Legislative Assembly;

Provided that, where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case, the pension payable to such person shall exceed four hundred rupees per mensem.

(2) In computing the number of years for the purposes of sub-section (1), the period during which a person has served as Chief Minister, Minister or Minister of State, or as the Speaker or the Deputy Speaker of the Legislative Assembly, shall also be taken into account.

Pension to be held in abeyance or to be reduced in certain circumstances.

- d. (1) Where any person entitled to pension under section 3,-
- a) is elected to the office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union territory, or
 - b) becomes a Member of the Council of States or the House of the People or any Legislative Assembly of a State or a Union territory or Legislative Council of a State or District Council, or
 - c) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or any District Council or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation, District Council or local authority,

such person shall not be entitled to any pension under section 3 for the period during which he continues to hold such office, or continues as such member, or is so employed or continues to be entitled to such remuneration :

Provided that, where the salary payable to such person for holding such office or being such member or being so employed, or where the remuneration referred to in clause (c) payable to such person, is, in either case, less than the pension payable to him under section 3, such person shall be entitled only to receive the balance as pension under that section.

(2) Where any person entitled to pension under section 3 is also entitled to any pension from the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any District Council or any local authority under any law or otherwise, then:-

- a) where the amount of pension to which he is entitled under such law or otherwise is equal to or in excess of that to which he is entitled under section 3, such person shall not be entitled to any pension under that section; and
- b) where the amount of pension to which he is entitled under such law or otherwise is less than that to which he is entitled under section 3, such person shall be entitled to pension under that section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that section.

Power to make rules.

5. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for :-

- a) the form in which and the authority to which an application for pension shall be made;
- b) the certificates to be furnished along with any application for pension;
- c) the declarations to be made at the time of drawing pension;
- d) any other matters necessary for proper implementation and enforcement of this Act.

Decisions on questions relating to pension.

6. If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the State Government and its decision shall be final.

MEGHALAYA ACT 7 OF 1977

THE MEGHALAYA ASSEMBLY PROCEEDINGS (PROTECTION OF PUBLICATION) ACT, 1977.

(As passed by the Assembly)

[Received the assent of the Governor on the 2nd December 1977]

(Published in the *Gazette of Meghalaya*, Extraordinary,
dated 6th December , 1977)

An

Act

**to provide for protection of publication of reports of the
proceedings of the Assembly**

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

Short title
and commencement

1. (1) This Act may be called the Meghalaya Assembly Proceedings (Protection of Publication) Act, 1977.
- (2) It shall come into force at once.

Definitions.

2. In this Act “Newspaper” means any printed periodical work containing public news or comments on public news, and includes a news-agency supplying material for publication in a newspaper.

Publication of reports
of the Assembly
proceedings
privileged.

3. (1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of the House of the Legislative Assembly of Meghalaya unless the publication is proved to have been made with malice.

(2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good.

Act also to apply to
Assembly proceedings
broadcast by wireless
telegraphy.

4. The Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station situate in India as it applies in relation to reports or matters published in a newspaper.

MEGHALAYA ACT 8 OF 1977

THE MEGHALAYA APPROPRIATION (NO .III) ACT, 1977.

(As passed by the Assembly)

[Received the assent of the Governor on the 15th December 1977]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 17th December, 1977)

An Act

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of Meghalaya for the services of the financial year 1977-78

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

- | | |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title | 1. This Act may be called the Meghalaya Appropriation (No. III) Act, 1977. |
| Withdrawal of Rs.1,08,22,823 from and out of the Consolidated Fund of Meghalaya for the financial year 1977-78 | 2. From and out of the Consolidated Fund of Meghalaya there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of one crore, eight lakhs, twenty-two thousand, eight hundred and twenty-three rupees towards defraying the several charges which will come in course of payment during the financial year 1977-78 in respect of the services specified in column (2) of the Schedule. |
| Appropriation | 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of Meghalaya by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. |

SCHEDULE

(See Sections 2 and 3)

(1)		(2)		(3)		(4)
Grant No.		Services and purposes (Major heads)		Sums not exceeding		Total
				Voted by the Assembly	Charged on the Consolidated Fund	
				Rs.	Rs.	Rs.
1	211	-	Parliament/State/Union Territory Legislatures-B-State Legislature.	25,000	...	25,000
5	215	-	Elections	13,57,570	...	13,57,570

(1)			(2)			(3)		(4)	
Grant No.	Services and purposes (Major heads)						Sums not exceeding		Total
							Voted by the Assembly	Charged on the Consolidated Fund	
							Rs.	Rs.	Rs.
17	255	-	Police and 260-Fire Protection and Control.				1,21,860	...	1,21,860
18	256	-	Jails	...	...		4,73,200	...	4,73,200
20	259	-	Public Works	...	...		65,693	...	65,693
25	265	-	Other Administrative Services-V-Miscellaneous Administrative Services.				6,000	...	6,000
35	280	-	Medical	...	...		5,11,700	...	5,11,700
38	282	-	Public Health, Sanitation and Water Supply-B-Sewerage and Water Supply and 283-Housing-C-Government Residential Buildings.				50,000	...	50,000
46	287	-	Labour and Employment-III-B-Employment and Training.				1,08,900	...	1,08,900
50	288	-	Social Security and Welfare-E-Other Social Security and Welfare Programmes-IV-Soldiers', Sailors' and Airmen's Board.				20,000	...	20,000
59	305	-	Agriculture/306-I-Minor Irrigation/295-Other Social and Community Services/283-Housing-C-Government Residential Buildings.				5,00,000	...	5,00,000
66	313	-	Forests	...	...	...		78,296	78,296

(1)		(2)		(3)		(4)	
Grant No.			Services and purposes (Major heads)	Sums not exceeding		Total	
				Voted by the Assembly	Charged on the Consolidated Fund		
				Rs.	Rs.	Rs.	
67	314	-	Community Development and 283-Housing-C-Government Residential Buildings and 288-Social Security and Welfare.	8,70,000	...	8,70,000	
79	459	-	Capital Outlay on Public Works.	1,50,000	...	1,50,000	
84A	499	-	Capital Outlay on Special and Backward Areas-	51,62,000	...	51,62,000	
91	526	-	Capital Outlay on Consumer Industries.	104	...	104	
100	684	-	Loans for Urban Development.	2,41,000	...	2,41,000	
101	688	-	Loans for Security and Welfare-I-Relief Measures and Rehabilitation Schemes.	13,500	...	13,500	
113	766	-	Loans to Government Servants.	10,68,000	...	10,68,000	
Total				...	1,07,44,527	78,296	1,08,22,823

MEGHALAYA ACT 9 OF 1977

THE MEGHALAYA EXCISE (AMENDMENT) ACT, 1977.

