



**The Gazette of Meghalaya**  
**EXTRAORDINARY**  
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No. 26                      Shillong, Friday, March 30, 2012,                      10th Chaitra, 1934 (S. E.)

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**PART - IV**  
**GOVERNMENT OF MEGHALAYA**  
**LAW (B) DEPARTMENT**  
**ORDERS BY THE GOVERNOR**

**NOTIFICATION**

The 30th March, 2012.

**No.LL(B) 87/97/161.**—The Meghalaya Municipal (Amendment) Act, 2012 (Act No. 3 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 3 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

**THE MEGHALAYA MUNICIPAL (AMENDMENT) ACT, 2012**

**An**  
**Act**

further to amend the Meghalaya Municipal Act (the Assam Act, 1956 as adapted and amended by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of Republic of India as follows: -

**Short title, extent  
and  
commencement.**

1. (1) This Act may be called the Meghalaya Municipal (Amendment) Act, 2012.  
(2) It extends to the municipal areas of the State of Meghalaya.  
(3) It shall come into force at once.

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| Omission of existing Section 43A.  | 2. Section 43A of the Meghalaya Municipal Act (Assam Act, 1956 as adapted and amended by Meghalaya) (hereinafter referred to as the principal Act) shall be omitted.  |
| Insertion of new section 49A.  | <p>3. After Section 49 of the principal Act, the following new section 49A shall be inserted, namely,-</p> <p><b>“49A- Municipal Accounts Committee and its functions-</b> (1) Without prejudice to the provisions of sections 48 and 49 of the Act the Board may constitute a Municipal Accounts Committee consisting of such members as specified by the Board.</p> <p>“(2) The functions of the Committee shall be to examine the accounts of the Board and also to check whether the audit observations and instructions made or given from time to time have been complied with; to undertake physical verification of cash, stock and assets of the Board; and to discharge such other functions as may be entrusted by the Board.</p> <p>“(3) In the discharge of its functions the Committee shall have powers to summon person concerned and call for books of accounts and other relevant records.</p> <p>“(4) The Committee shall submit quarterly report to the Board”.</p> |
| Insertion of new Clause (e) to sub-section (1) of Section 60.  | <p>4. In sub-section (1) of Section 60 of the principal Act, after clause (d), the following new Clause (e) shall be inserted, namely,-</p> <p>“(e) fifthly, 25% of the municipal budget shall be earmarked for provision of basic services to the urban poor. In case, the fund so earmarked is not utilised for the purpose during a particular year, either fully or partially, the balance amount shall be carried over to the succeeding year’s budget.”</p>   |
| Insertion of new section 67A.  | <p>5. After Section 67 of the principal Act, the following new section 67A shall be inserted, namely,-</p> <p><b>“67A-Constitution of State Level Property Tax Board</b> (1) The State Government shall, by notification constitute a State Level Property Tax Board. The Board so constituted shall or cause to enumerate all properties within the jurisdiction of the municipalities; review the present property tax system and make recommendation for basis of assessment and valuation of properties and modalities for periodic revisions.</p> <p>(2) The composition of the State Level Property Tax Board, appointment of Member Secretary, terms of office, functions, officers and staff, budget &amp; accounts may be as prescribed.</p>   |
| Insertion of Chapter VA and new Sections 151A, 151B, 151C, 151D, 151E, 151F, 151G, 151H, 151I, 151J, 151K. | <p>6. After Chapter V of the principal Act, the following new Chapter V A and new Sections 151A, 151B, 151C, 151D, 151E, 151F, 151G, 151H, 151I, 151J, 151K shall be inserted, namely,-</p>   |

**“Chapter V A****BUDGET ESTIMATE, ACCOUNTS & AUDIT”**

**“151A-Preparation of Annual Budget** - The Board shall prepare a budget estimate of the municipality every year for the ensuing financial year in the format as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151B-Budget to be sent to the State Government** - The annual budget of following approved by the Board shall be submitted to the State Government for inclusion in the state budget as a supplement to state budget for local bodies before 31st January in each year.”

**“151C-Revision of Budget** - The annual budget so approved may be revised if considered necessary by the Board with the approval of State Government.”

**“151D- Preparation of State Municipal Accounting Manual**-The State Government shall notify a Manual to be called as the Meghalaya Municipal Accounting Manual containing details of all financial matters and procedures relating thereto in respect of the Municipality.”

**“151E- Maintenance of accounts** - The Board shall prepare and maintain accounts of the municipality in such form, and in such manner, as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151F- Statement of Income & Expenditure:** The Board shall or cause to prepare, within three months of the next financial year a financial statement containing an income and expenditure account and a receipt and payment account for the preceding year in the format as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151G- Balance sheet** - The Board shall prepare or cause to prepare within three months of the next financial year a balance sheet of the assets and the liabilities of the Municipality for the preceding year in the form prescribed in the Meghalaya Municipal Accounting Manual.”

**“151H- Approval of Municipal Accounts**-The Board shall approve the account of the previous financial year within four months of the next financial year.”

**“151I- Submission of financial statements to auditor** - The financial statements prepared under section 151F & 151G be placed before the Board which, after approval, shall be submitted to the Auditor as may be appointed by the State Government.”

**“151J- Power of Auditor** (1) The municipal accounts as contained in the financial statement, including the accounts of special funds, if any, and the balance sheet shall be audited by Examiner of Local Accounts or his equivalent or an Auditor appointed by the State Government.

“(2) The Comptroller & Auditor General of India shall provide Technical Guidance and Supervision over the proper maintenance and Audit of the accounts of the Board and shall prepare an Annual Technical Inspection report based on such Technical guidance and Supervision and the test check of accounts of the municipality and forward a copy of the report to the State Government.

“(3) Notwithstanding the provisions of subsection (2) the Comptroller and Auditor General may send the report of such audit to the State Legislature.

“(4) The Board shall take necessary action on the report of the Auditor along with test audit report of the Comptroller and Auditor General, within six weeks of receipt.”

**“151K- Submission of audited accounts** - The Board shall, after adoption of the financial statement and the balance sheet and the report of the Auditor along with Test Audit Report of the Comptroller and Auditor General by the Board, forward the same to the State Government for placing before the State Legislature along with the action taken report with intimation to the Auditor and Comptroller and Auditor General.”

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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No. 27

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PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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NOTIFICATION

The 30th March, 2012.

**No.LL(B) 114/2010/57.**—The Meghalaya State Finance Commission Act, 2012 (Act No. 4 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 4 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

**MEGHALAYA STATE FINANCE COMMISSION ACT, 2012****An****Act**

to constitute a State Finance Commission and to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected and to prescribe their powers and for matter connected therewith.

Whereas, it is expedient to make all the local bodies of the State to have financial autonomy to further democratic decentralization for which constitution of a State Finance Commission to consider and recommend the principle which will govern the distribution of revenue between the State Government and the Local Bodies is necessary;

And, whereas, further, Part IX of the Constitution of India does apply to the state of Meghalaya;

And, whereas, also, Part IX-A of the Constitution of India, except normal areas of Shillong, does not apply to the tribal areas of the State of Meghalaya;

And, whereas, it is expedient to constitute a single State Finance Commission for all the local bodies which will also be suitable to local bodies exempted by the aforementioned provisions of the Constitution on the basis of the existing administrative arrangements to enable all the local bodies to have financial autonomy to perform functions analogous to the functions of other local bodies constituted under Part IX and Part IX-A of the constitution while retaining the distinctive tribal identity protected by the Sixth Schedule of the Constitution of India which is foundational to the local bodies of the State;

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

**Short title and commencement.**

1. (1) This Act may be called the Meghalaya State Finance Commission Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless the context otherwise requires, -

- (a) "Act" means the Meghalaya State Finance Commission Act, 2012;
- (b) "Commission" means the Meghalaya State Finance Commission constituted under sub-section (1) of section 3 of the Act;
- (c) "members" means members of the Commission including the chairperson, other members and include the Member-Secretary appointed under section 4 of the Act;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "State Government" means the Government of the State of Meghalaya; and
- (f) "State Legislature" means the Legislature of the State of Meghalaya;
- (g) "Traditional Bodies" means the existing Chiefs of Traditional Institutions or Village Durbars by whatever name they are constituted under the customary laws or conventions.