(As passed by the Assembly)

[Received the assent of the Governor on the 15th December 1977]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 17th December, 1977)

An

Act

further to amend the Meghalaya Excise Act (Assam Act 1 of 1910 as adapted by Meghalaya)

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

Short title, extent and commencement.

- (1) This Act may be called the Meghalaya Excise (Amendment) Act, 1977.

- | | |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Insertion of new
Section 49A in the
principal Act.</p> | <p>(2) It shall extend to the whole of Meghalaya.
(3) It shall come into force at once.</p> <p>2. In the Meghalaya Excise Act (hereinafter referred to as the principal Act), after Section 49 the following section as new Section 49A shall be inserted, namely:-</p> <p>“49A-Notwithstanding anything contained in Section 49 all offences under clauses (c) and (d) of sub-section (1) of Section 53 of this Act shall be non-bailable; and no person accused of an offence under any of the aforesaid clauses shall be released on bail by any court without hearing the prosecution of which due notice shall be given and every order granting bail shall give reasons thereof”.</p> |
| <p>Amendment of Section
53 of the principal Act.</p> | <p>3. In the principal Act, the full-stop “(.)” occurring at the end of sub-section (1) of Section 53 shall be substituted by a colon “(:)” and the following proviso shall be inserted at the end of the sub-section, namely:-</p> <p>“Provided that the minimum punishment for commission of any of the offences under clauses (c) and (d) of this Section shall be with imprisonment for a term of not less than one month and also with fine of not less than five hundred rupees”.</p> |
| <p>Amendment of Section
61A of the principal
Act.</p> | <p>4. In the principal Act, in Section 61A, the full-stop “(.)” occurring at the end of the Section shall be substituted by a colon “(:)” and the following proviso shall be inserted at the end, namely:-</p> <p>“Provided that the minimum punishment in case of owner or user of a vehicle who permits it to be used for commission of an offence punishable under clause (a) of sub-section (1) of Section 53, shall be with imprisonment for a term of not less than one month and also with fine of not less than five hundred rupees”.</p> |
| <p>Amendment of Section
70 of the principal Act.</p> | <p>5. In the principal Act, sub-section (3) of Section shall be omitted.</p> |

MEGHALAYA ACT 10 OF 1977

THE SHILLONG ELECTRICITY SUPPLY UNDERTAKING (ACQUISITION) ACT, 1977.

(As passed by the Assembly)

[Received the assent of the President on the 25th December 1977]

(Published in the *Gazette of Meghalaya*, Extraordinary, dated 26th December, 1977)

An

Act

to provide for the acquisition of the Shillong Electricity Supply Undertaking for a public purpose.

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

Short title, extent and commencement.

1. (1) This Act may be called the Shillong Electricity Supply Undertaking (Acquisition) Act, 1977.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall be deemed to have come into force on the 15th day of July, 1977.

Definitions and Interpretation.

2. In this Act, unless the context otherwise requires,-
 - a) 'Annual Account' means the account of the undertaking rendered to the Government annually under and in accordance with the Electricity Act;
 - b) 'Board' means the Meghalaya State Electricity Board constituted under Section 5 of the Electricity Supply Act;
 - c) 'Document' in relation to the undertaking, includes its books, accounts, registers maps and plans, and all other documents of whatever nature relating to the undertaking ;
 - d) 'Electricity Act' means the Indian Electricity Act, 1910 (Act 9 of 1910).
 - e) 'Electricity Supply Act' means the Electricity (Supply) Act, 1948 (Act 54 of 1948) ;
 - f) 'Fixed Assets' includes works, spare parts stores, tools motor and other vehicles, instruments, office and other equipments and furniture;

- g) 'Government' means the Government of Meghalaya ;
- h) 'Licensee' means the Shillong Hydro Electric Ltd. ;
- i) 'Prescribed' means prescribed by rules made under this Act;
- j) 'Schedule' means the Schedule appended to this Act ;
- k) 'Undertaking' means the electric supply undertaking at Shillong owned and managed by the Shillong Hydro Electric Ltd.
- l) 'Vesting date' means the date and time on which the undertaking shall vest in the Government under section 3 of this Act ;
- m) 'Works' includes electric supply lines, any land, buildings, structure, plant, machinery or apparatus required to supply energy and to carry into effect the object of a licence granted under the Electricity Act ;
- n) Other expressions shall have the meanings respectively assigned to them in the Electricity Act.

Power of Government to take over the undertaking.

3. (1) The undertaking shall be deemed to have been taken over by transferred to and vested in, the Government on an from the 16th day of July, 1977 at 13:00 hours.
- (2) The Government shall, by force of vesting in it of the undertaking under sub-section (1), be deemed to have entered into possession of all the properties movable and immovable, fixed assets, rights, powers, authorities and privileges of the undertaking from the vesting date.

Transfer of
undertaking to Board.

4. The may be an order in writing , transfer the undertaking acquired under this Act to the Board on such terms and conditions, as may be specified therein, and on such transfer the undertaking together with all assets, liabilities, rights and obligations, which by virtue of this Act have vested in the Government shall thereupon vest and devolve on the Board.

Vested

5. (1) The property, rights, liabilities and obligations specified below in respect of the undertaking shall vest in the Government on the vesting date –

- i. all the fixed assets of the licensee and all the documents relating to the undertaking ;
- ii. all the rights, liabilities and obligations of the licensee under hire-purchase agreements, if any, for the supply of materials or equipment made *bonafide* before the vesting date ;
- iii. all the righrs, liabilities and obligations of the licensee under any other contrat entered into *bonafide* before the vesting date, not being a contract relating to the borrowing or lending of money, or to the employment of staff ;
- iv. (a) all cash and bank balances of the licensee relatable to the undertaking on the vesting date;
- (b) all amounts due or accruable or accrued tothe licensee in connection with electrical energy supplied or other supplies made or services rendered by the licensee, in the course of operations of the undertaking, upto the vesting date; and
- (c) all investments, loans, advances or deposits relatable to the operations of the undertaking, made by the licensee and outstanding on the vesting date except loans and advances to the employees of the licensee.

(2) All the assets specified in clause (i) of sub-section (1) shall vest in the Government free from any encumbrances, debts, mortgages or similar obligations of the licensee or attaching to the undertaking :

Provided that such debts, mortgages or obligations shall attach to the amount payable under this Act for the assets.

(3) The licence granted to the undertaking under the Electricity Act shall be deemed to have been terminated on the vesting date and all the rights, liabilities and obligations of the licensee under any agreement to supply electricity entered into before that date shall devolve or shall be deemed to have devolved on the Government :

Provided that where any such agreement is not in conformity with the rates and conditions of supply approved by the Government and in force on the vesting date, the agreement shall be voidable at the option of the Government ;

Provided further that on and from the vesting date the consumers will be governed by the Tariff for supply of electricity and the general conditions of supply of the Board.