**Constitution of a State Finance Commission.**

3. (1) The State Government shall, as soon as may be within one year from the commencement of this Act and thereafter at the expiry of every fifth year, constitute a body to be known as the Meghalaya State Finance Commission to review the financial position of the Traditional Bodies, Municipalities or Municipal Boards notwithstanding any term by which urban local bodies are called in the State and also the Autonomous District Councils as the State Government may deem it necessary and to make recommendations as to -

- (a) the principles which should govern –
- (i) the distribution between the State and the Traditional Bodies, Municipalities or Municipal Boards or the Autonomous District Councils of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them to enable these bodies to perform the functions assigned and which may be assigned to it under any laws in force or orders and the allocation between the Traditional Bodies, Municipalities and the Autonomous District Councils at all levels of their respective shares of such proceeds;
  - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or, appropriated by the Traditional Bodies, Municipalities and the Autonomous District Councils;
  - (iii) the grant-in-aid to the Traditional Bodies, Municipalities and the Autonomous District Councils from the Consolidated Fund of Meghalaya;
- (b) the measures needed to improve the financial position of the Traditional Bodies, Municipalities and the Autonomous District Councils;
- (c) any other matter referred to the Commission by the State Government in the interests of sound finances of the Traditional Bodies, Municipalities and the Autonomous District Councils; and
- (d) any other matter referred to the Commission by the State Government in the interest of the effective implementation of responsibilities required to be undertaken by the Village Durbars, Municipalities and Autonomous District Councils.

(2) The State Government shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the State Legislature.



**The  
Composition  
and  
qualifications  
for appointment  
as, and the  
manner of  
selection of,  
members of the  
Commission.**

4. The composition of the Commission constituted under sub-section (1) of section 3 shall consist of -

- (a) a Chairperson who shall be selected from among persons who have had experience in public affairs;
- (b) and the members not exceeding four in numbers who shall be selected from among persons who -
  - (i) have special knowledge of the finances and accounts of Government; or
  - (ii) have had wide experience in financial matters and in administration; or
  - (iii) have special knowledge of economics.
- (c) The Member Secretary, who shall be appointed by the State Government.

**Personal  
interest to  
disqualify  
members.**

5. Before appointing a person to be a member of the Commission, the State Government shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission and the State Government shall also satisfy itself from time to time with respect to every member of the Commission that he has no such interest and any person who is or, whom the State Government proposes to appoint to be, a member of the Commission shall, whenever required by the State Government so to do, furnish such information as the State Government considers necessary for the performance by him of his duties under this Act.

**Disqualifications  
for being a  
member of the  
Commission.**

6. A person shall be disqualified for being appointed as, or for being, a member of the Commission, -

- (a) if he is mentally unsound;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted of immoral offence;
- (d) if he has such financial or other interest as is likely to affect smooth functioning as member of the Commission.

**Term of office of members and eligibility for reappointment.**

7. Every member of the Commission shall hold office for such period as may be specified in the order of the State Government appointing him, but shall be eligible for reappointment:

Provided that he may, by letter addressed to the State Government, resign his office.

**Conditions of service and salaries and allowances of members.**

8. The members of the Commission shall render whole-time or part-time service to the Commission as the State Government may in each case specify and there shall be paid to the members of the Commission such fees or salaries and such allowances as may be prescribed.

**Procedures and powers of the Commission.**

9. (1) The Commission shall determine their procedure and methods of functioning as assigned to under this Act.

(2) The Commission may consider for its adoption the template for reports of the Commission recommended by the Thirteenth Finance Commission of India.

(3) The Commission, in the performance of their functions, shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act No.5 of 1908), while trying a suit in respect of the following matters, namely, -

- (a) summoning and enforcing the attendance of any official, person or witnesses;
- (b) requiring the production of any document;
- (c) requisitioning any public record from any court or office.

(4) The Commission shall have powers to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

**Power to make rules.**

10. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall, as soon as after it is made, be laid before the State Legislature.

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 95/2003/85.**—The Meghalaya Fire and Emergency Services Act, 2012 (Act No. 5 of 2012) is hereby published for general information.

#### MEGHALAYA ACT NO. 5 OF 2012.

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

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#### THE MEGHALAYA FIRE AND EMERGENCY SERVICES ACT, 2012

An

Act

to provide for the maintenance of Fire and Emergency Service in the State of Meghalaya.

Whereas, it is expedient to provide for the maintenance of fire and emergency services in the State of Meghalaya;

It is enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

**Short title,  
extent and  
commencement.**

- (1) This Act may be called the Meghalaya Fire and Emergency Services Act, 2012.
- (2) It extends to the whole State of Meghalaya.

- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless there is anything repugnant to the subject or context -

(a) "Act" means the Meghalaya Fire and Emergency

Services Act, 2012;

(b) "Director" means the Director of Fire and Emergency

Services appointed under Section 5;

(c) "Fire fighting property" includes -

(i) lands and buildings directly or indirectly connected with fire fighting;

(ii) fire engines, equipments, tools, implements and materials whatsoever used for fire fighting;

(iii) motor vehicles and other means of transport used in connection with fire fighting; or

(iv) uniform and badges or rank;

(d) "Fire Station" means any post or place declared, generally or specifically by the State Government to be a fire station;

(e) "Services" means the Meghalaya Fire and Emergency Services maintained under this Act;

(j) "Jurisdiction" means an area over which a Fire Station usually operates;

(f) "Licensing Authority" means such officer as may be authorized by the State Government;

(h) "Member" means and includes a member of the service who performs operational, supervisory, directional and executive duties in such ranks as may be prescribed by the State Government;

(i) "Officer in-charge" of a Fire Station includes the Fire Officer next in rank to the Officer in-charge of Fire Station or any other Officer holding charge of the Fire Station in absence of the Officer-in-charge;

(j) "Owner" includes occupier of a building, property, place, warehouse, workshop;

(k) "Pandal" means puja pandals and other pandals for big public gathering but does not include erection of pandals in private compound or places for use during bereavement, marriage ceremony and such other occasions in private gathering;

(l) "Place" means either enclosed or covered or open land having buildings or premises within 22 meters on any side of its surroundings;

(m) "prescribed" means prescribed by rules made under this Act by the State Government;

(n) "State Government" means the Government of the State of Meghalaya;

(o) "Treasury" means the Government Treasury;

(p) "Warehouse" means any building or place used whether temporarily or permanently for storing, keeping or otherwise dealing in any manner of such articles which in the opinion of the State Government are considered inflammable;

**Explanation:-** Godowns, factories, workshops, shops dealing in any manner with prescribed inflammable articles will be regarded as "Ware House" for the purpose of this Act;

(q) "Workshop" means any building or place where the processing of any article is carried on for purposes of trade or business, if such possessing of such articles which in the opinion of the State Government is considered inflammable and are notified in this respect;

**Explanation: -** The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power;

(r) "Local Authority" means any Local Body and include Municipal Boards, Town Committees, Cantonment Boards, Durbar Shnongs or Village Councils and such other bodies as may be notified by the Government.

**Constitution of Fire & Emergency Services,**

3. There shall be constituted by the State Government, a service to be called the Meghalaya Fire and Emergency Services.

**Composition of the service.**

4. The service shall consist of the following, namely. -

(a) all members of the Meghalaya Fire and Emergency Services who were recruited before the commencement of this Act;

(b) all members recruited to the service in accordance with the provisions of this Act and rules;

**Appointment of Director of Fire & Emergency Services.**

5. The State Government may appoint a person to be Director of the Meghalaya Fire and Emergency Services borne on the IPS Cadre of the rank of Inspector General of Police, Meghalaya.

**Superintendence and control of the service.**

6. (1) The superintendence and control of the service shall vest in the Director who shall be under the administrative control and supervision of the State Government in the Home (Police) Department and shall be carried on by him in accordance with the provisions of this Act and the rules made thereunder.

(2) The State Government may create such posts and appoint such officers as it may deem fit to assist the Director in the discharge of his duties.

(3) The State Government may create as many divisions in the State as required and may also create such posts in such divisions and appoint such Divisional Officers as it may deem fit to assist the Director in the discharge of his duties throughout the State.

(4) The Director may with the approval of the State Government delegate any of the powers, functions and duties under this Act to such subordinate officer as he may deem fit.

**Appointment of members of the Services.**

7. (1) The Director or such other officer not below the rank of Deputy Director shall appoint the members of the Meghalaya Fire and Emergency Services in accordance with the rules made under this Act.

(2) Subject to the provisions of Article 311 of the Constitution of India and the Meghalaya Services (Discipline and Appeal) Rules 2011 the Officers of the service, as the State Government may authorize in this behalf, may at any time dismiss, suspend or reduce in rank or award any of the punishment to any member of the subordinate found responsible for remiss or negligence in the discharge of his duty or considered unfit. The Officer may also award any one or more punishment as provided in the Meghalaya Services (Discipline and Appeal) Rules, 2011. The provisions of the said rules shall apply, *mutatis mutandis*, with regard to procedure of awarding punishment and other disciplinary actions.