(4) On and from the vesting date, it shall be lawful for the Government or their authorised representative, after removing obstruction, if any, to take physical possession of all the property, movable and immovable including fixed assets and documents of the undertaking.

(5) All the liabilities and obligations, other than those vesting in the Government under sub-sections (1) and (3), shall continue to be the liabilities and obligations of the licensee, after the vesting date.

Explanation.-All liabilities and obligations in respect of staff, taxes, provident fund, Employees State Insurance Industrial disputes and all other matters upto and including the vesting date, shall continue to be the liabilities and obligations of the licensee, after the vesting date.

Gross amount payable
to Licensee

6. (1) The gross amount payable to the licensee shall be the aggregate value of the amount specified below:-
 - i. the book value of all completed works in beneficial use pertaining to the under taking and taken over by the Government (excluding works paid for by consumers) less depreciation calculated in accordance with the Schedule ;

- ii. the book value of all works in progress taken over by the Government, excluding works paid for by consumers or prospective consumers ;
- iii. the book value of all stores including spare parts taken over by the Government and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Government.
- iv. the book value of all other fixed assets in use on the vesting date and taken over by the Government less depreciation calculated in accordance with the Schedule ;
- v. the book value plants and equipments existing on the vesting date, if taken over by the Government, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee less depreciation calculated in accordance with Schedule ;
- vi. the amount due from consumers in respect of every hire-purchase agreement referred to in clause (ii) of sub-section (1) of Section 5 , less a sum which bears to the difference between the total amount of the instalments and the original cost of the materials or equipments, the same proportion as the amount due bears to the total amount of the instalments ;
- vii. any amount paid actually by the licensee in respect of every contract referred to in clause (iii) of sub-section (1) of Section 5 ;
- viii. the amount of cash and bank balances taken over by the Government under sub-clause (a) of clause (iv) of sub-section (1) of Section 5 ;
- ix. the value of the items taken over by the Government under sub-clauses (b) and (c) of clause (iv) of the sub-section (1) of Section 5, less bad debts or unrealisable amounts, as the case may be.

Explanation: The book value of any fixed asset means its original cost and shall comprise:-

- (i) the purchase price paid by the licenses for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking ;

- (ii) the cost of supervision, of any, actually incurred and charged to the value of the assets in the books of the undertaking, but not exceeding fifteen percent of the amount referred to in paragraph (i) ;

Provided that before deciding the amount under this sub-section, the licensee shall be given an opportunity by the Government of being heard, after giving him a notice of at least 15 days therefor.

(2) In addition a sum equal to 10 percent of the amounts assessed under clauses (i) to (iv) of sub-section (i) shall be paid to the licensee by the Government.

(3) When any asset has been acquired by the licensee after the expiry of the period to which the latest annual accounts relate the book value of the asset shall be such as may be decided upon by the Government :

Provided that before deciding the book value of any such asset, the licensee shall be given an opportunity by the Government of being heard, after giving him a notice of at least 15 days therefor.

Deduction from the gross amount.

7. The Government shall be entitled to deduct the following sums from the gross amount payable under this Act to the licensee:-
 - a) the amount, if any, already paid in advance;
 - b) the amount, if any specified in Section 8 ;
 - c) the amount payable, due, or accrued, if any, including interest and/or surcharge thereon, from the licensee to the Board, for energy supplied by the Board before the vesting date ;
 - d) all amount and arrears of interest, if any , thereon, due from the licensee to the Government ;

- e) the amount, if any, equivalent to the loss sustained by the Government by reason of any property or rights belonging to the undertaking not having been handed over to the Government, the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefore under this Act, together with any income which might have been realised by the Government if the property or rights had been handed over on the vesting date ;
- f) the amount of all loans due from the licensee to any financial institutions constituted by or under the authority of the Government and arrears of interest, if any, thereon ;
- g) all sums paid by consumers by way of security deposit and arrears of interest due thereon on the vesting date in so far as they have not been paid over by the licensee to the Government ;
- h) all advances from consumers and prospective consumers, and all sums which have been or ought to be set aside to the credit of the consumer's fund, in so far as such advances or sums have not been paid over by the licensee to the Government ;
- i) the amounts remaining in Tariffs, and Dividends Control Reserve, Contingencies Reserve, Provident Fund and Staff Gratuity Fund accounts and the Development reserve, in so far as such amounts have not been paid over by the licensee to the Government ;
- j) the amount if any, as specified in sub-sections (2) and (3) of Section 10 ;
- k) the amount , if any, relating to debts, mortgages or obligations as mentioned in proviso to sub-section (2) of Section 5:

Provided that before making any deduction under this section, the licensee shall be given a notice to show cause against such deduction, within a period of fifteen days from the date of receipt of such notice.

Effect of transactions
not bonafide.

8. Where the Government are of opinion that the licensee has on or before the 1st January, 1975, disposed of any fixed asset whether by way of sale, exchange, gift, lease or otherwise, or incurred any expenditure, liability or obligation otherwise than in the normal course of events, with a view to benefit unduly the licensee or some other person and thereby caused loss to the Government as succeeding owners of the undertaking the Government shall be entitled to deduct from the amount payable to the licensee under this Act, an amount which they consider to be the loss sustained by them :

Provided that before making such deduction, the licensee shall be given a notice within nine months of the vesting date to show cause against such deduction, within a period of fifteen days from the date of receipt of such notice.

Manner of payment of
act amount

9. (1) The Government shall appoint, by order in writing, a person having adequate knowledge and experience in matters relating to accounts, as Special Officer to assess the net amount payable under this Act by the Government to the licensee, after making the deductions mentioned in Section 7.

(2) The Special Officer may call for the assistance of such Officers and staff of the Government or Board, or the undertaking as he may deem fit, in assessing the net amount payable.

(3) The net amount due to the licensee under this Act shall be paid by the Government to the licensee within one year from the vesting date.

Provided that this period may be suitably extended by the Government if the licensee fails to furnish or delays the furnishing of accounts, information, particulars or documents as mentioned in section 11.

(4) The net amount payable shall bear simple interest at the rates of one per centum over the average of the Reserve Bank rates between the vesting date and the date of payment or tender of payment:

Provided that no interest shall be payable during any extension of time granted under the proviso to sub-section (3).

(5) Where the gross amount payable to the licensee is equal to or less than the total amount to be deducted under section 7, no payment shall be made to the licensee by the Government.

Provisions for existing staff of licensee.

10. (1) Every person who was employed in connection with the affairs of the undertaking as its employee immediately before the vesting date, other than directors or advisers, shall become on the vesting date an employee of the Government and thereafter an employee of the Board on the date of transfer of the undertaking to the Board under section 4, and shall hold his service on the same term and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the undertaking had not been transferred to and vested in the Government or the Board, as the case may be, and continue to do so unless and until his employment under the Government or the Board, as the case may be, is terminated after giving him three calendar months' notice in writing, or paying him three months' pay in lieu of such notice, as the case may be, or until his remuneration, terms or conditions are duly altered by the Government or the Board, as the case may be.
- (2) If the licensee fails to pay such an employee his dues arising or accrued on or before the vesting date, the Government or the Board, as the case may be, may pay him the said dues and the amount so paid shall be deducted from the amount payable by the Government to the licensee.
- (3) In case the Government or the Board, as the may be, retrench any such employee within a period of one year from the vesting date, the amount payable to such an employee on retrenchment shall be deducted from the amount payable by the Government to the licensee.
- (4) For the persons who immediately before the vesting date were the trustees for any pension, provident, gratuity or other like fund constituted for employees of the licensee, these may be substituted as trustees, such persons as the Government may, by general or special order, specify.
- (5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Act 14 of 1947), or in any other law for the time being in force, the transfer of the services of any employee from the licensee to the Government or from the Government to the board, shall not entitle such employee to any compensation under this Act or any other law from the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(6) If any question arises as to whether or not any person was employed in connection with the affairs of the undertaking as its employee immediately before the vesting date, or whether or not the services of any persons have been transferred to the Government or Board under this Act, it shall be decided by an officer authorised for this purpose by the Government and an appeal shall lie against his decision to the Government whose decision shall be final.

Inventory of assets and informations.

11. (1) The licensee shall, within ninety days from the vesting date or such further time as may be granted by the Government, prepare and hand over to the Government a complete inventory of all property including fixed assets belonging to the undertaking along with the book value, year of purchase and all relevant documents.

(2) The licensee shall also write up the accounts of the undertaking up to the vesting date, get them audited and submit them to the Government within four months from that date or such further time as may be granted by the Government.

(3) The licensee shall also, within such time as may be specified by the Government, furnish to them such information and particulars as may be required by the Government in regard to documents relating to the undertaking.

(4) The licensee shall not destroy any document relating to the undertaking and shall hand over to the Government on vesting date all such documents as are necessary for ascertaining the assets of the undertaking, the rights, liabilities and obligation attaching thereto and for determining the amount payable or deductible in respect of the undertaking under this Act.

(5) Where the documents aforesaid have been taken possession of by the Government, the licensee or any person authorised by him in this behalf, shall have access to such documents at all reasonable times and shall also be entitled to take copies thereof or extracts therefrom.

Power of entry.

12. Any employee of the Government or the Board authorised in this behalf by general or special order by the Government, or the special officer appointed under Section 9 may, at any time after giving the licensee reasonable notice, enter upon any land or premises in his possession and make any survey, examination or investigation preliminary or incidental to the purposes of this Act.

Penalties.

13. (1) Whoever, being required to furnish any information or make any statement under this Act, furnishes any information or makes any statement which he knows to be false, or whoever wilfully fails to hand over to the Government or obstructs in taking over by the Government of any property, including fixed asset or documents belonging to the undertaking or wilfully suppresses or damages or destroys such property, fixed asset or document, which is to be taken over by the Government, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees or with both, and in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

(2) Whoever fails, without reasonable cause, to comply with any of the provisions of this Act or the rules made thereunder, or any direction or order issued in pursuance thereof, shall, if the case be not governed by sub-section (1), be punishable with fine which may extend to five thousand rupees and in the case of continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

(3) No Court shall take cognisance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorised by them in this behalf.

Offence by Corporation.

14. Where a person committing any offence punishable under this Act is a company or an association or a body of persons, the Manager, Secretary, agent or other principal officer managing the affairs of the company, association or body shall be deemed to be guilty of such offence.

Protection of action.

15. No suit, prosecution or other legal proceeding shall lie against the Government or the Board or any employees of the Government or the Board or the Special Officer appointed under section 9 or any other person authorised or acting under the direction of the Government or the Board or aiding or assisting the Government or the Board or an employee of the Government or the Board, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Bar to jurisdiction of Court.

16. Notwithstanding anything contained in any other law for the time being in force, no court or tribunal shall call in question any other notification, or any other act done or purported to have been done under this Act.

Effect of other Laws

17. No provision of the Electricity Act, the Electricity Supply Act, or any other Act, for the time being in force and of any rule made under any of those Acts or of any instrument including licence having effect by virtue of any of those Acts or any rule made thereunder, shall, in so far as it is inconsistent with any of the provisions of this Act, have any effect

Power to remove difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the vesting date.

Arbitration.

19. (1) Where any dispute arises in respect of any of the matters specified below, it shall be determined by an arbitrator appointed by the Government:-

- a) Whatever any property belonging, or any right, liability or obligation attaching to the undertaking, vests in the Government;
- b) Whether any fixed asset forms part of the undertaking ;
- c) Whether any contract including any contract or agreement referred to in clauses (ii) and (iii) of sub-section (1) of section 5 has been entered into bonafide or not;
- d) Whether any agreement to supply electricity entered into by the licensee prior to the vesting date is of the nature referred to in the first date is of the nature referred to in the first proviso to sub-section (3) of section 5;
- e) Any other dispute that may arise regarding the gross or net amount payable to the licensee under this Act.

(2) Subject to the provision of this section, they provisions of the Arbitration Act, 1940 (Act 10 of 1940), shall apply to all arbitration under this Act.

Power to make rules.

20. The Government may make rules to carry out the purposes of this Act.

Repeal and Savings.

21. (1) The Shillong] Electric Supply Undertaking (Acquisition) Ordinance, 1977 is hereby repealed.

(2) Notwithstanding such repeal, any action taken or purported to have been taken or anything done or purported to have been done including taking over possession of the property of the undertaking under the Ordinance so repealed shall be deemed to have been taken or done under the corresponding provisions of this Act by or on behalf of the Government or the Board.

SCHEDULE

[See section 6 (1)]

For purpose s of determining the amount payable under section 6 (1), the depreciation shall be calculated at annual rates arrived at by dividing ninety percent of the book value of each asset by the number of years of life of the asset as specified in the table below running in each case from the beginning of the year of account next following that in which the particular asset become available for use in the business. For the period after the licensee's last completed financial year till the vesting date, the depreciation shall be calculated pro-rata. Depreciation shall not be calculated for any period beyond the life of the asset as prescribed herein.