**Issue of certificate to the member of the Services.**

8. (1) Every person shall, on appointment to the service, receive a certificate in the prescribed form under the seal of the Director or an officer not below the rank of Deputy Director and thereupon such person shall have the powers, functions and privileges of a member of the service under this Act,

(2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be a member of the service, and on his ceasing to be such member, he shall forthwith surrender the certificate to any officer empowered to receive such certificate.

(3) During any period of suspension, the powers, functions and privileges vested in any member of the service, shall be in abeyance but such member shall continue to be subject to the same discipline as he would have been if he had not been suspended.

**Auxiliary Fire Force.**

9. Whenever it appears to the State Government that, it is necessary to augment the service, it may enroll trained Home Guard Volunteers for such areas and on such terms and conditions as may be prescribed.

**Powers of State Government to make orders.**

10. The State Government may, from time to time, make such general or special orders as it thinks fit and such order may be: -

(a) for providing the services with such appliances and equipments as it deem proper;

(b) for providing adequate supply of water and for securing that it shall be available for use,

- (c) for constructing or providing station or hiring places for accommodating the members of the services and its fire fighting appliances;
- (d) for giving rewards to persons who have given notice of fires and to those who have rendered effective support to the service on the occasion of fires;
- (e) for the training, discipline and good conduct of the members of the service;
- (f) for deciding or determining the cadre or terms and conditions of service of the members of the service and also members of other staff or creating such additional ranks and framing rules in respect of service conditions and conduct rules as it may deem fit;
- (g) for sending members of the service with appliances and equipment beyond the limits of any area in which this Act is in force for purposes of fire fighting in the neighbourhood of such limits on such terms and conditions and under such exigencies of situation as it deems proper;
- (h) for the employment of members of the service in any rescue, salvage or other special types of jobs or operations;
- (i) for regulating and controlling the powers, duties and functions of the Director and other members of the service;
- (j) generally for the maintenance of the service in due status of efficiency; and
- (k) for conducting mock drill and in doing so all such powers as referred to in section 11 of the Act shall be exercisable by the members of the service.

**Powers of members of the services on the occasion of fire.**

11. In the event of fire in any area, any member of the service who is in charge of fire fighting operations on the spot may -
- (a) remove, detain or order any other member of the service to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
  - (b) close any street or passage in or near which a fire is burning or raging;
  - (c) for the purpose of extinguishing fire, break into or through or pull down, any premises for the passage of those engaged in fire fighting or appliances or cause them to be broken into or through or pulled down causing as little damage as possible;
  - (d) require the authority in charge of water supply in the area to regulate the water-machine so as to provide water at a specified pressure at the place where fire has broken out and utilize the water of any stream, cistern, well or tank or any available source of water, public or private, for the purpose

- of extinguishing or limiting the spread of such fire;
- (e) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire fighting operations as if he were an Officer incharge of a Police Station and as if such an assembly were an unlawful assembly. He shall be entitled to the same immunities and protection as an officer in-charge of a Police Station shall be in exercise of such powers; and
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property and for which no Officer in-charge or any member of the service working under his order or instructions will be civilly or criminally prosecuted in the court of law.
- Power of Director to make arrangement for supply of water.**
12. The Director may, with the previous sanction of the State Government, enter into agreement with the authority incharge of water supply in any area for securing adequate supply of water in case of fire on such terms as to payment or otherwise as may be specified in the agreement.
- Preventive measures and licences.**
13. (1) The State Government may, by notification in the Official Gazette, require owners or occupiers of premises in any area or of any class of premises used for purposes which in its opinion are likely to cause a rise of fire, to take such precautions as may be specified in such notification.
- (2) In case a warehouse is detected without a license, it shall be lawful for the Director or any Officer not below the rank of Station Officer, to direct the removal of prescribed article which are hazardous and likely to cause fire to a place of safety and on failure of the owner or occupier to do so, the Director or such Officer may seize, detain, remove, dispose or destroy such objects or hazardous goods. Such goods which have been seized, shall be destroyed or disposed off by public auction or by calling sealed tenders and the proceeds shall be deposited into the Treasury. The Director or such Officer not below the rank of Station Officer, shall not be liable to pay any compensation in any manner to any person in this respect.
- Fireworks.**
14. No building or place shall be used for purpose of manufacturing, making or otherwise dealing in any manner, in respect of fire works without previously obtaining a license for the same from the licensing authority or such officer as may be authorized.
- Place of public gathering for entertainment.**
15. (1) No building or structure of any kind shall be used for public gathering for amusement, entertainment or any other purposes where public may assemble, unless the owner, or occupier thereof shall have previously obtained a license.
- (2) Application for such license shall be made to the licensing authority who shall refer the case to the Director and the Licensing Authority shall grant or refuse such license as may be recommended by the Director.
- (3) No license shall be granted unless the building or structure conforms to such rules and conditions as may be prescribed for purposes of public safety.
- (4) Advance payment of such fees as may be prescribed, is made.
- Explanation:** - Theaters, Cinemas, Circus, Fairs, Mellas and such other like matters come under provisions of this Section but does not include gathering in private compound or places for use during bereavement, marriage ceremony and such other occasions in private gathering.



<b>Temporary structure or pandals.</b>	16. A person who intends to erect a temporary structure or pandal with roof or walls made of straw, hay, ulugrass, galpata, hogla, darma, mat, canvas or other like materials for use as a place where members of the public may assemble shall apply to the licensing authority and the Licensing Authority shall grant or refuse such license as may be recommended by the Director subject to clause (k) of Section 2.
<b>Conditions for granting license for ware-houses and workshops etc.</b>	17. For carrying out the purposes of any or all the provisions of Sections 13, 14, 15 and 16 of this Act, the Licensing Authority may prescribe conditions in respect of - <ul style="list-style-type: none"><li>(a) the limit of minimum or maximum quantity of such inflammable articles that may be stored, used or otherwise dealt with in a particular warehouse or workshop;</li><li>(b) determination of fees and method of calculation of fees and the manner in which payment has to be made in this respect;</li><li>(c) type or schedules or forms to be used in respect of granting license; and</li><li>(d) the precautionary measures to be taken in a warehouse.</li></ul>
<b>Power of granting license.</b>	18. Power of granting license under this Act shall be exercised by the Licensing Authority or by such officer who may be authorized by the State Government in this behalf.
<b>Expenditure on the service.</b>	19. The entire expenditure in connection with the service shall continue to be met out of the Consolidated Fund of the State of Meghalaya where the head of expenditure already existed before the commencement of this Act.
<b>Penalties for violation of preventive measures.</b>	20. (1) Any person who violates any of the provisions under Sections 14, 15, 16 and 17 or any provision of the Act, shall be punishable, on conviction by a Magistrate of First class, with imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.  (2) Any person who uses any warehouse or any workshop in respect of which a license has been refused or after the license in respect thereof has been suspended or withdrawn during the time for which such license has been suspended shall be punishable, on conviction by a Magistrate of First class, with imprisonment which may extend to one year or with fine which may not be less than one lakh rupees or with both.  (3) Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse or workshop shall be punishable, on conviction by a Magistrate, with imprisonment which may extend to six months or with fine which may extend to one lakh rupees or with both.  (4) Any person who willfully obstructs or offers any resistance to or impedes or otherwise interferes with the Director or any Officer exercising powers under sub-section (2) of Section 13, or any assistant accompanying the Director or such Officer while exercising such powers, shall be punishable, on conviction by a Magistrate with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.  (5) Any person who willfully obstructs or interferes with any member of the services who is engaged in fire fighting operations, shall be punishable with imprisonment, which may extend to three months or with fine, which may extend to five thousand rupees or with both.
<b>Information of outbreak of fire.</b>	21. Any person who possesses any information regarding an outbreak of fire shall communicate the same without any delay to the nearest Fire Station.