TABLE

Description of asset		Number of years of life of asset	
(1)		(2)	
A.	Land owned under full title	...	Infinity
B.	Land held under lease –		
	(a) for investment in the land	...	The period of the lease, or the period remaining unexpired on the assignment of the lease.
	(b) for each of clearing site	...	The period of the lease remaining unexpired at the date of clearing the site.
C.	Assets purchased new -		
	(a) Plant and machinery stations, including plant foundations-	...	Thirty-five.
(i)	Hydro electric	...	Twenty-five.
(ii)	Steam electric	...	Fifteen.
(iii)	Diesel electric	...	
	(b) Cooling towers and circulating water systems.	...	Thirty.

Description of asset	Number of years of life of asset
(1)	(2)
(c) Hydraulic works forming part of a hydro-electric system including-	
(i) Dam spillways, weirs, canals, reinforced concrete flumes and siphons.	One hundred
(ii) Reinforced concrete pipe line and surge tanks, steel pipe lines, sluice gates, steel surge tanks, hydraulic control valves and other hydraulic works	Forty.
(d) Building and civil engineering works of a permanent character, not mentioned above –	
(i) Office and showrooms	Fifty.
(ii) Containing thermo-electric generating plant.	Thirty.
(iii) Containing hydro-electric generating plant.	Thirty-five.
(iv) Temporary erections such as wooden structures.	Five.
(v) Roads other than katcha roads	One hundred.
(vi) Others	Fifty.
(e) Transformers, transformers kiosks, sub-station equipment and other fixed apparatus (including plan foundation) –	
(i) Transformers (including foundation) having a rating of 100 kilovolt amperes and over	Thirty-five.
(ii) Others	Twenty-five.
(f) Switchgear, including cable connections.	Twenty.

Description of asset	Number of years of life of asset		
(1)	(2)		
(g) Lightning arrestor s-			
(i) Station type	Twenty		
(ii) Pole type	Fifteen.		
(iii) Synchronous condensers	Thirty-five.		
(h) Batteries	Ten.		
(i) (i) Underground cables including joint boxes and disconnecting boxes.	Forty.		
(ii) Cable duct system	Sixty.		
(j) Overhead lines including support-			
(i) Lines on fabricated steel support operating at nominal voltages higher than 60 kilovolts.	Thirty-five.		
(ii) Lines on steel supports operating at nominal voltages higher than 13.2 kilovolts but not exceeding 66 kilovolts.	Thirty.		
(iii) Lines on steel or reinforced concrete supports.	Twenty-five.		
(iv) Lines on treated wood supports	Twenty.		
(k) Meters	Fifteen.		
...			
(l) Self-propelled vehicles	Seven.		
...			
(m) Static-machine tools	Twenty.		
...			
(n) Air conditioning plant -			
(i) Static	Fifteen.		
(ii) Portable	Seven.		
(o) (i) Office furniture and fittings	Twenty.		
(ii) Office equipment	Ten.		
(iii) Internal wiring, including fittings and apparatus.	Fifteen.		
(iv) Street-light fittings	Fifteen.		

Description of asset		Number of years of life of asset	
(1)		(2)	
(p) Apparatus let on hire-			
(i) Other than meters	... ..	Seven.	
(ii) Meters	... ..	Twenty.	
(q) Communications equipment-			
(i) Radio and high frequency	...	Fifteen.	
(ii) Telephone lines and telephone.	...	Twenty.	
D	Assets purchased second hand and assets not otherwise provided for in this table.	...	Such reasonable period as Government determines in each case having regard to the nature of the asset at the time of its acquisition by the licensee

MEGHALAYA ORDINANCE 1 OF 1977

**THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS' SALARIES AND
ALLOWANCES) (AMENDMENT) ORDINANCE, 1977**

An

Ordinance

*further to amend the Legislative Assembly of Meghalaya (Members' Salaries and Allowances)
Act, 1972.*

Whereas, the Legislative Assembly of Meghalaya is not in Session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the Twenty seventh year of the Republic of India the following Ordinances, namely:-

1. *Short title and commencement.*- (1) This Ordinance may be called the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Ordinance, 1977.

(2) It shall be deemed to have come into force on the 1st day of October, 1976.

2. *Insertion of new Section 6A in Act 8 of 1972.*- After Section 6 of the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972, the following section shall be inserted as Section 6A, namely:-

6A. "Entitlement of telephone connection and telephone charges.- (1) Each member shall be entitled to have a telephone connection in a place of his choice where he normally resides or carries on his duties as the member of the Assembly.

(2) The annual rent and the installation charges of such telephone shall be borne by the Government and the member shall also be paid a telephone allowance of one hundred rupees per month for telephone calls and the charges for the excess over the minimum calls permissible to the subscriber.

(3) The telephone allowance under this section shall be paid to each member irrespective of the fact whether or not telephone connection has been provided to him."

**Dated Shillong:
The 24th January, 1977.**

**LALLAN PRASAD SINGH.
Governor of Meghalaya.**

MEGHALAYA ORDINANCE 2 OF 1977

THE SHILLONG ELECTRIC SUPPLY UNDERTAKING (ACQUISITION) ORDINANCE 1977

An

Ordinance

**to provide for the acquisition of the Shillong Electric Supply Undertaking for a public purposes
and for giving effect to the policy of the State towards securing the principles specified
in Clause (b) of Article 39 of the Constitution of India.**

Whereas, the Legislature of the State of Meghalaya is not in session and the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

And whereas instructions from the President have been obtained to promulgate the Ordinances;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the Twenty-eighth Year of the Republic of India the following Ordinance, namely:-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Shillong Electric Supply Undertaking (Acquisition) Ordinance, 1977.

(2) It extends to the whole of the State of Meghalaya.

(3) It shall come into force at once.

2. Definitions and Interpretation.- In this Ordinance, unless the context otherwise requires-

- (a) 'Annual Account' means the account of the undertaking rendered to the Government annually under and in accordance with the Electricity Act;
- (b) 'Board' means the Meghalaya State Electricity Board constituted under Section 5 of the Electricity Supply Act;
- (c) 'Document' in relation to the undertaking, includes its books, accounts, registers, maps and plans, and all other documents of whatever nature relating to the undertakings.
- (d) 'Electricity Act' means the Indian Electricity Act, 1910 (Act 9 of 1910).
- (e) 'Electricity Supply Act' means the Electricity (Supply) Act, 1948 (Act 54 of 1948).