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<b>Failure to give information.</b>	22. Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first paragraph of Section 176 of the Indian Penal Code.
<b>False report</b>	23. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment for three months or with fine which shall not be less than one thousand rupees or with both.
<b>Employment on other duties.</b>	24. It shall be lawful for the Director to employ the member of the service in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment to provide appropriate services and relief to the people in distress situation.
<b>Enquiry into origin of fire and report.</b>	25. (1) Where any fire has occurred within any area in which this Act is in force, the senior-most officer in rank among the members of the service in that area shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Director. The Director after having ascertained the facts into the origin or cause of the fire, may furnish, on application, to any Fire Assurance Company a report on payment of the prescribed fee.  (2) If after enquiry it was ascertained that the cause of the fire is unknown or caused by negligence of the owner or occupier of any building or other property, or arson, the Station Officer in whose jurisdiction the fire occurred, shall submit a First Information Report (F.I.R.) to the Police Station of that area for investigating the case.
<b>Power to obtain information.</b>	26. Any officer of the service not below the rank of Officer in Charge of a Fire Station may for the purpose of discharging his duties under the Act require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and means of access thereto and other material particulars, and such owner or occupier shall furnish all the information in his possession.
<b>Power of entry.</b>	27. (1) The Director or any member of the service authorized by him in this behalf may enter any building, warehouse, workshop, cinema halls or place for purpose of any enquiry under this Act and for determining whether any inflammable articles are stored illegally or whether precautions against fire required to be taken in such place have been so taken.  (2) No claim shall lie against any member of the service for compensation for any damage necessarily caused by any entry made under sub-section (1).
<b>Copnsumption of water.</b>	28. No charge shall be made by any local authority for water consumed in fire fighting operations by the service.
<b>No compensation for interruption of water supply.</b>	29. No authority or in charge of water supply in an area shall be liable to claim compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of Section 11.
<b>Police Officer to aid.</b>	30. It shall be the duty of Police Officers of all ranks to aid the members of the service in the execution of their duties under the Act.
<b>Indemnity.</b>	31. No suit, prosecution or other legal proceedings shall lie against any member of the Fire and Emergency Service or police or any person for anything which is done or intended to be done in good faith or in pursuance of this Act or any rule or order made thereunder.
<b>Bar to other employment.</b>	32. No member of the service shall engage in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so by the Director.

**Restrictions respecting rights to form association, freedom of speech etc.**

33. (1) No member of the Meghalaya Fire and Emergency Service under this Act shall, without the previous sanction in writing of the State Government -

- (a) be a member of, or associated in any way with any trade union, labour union, political association or with any class of trade unions;
- (b) be a member of, or associated in any way with any society, institution, association or organization not recognized as part of the service or is not a purely social, recreational or, religious nature; or
- (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is of a purely literary, artistic or scientific character.

**Explanation:** - If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under clause (b) of this subsection, the decision of the State Government shall be final.

(2) No member of the service shall participate in or address any public meeting or take part in any demonstration or strike organized by any political party or for any other purpose affecting discipline of the Services or other purposes as may be prescribed.

(3) Any member of the service who contravenes the provisions of this section shall, without prejudice to any other action that may be taken against, be punishable with imprisonment for a term, which may extend to two years or with fine, which may extend to ten thousand rupees or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974) an offence under this section shall be cognizable and bailable.

**Reward.**

34. Any officer not below the rank of Divisional Fire Services Officer may reward a member of the services for outstanding/exemplary/rate devotion to duty, discipline, courage, or any acts of merit as follows.

- (a) **Director :** The Director may award highly commendations/commendation in the service books and/or cash reward as may be prescribed.
- (b) **Deputy Director :** The Deputy Director may also award highly commendations/commendation in the service books and/or cash reward as may be prescribed.
- (c) **Divisional Fire Services Officer :** Divisional Fire Service Officer may recommend any member (s) of the service to the Deputy Director or Director for cash reward and commendations.

- Penalty for violation of duty, etc.**
35. Any member of the service who -
- (a) is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rules or order made there under; or
  - (b) if found to be guilty of cowardice; or
  - (c) withdraws from the duties of his office without permission or without having given previous notice of at least two months; or
  - (d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or
  - (e) accepts any other employment or office in contravention of the provisions of Section 32 of this Act; or
  - (f) contravenes the provisions of Section 33; shall also be liable to departmental proceedings notwithstanding any other action taken under any other provision of the Act.
- Rules governing discipline of personnel.**
36. Fire and Emergency Service personnel in the State shall be governed by the existing relevant Discipline and Appeal Rules and other Service Conduct Rules in force, as applicable to the Indian Police Service, the State Police Service and others serving in the Police establishment.
- Operation of other Law not barred.**
37. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission, which constitutes an offence under that Act;
- Provided that no such prosecution, civil or criminal, shall be instituted except with the previous sanction of the State Government or of the authority prescribed in this behalf by the State Government if the act is done or purported to be done in the discharge of his official duty.
- Training.**
38. The State Government may establish a training centre in the State for providing courses or instructions in the prevention and extinguishment of fire and may close down or re-establish any such center.
- Public Servants.**
39. All members of the Meghalaya Fire and Emergency Service under this Act shall be deemed to be public servants as defined under Section 21 of the Indian Penal Code (Act No.45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988.
- Fire and Emergency Service personnel always on duty.**
40. (1) The personnel of the service who are not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the State.
- (2) The State Government shall, however, ensure the grant of at least one day off in a week to all personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

(3) Personnel of the service shall not abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

**Explanation:** An officer or personnel who, being absent on authorized leave, fails without reasonable cause to report for duty on the expiry of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

(4) No personnel shall engage in any other employment, or office of profit whatsoever, other than his duties under this Act.