- (f) 'Fixed Assets' includes works spare parts, stores, tools, motor and other vehicles, instruments, office and other equipments and furniture ;
- (g) 'Government' means the Government of Meghalaya;
- (h) 'Licensee' means the Shillong Hydro Electric Ltd;
- (i) 'Prescribed' means prescribed by rules made under this Ordinance;
- (j) 'Schedule' means the Schedule appended to this Ordinance;
- (k) 'Undertaking' means the electric supply undertaking at Shillong owned and managed by the Shillong Hydro Electric Ltd.;
- (l) 'Vesting date' means the date on which the undertaking shall vest in the Government under Section 3;
- (m) 'Works' includes electric supply lines, any lands, buildings, structures, plan, machinery or apparatus required to supply energy and to carry into effect the object of a licence granted under the Electricity Act;
- (n) Other expressions shall have the meanings respectively assigned to them in the Electricity Act.

3. Power of Government to take over the undertaking.- (1) The Government may, by notification in the Official Gazette, take over the undertaking on the date and time specified in the notifications.

(2) On and from the date and time specified in the notification issued under sub-section (1), the undertaking shall be deemed to be transferred to and shall vest in the Government.

(3) The Government shall, by force of vesting in it of the undertaking under sub-sections (2) , be deemed to have entered into possession of all the properties, movable and immovable, fixed assets, rights, powers authorities and privileges of the undertaking from the vesting date.

4. Transfer of undertaking to Board.- The Government may by an order in writing , transfer the undertaking acquired under this Ordinance to the Board on such terms and conditions, as may be specified therein, and on such transfer the undertaking together with all assets, liabilities, rights and obligations, which by virtue of this Ordinance have vested in the Government shall thereupon vest and devolve on the Board.

5. Vesting of undertaking.- (1) The property, rights, liabilities and obligations specified below in respect of the undertaking shall vest in the Government on the vesting date:-

- (i) all the fixed of the license and all the documents relating to the undertaking;

- (ii) all the rights, liabilities and obligations of the licensee under hire-purchase agreements, if any, for the supply of materials or equipment made bonafide before the vesting date;
- (iii) all the rights, liabilities and obligations of the licensee under any other contract entered into *bonafide* before the vesting date not being a contract relating to the borrowing or lending of money, or to the employment of staff.
- (iv) (a) all cash and bank balances of the licensee relatable to the undertaking on the vesting date;
- (b) all amounts due or accruable or accrued to the licensee, in connection with electrical energy supplied or other supplies made or services rendered by the licensee, in the course of operations of the undertaking, upto the vesting date; and
- (c) all investments, loans, advances or deposits relatable to the operations of the undertakings, made by the licensee and outstanding on the vesting date, except loans and advances to the employees of the licensee.

(2) All the assets specified in Clause (i) of sub-section (1) shall vest in the Government free from any encumbrances, debts mortgages or similar obligations of the licensee or attaching to the undertaking;

Provided that such debts, mortgages or obligations shall attach to the amount payable under this Ordinance for the assets.

(3) The licence granted to the undertaking under the Electricity Act shall be deemed to have been terminated on the vesting date and all the rights liabilities and obligations of the licensee under any agreement to supply electricity entered into before that date shall devolve or shall be deemed to have devolved on the Government:

Provided that where any such agreements is not in conformity with the rates and conditions of supply approved by the Government and in force on the vesting date, the agreement shall be voidable at the option of the Government:

Provided further that on and from the vesting date the consumers will be governed by the Tariff for supply of electricity and the general conditions of supply of the Board.

(4) On and from the vesting date, it shall be lawful for the Government or their authorised representative, after removing obstruction, if any, to take physical possession of all the property, movable and immovable, including fixed assets and documents of the undertaking:

(5) All the liabilities and obligations, other than those vesting in the Government under sub-sections (1) and (3), shall continue to be the liabilities and obligations of the licensee, after the vesting date.

Explanation – All liabilities and obligations in respect of staff, taxes provident fund, Employees State Insurance, industrial disputes and all other matters, upto and including the vesting date shall continue to be the liabilities and obligations of the licensee, after the vesting date.

6. Gross amount payable to Licensee:- (1) The gross amount payable to the licensee shall be the aggregate value of the amounts specified below:-

- (i) the book value of all completed works in beneficial use pertaining to the undertaking and taken over by the Government (excluding works paid for by consumers) less depreciation calculated in accordance with the Schedule;
- (ii) the book value of all works in progress taken over by the Government, excluding works paid for by consumers or prospective consumers;
- (iii) the book value of all stores including sparts taken over by the Government and in the case of used stores and spare parts, if taken over, such sum as may be decided upto by the Government.
- (iv) the book value all other fixed assets in use on the vesting date and taken over by the Government less depreciation calculated in accordance with the Schedule;
- (v) the book value of all plants and equipment existing on the vesting date, it taken over by the Government , but no longer in such value has not be written off in the books of the licensee less depreciation calculated in accordance with the Schedule;
- (vi) the amount due from consumers in respect of every hire purchase agreements referred to Clause (ii) of sub-section (1) of Section 5, less a sum which bears to the difference between the total amount of the instalments and the original cost of the materials or equipment, the same proportion as the amount due bears to the total amount of the instalments;
- (vii) any amount paid actually by the licensee in respect of every contract referred to in Clause (iii) of sub-section (1) of Section 5;
- (viii) the amount of cash and bank balance taken over by the Government under sub-clause (a) of Clause (iv) of sub-section (1) of Section 5 ;
- (ix) the value of the items taken over by the Governments under sub-clauses (b) and (c) of Clauses (iv) of sub-section (1) of Section 5, less bed debts or unrealisable amount, as the case may be.

Explanation: The book value of any fixed asset means its original cost and shall comprise.-

- (i) the purchase price paid by the licensee for the asset., including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking;
- (ii) the cost of supervision, if any, actually incurred and charged to the value of the assets in the books of the undertaking, but not exceeding fifteen percent of the amount referred to in paragraph (i):

Provided that before deciding the amount under this sub-section the licensee shall be given an opportunity by the Government of being heard, after giving him a notice of at least 15 days therefor.

(2) In addition a sum equal to 10 percent of the amounts assessed under clauses (i) to (iv) of sub-section (1) shall be paid to the licensee by the Government.

(3) When any asset has been acquired by the licensee after the expiry of the period to which the latest annual accounts relate, the book value of the asset shall be such as may be decided upon by the Government:

Provided that before deciding the book value of any such asset, the licensee shall be given an opportunity by the Government of being heard after giving him a notice of at least 15 days therefor.

7. Deductions from the gross amounts:-

The Government shall be entitled to deduct the following sums from the gross amount payable under this Ordinance to the licensee-

- (a) the amount , if any, already paid in advance;
- (b) the amount, if any, specified in Section 8;
- (c) the amount payable, due, or accrued, if any, including interest and/or surcharge thereon from the licensee to the Board, for energy supplied by the Board before the vesting date;
- (d) all amounts and arrears of interest, if any, thereon, due from the licensee to the Government;
- (e) the amount , if any, equivalent to the loss sustained by the Government by reason of any property or rights belonging to the undertaking not having been handed over to the Government, the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefor under this Ordinance, together with any income which might have been realised by the Government if the property or rights had been handed over on the vesting date;

- (f) the amount of all loans due from the licensee to any financial institutions constituted by or under the authority of the Government and arrears of interest, if any , thereon;
- (g) all sums paid by consumers by way of security deposit and arrears of interest due thereon the vesting date, in so far as they have not been paid over by the licensee to the Government;
- (h) all advances from consumers and prospective consumers, and all sums which have been or ought to be set aside to the credit of the consumer's fund, in so far as such advances or sums have not been paid over by the licensee to the Government;
- (i) the amounts remaining in Tariffs and Dividends Control Reserve, Contingencies Reserve, Provident Fund and Staff Gratuity Fund accounts and the Development Reserve, in so far as such amounts have not been paid over by the licensee to the Government;
- (j) the amount, if any , as specified in sub-section (2) and (3) of Section 10;
- (k) the amount , if any , relating to debts, mortgages or obligations as mentioned in proviso to sub-section (2) of Section 5:

Provided that before making any deduction under this Section, the licensee shall be given a notice to show cause against such deduction within a period of fifteen days from the date of receipt of such notice.

8. Effect of transactions not *bonafide*:- Where the Government are of opinion that the licensee has on or after the 1st January,1975, disposed of any fixed asset whether by way of after , exchange,gift,lease of otherwise, or incurred any expenditure, liability or obligation otherwise than in the normal course of events, with a view to benefit unduly the licensee or some other person and thereby caused loss to the Government as succeeding owners of the undertaking, the Government shall be entitled deduct from the amount payable to the licensee under this Ordinance, an amount which they consider to be loss sustained by them:

Provided that before making such deduction, the licensee shall be given a notice within nine months of the vesting date to show cause against such deduction, within a period of fifteen days from the date of receipt of such notice.

9. Manner of payment of net amount: - (1) The Government shall appoint, by order in writing, a person having adequate knowledge and experience in matters relating to accounts, as Special Officer to assess the net amount payable under this Ordinance by the Government to the licensee, after making the deductions mentioned in section 7.

(2) The Special Officer may call for the assistance of such Officers and staff of the Government Board or the undertaking as he may deem fit, in assessing the net amount payable.

(3) The net amount due to the licensee under this Ordinance shall be paid by the Government to the licensee within one year from the vesting date:

Provided that this period may be suitably extended by the Government if the licensee fails to furnish or delays the furnishing of accounts, information, particulars or documents as mentioned in Section 11.

(4) The net amount payable shall bear simple interest at the rates of one percentum over the average of the Reserve Bank rates between the vesting dated and the date of payment or tender of payment:

Provided that no interest shall be payable during any extension of time granted under the proviso to sub-section (3).

(5) Where the gross amount shall be payable to the licensee is equal to or less than the total amount to be deducted under section 7, no payment shall be made to the licensee by the Government.

10. Provisions for existing staff of licensee: - (1) Every person who was employed in connection with the affairs of the undertaking as its employee immediately before the vesting date, other than directors or advisers, shall become on the vesting date an employee of the Government and thereafter an employee of the Board on the date of transfer of the undertaking to the Board under section 4, and shall hold his service on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the undertaking had not been transferred to and vested in the Government or the Board, as the case may be, and continue to do so unless and until his employment under the Government or the Board, as the case may be is terminated after giving him three calendar months, notice in writing, or paying him three months' pay in lieu of such notice, as the case may be, or until his remuneration, terms or conditions are duly altered by the Government or the Board, as the case may be.

(2) If the Licensee fails to pay such an employee his dues arising or accrued on or before the vesting date, the Government or the Board, as the case may be, may pay him the said dues and the amount so paid shall be deducted from the amount payable by the Government to the Licensee.

(3) In case the Government or the Board, as the case may be, retrench any such employee within a period of one year from the vesting date, the amount payable to such an employee on retrenchment shall be deducted from the amount payable by the Government to the licensee.

(4) For the persons who immediately before the vesting date were the trustees for any pension, provident, gratuity or other like fund constituted for the employees of the licensee, there may be substituted as trustees, such persons as the Government may, by general or special order, specify.

(5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Act 14 of 1947), or in any other law for the time being in force³, the transfer of the services of any employee from the licensee to the Government or from the Government to the Board, shall not entitle such employee to any compensation under this Ordinance or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(6) If any question arises as to whether or not any person was employed in connection with the affairs of the undertaking as its employee immediately before the vesting date, or whether or not the services of any person have been transferred to the Government or Board under this Ordinance, it shall be decided by an Officer authorised for this purpose by the Government and an appeal shall lie against his decision to the Government whose decision shall be final.

11. Inventory of assets and information – (1) The licensee shall, within ninety days from the vesting date or such further time as may be granted by the Government, prepare and hand over to the Government a complete inventory of all property including fixed assets belonging to the undertaking along with the book value, year of purchase and all relevant documents.

(2) The licensee shall also write up the accounts of the undertaking upto the vesting date, get them audited and submit them to the Government within four months from that date or such further time as may be granted by the Government.

(3) The licensee shall also within such time as may be specified by the Government, furnish to them such information and particulars as may be required by the Government in regard to documents relating to the undertaking.

(4) The licensee shall not destroy any document relating to the undertaking and shall hand over to the Government on vesting date all such documents as are necessary for ascertaining the assets of the undertaking the rights, liabilities and obligations attaching thereto, and determining the amount payable or deductible in respect of the undertaking under this Ordinance.

(5) Where the documents, aforesaid have been taken possession of by the Government, the licensee or any person authorised by him in this behalf, shall have access to such documents at all reasonable times and shall also be entitled to take copies thereof or extracts therefrom.

12. Power of entry- Any employee of the Government or the Board authorised in this behalf by general or special order by the Government, or the special officer appointed under section 9 may, at any time after giving the licensee reasonable notice, enter upon any land or premises in his possession and make any survey, examination or investigation preliminary or incidental to the purposes of this Ordinance.

13. Penalties - (1) Whoever, being required to, furnish any information or make any statement under this Ordinance furnishes any information or makes any statement which he knows to be false, or whoever wilfully fails to hand over to the Government or obstructs in taking over by the Government of any property, including fixed asset or documents, belonging to the undertaking or wilfully suppresses or damages or destroys such property, fixed asset or document, which is to be taken over by the Government, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees or with both, and in the case of continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

(2) Whoever fails, without reasonable cause, to comply with any of the provisions of this Ordinance or the rules made thereunder, or any direction or order issued in pursuance thereof shall if the case be not governed by sub-section (1), be punishable with fine which may extend to five thousand rupees and in the case of continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.

(3) No, Court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorised by them in this behalf.

14. Offences by Corporation.- Where a person committing any offence punishable under this Ordinance is a company or any association or a body of persons, the Manager, Secretary, agent or other principal officer managing the affairs of the company, association or body shall be deemed to be guilty of such offence.

15. Protection of action. – No suit, prosecution or other legal proceeding shall lie against the Government or the Board or any employees of the Government or the Board or the Special Officer appointed under section 9 or any other person authorised or acting under the direction of the Government or the Board or aiding or assisting the Government or the Board or an employee of the Government or the Board in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule or order made thereunder.

16. Bar to jurisdiction of Court. - Notwithstanding anything contained in any other law for the time being in force, no court or tribunal shall call in question any order act done or purported to have been done under this Ordinance.

17. Effect of other Laws: - No provision of the Electricity Act, the Electricity Supply Act, or any other Act for the time being in force and of any rule made under any of those Acts or of any instrument including license having effect by virtue of any of those Acts or any rule made thereunder, shall, in so far as it is inconsistent with any of the provisions of this Ordinance, have any effect.

18. Power to remove difficulties- If any difficulty arises in giving effect to the provisions of this Ordinance the Government may as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the vesting date.

19. Arbitration – (1) Where any dispute arises in respect of any of the matters specified below, it shall be determined by an arbitrator appointed by the Government.

- (a) whether any property belonging, or any right, liability or obligation attaching to the undertaking, vest in the Government ;
- (b) whether any fixed asset forms part of the undertaking;
- (c) whether any contract including any contract or agreement referred to in clauses (ii) and (iii) of sub-section (1) of section 5 has been entered into *bonafide* or not ;

- (d) whether any agreement to supply electricity entered into by the licensee prior to the vesting date is of the nature referred to in the first proviso to sub-section (3) of Section 5 ;
- (e) any other dispute that may arise regarding the gross or net amount payable to the licensee under this Ordinance.

(2) Subject to the provision of this section, the provisions of the Arbitration Act, 1940 (Act 10 of 1940) , shall apply to all arbitration under this Ordinance.

20. Power to make rules:- The Government may make rules to carry out the purposes of this Ordinance.

22. Declaration: - It is hereby declared that this Ordinance is for giving effect to the policy of the policy of the State towards securing the principles specified in Clause (b) of Articles 39 of the Constitution of India.

SCHEDULE

(See section 6(1))

For the purpose of determining the amount payable under section 6(1), the depreciation shall be calculated at annual rates arrived at by dividing ninety percent of the book value of each asset by the number of years of life of the asset as specified in the table below running in each case from the beginning of the year of account next following that in which the particular asset became available for use in the business. For the period after the licensee's last completed financial year till the vesting date, the depreciation shall be calculated pro-rata. Depreciation shall not be calculated for any period beyond the life of the asset as prescribed herein.

TABLE

Description of asset				Number of years of life of asset
(1)				(2)
A	Land owned under full title	...	...	Infinity
B.	Land held under lease -	...		
	(a) for investment in the Land	...		The period of the lease, or the period remaining unexpired on the assignment of the lease.
	(b) for cost of clearing site	...		The period of the lease remaining unexpired at the date of clearing the site.
C.	Asset purchased new-			
	(a) Plant and machinery in generating stations, including plant foundations –			
	(i) Hydro electric	...	...	Thirty-five.
	(ii) Steam electric	...	...	Twenty-five
	(iii) Diesel electric	...	...	Fifteen.
	(b) Cooling towers and circulating water systems.	...		Thirty.
	(c) Hydraulic works forming part of a hydro electric system, including-			
	(i) Dam, spillway, weirs, canals, reinforced concrete flumes and syphons.	...		One hundred.
	(ii) Reinforced concrete pipe lines and surge tanks, steel pipe lines, sluice gates, steel surge tanks, hydraulic central valves and other hydraulic works.	...		Forty.
	(d) Building and civil engineering works of a permanent character, not mentioned above –			
	(i) Office and show-rooms	...		Fifty.

Description of asset	Number of years of life of asset
(1)	(2)
(ii) containing thermo electric generation plant.	... Thirty.
(iii) containing hydro-electric generating plant.	... Thirty-five.
(iv) Temporary erections such as wooden structures.	... Five.
(iva) roads other than katcha roads	... One hundred.
(v) Others ...	... Fifty.
(e) Transformers, transformer kiosks, sub-station equipment and other fixed apparatus (including plant foundation)-	
(i) Transformers (including foundation) having a rating of 100 kilovolt amperes and over.	... Thirty-five.
(ii) Others ...	... Twenty-five.
(iii) Switchgear, including cable connection	... Twenty.
(f) Lightning arrestors –	
(i) Station type ...	... Twenty
(ii) Pole type ...	... Fifteen.
(iii) Synchronous condensers	... Thirty-five.
(g) Batteries ...	... Ten.
(h) (i) Underground cables including joint boxes and disconnecting boxes.	... Forty.
(ii) Cable duct system ...	... Sixty.
(i) Overhead lines including support –	
(i) Lines on fabricated steel supports operating at nominal voltages higher than 06 kilovolts.	... Thirty-five.
(ii) Lines on steel supports operating at nominal voltages higher than 13-2 kilovolts but not exceeding 66 kilovolts.	... Thirty.

Description of asset	Number of years of life of asset
(1)	(2)
(iii) Line on steel or reinforced concrete supports	... Twenty-five
(iv) Lines on treated wood support	... Twenty
(j) Meters ...	... Fifteen.
(k) Self-propelled vehicle ...	... Seven.
(l) Static machine tools ...	... Twenty.
(m) Air Conditioning plant –	
(i) Static ...	... Fifteen.
(ii) Portable ...	... Seven.
(n) (i) Office furniture and fittings ...	... Twenty.
(ii) Office equipment ...	... Ten.
(iii) Internal wiring, including fittings and apparatus.	... Fifteen.
(iv) Street-light fittings ...	... Fifteen
(o) Apparatus let on hire –	
(i) Other than meters ...	... Seven.
(ii) Meters ...	... Twenty.
(p) Communication equipment -	
(i) Radio and high frequency carrier system.	... Twenty.
(ii) Telephone lines and telephone.	... Twenty.
D. Assets purchased second hand and assets not otherwise provided for in this table.	... Such reasonable period as Government determines in each case having regard to the nature of the assets at the time of the requisition by the licensee.

Camp, Guwahati:
The 15th July, 1977.

LALLAN PRASAD SINGH,
Governor of Meghalaya.