**Power of State Government to make rules.**

41. (1) The State Government may, by notification in the Official Gazette, make rules in respect of the gazetted and non- gazetted members of the service and 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 all or any of the following matters, namely, -

- (a) to regulate appointment;
- (b) to regulate promotion;
- (c) for the compensation payable to the members of the service in case of accidents or to their dependence in case of death while engaged on duty;
- (d) to regulate the functions of the service;
- (e) to provide for twenty four hours access to the public; and
- (f) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall, as soon as after it is made, be laid in the Legislature of the State of Meghalaya.

**Power to remove difficulty.**

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not in consistent with the provisions of this Act as appear to it to be necessary or expedient, for removing difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon after it is made, be laid before the Legislature of the State of Meghalaya.

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 31/91/35.**—The Meghalaya Professions, Trades, Callings and Employments Taxation (Amendment) Act, 2012 (Act No. 6 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 6 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

### THE MEGHALAYA PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION (AMENDMENT) ACT, 2012.

**An**

**Act**

further to amend the Meghalaya Professions, Trades, Calling and Employments Taxation Act (Assam Act VI of 1947 as adapted by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-Two Year of the Republic of India as follows :-

**Short title and Commencement.**

1. (1) This Act may be called the Meghalaya Professions, Trades, Calling and Employments Taxation (Amendment) Act, 2011.

(2) It shall come into force on the first of \_\_\_\_\_ 2012.

**Amendment of the schedule to the Principal Act.**

2. The existing Schedule to the Principal Act shall be substituted by the following new Schedule, namely, -

<b>A.</b>	<b><u>Where the gross total annual income</u></b>			<b><u>Amount of Tax</u></b>
(a)	Does not exceed ₹ 50,000/-			Nil
(b)	Exceeds ₹ 50,000/-	but below	₹ 75,000/-	200
(c)	Exceeds ₹ 75,000/-	but below	₹ 1,00,000/-	300
(d)	Exceeds ₹ 1,00,000/-	but below	₹ 1,50,000/-	500
(e)	Exceeds ₹ 1,50,000/-	but below	₹ 2,00,000/-	750
(f)	Exceeds ₹ 2,00,000/-	but below	₹ 2,50,000/-	1000
(g)	Exceeds ₹ 2,50,000/-	but below	₹ 3,00,000/-	1250
(h)	Exceeds ₹ 3,00,000/-	but below	₹ 3,50,000/-	1500
(i)	Exceeds ₹ 3,50,000/-	but below	₹ 4,00,000/-	1800
(j)	Exceeds ₹ 4,00,000/-	but below	₹ 4,50,000/-	2100
(k)	Exceeds ₹ 4,50,000/-	but below	₹ 5,00,000/-	2400
(l)	Exceeds ₹ 5,00,000/-			2500

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 53/2002/566.**—The Meghalaya Value Added Tax (Amendment) Act, 2012 (Act No. 7 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 7 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

**THE MEGHALAYA VALUE ADDED TAX (AMENDMENT) ACT, 2012.**

**An**

**Act**

further to amend the Meghalaya Value Added Tax Act, 2003

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows :-

- Short title and Commencement.** 1. (1) This Act may be called the Meghalaya Value Added Tax (Amendment) Act, 2012.  
(2) It shall be deemed to have come into force with effect from 1st May 2005.
- Amendment of Section 44.** 2. In the Meghalaya Value Added Tax Act, 2003 as amended in Section 44, the following new proviso shall be inserted, namely, -  
“Provided that in respect of the sale of liquor, the point of sale as shall be made by the owner of Bonded ware house be deemed to be the first point of sale.”

**L. M. SANGMA,**

Secretary to the Government of Meghalaya,  
Law Department.





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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30<sup>th</sup> March, 2012.

**No.LL(B)20/2012/25.**—Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 (Act No. 8 of 2012) is hereby published for general information.

### **MEGHALAYA ACT NO. 8 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29<sup>th</sup> March, 2012.*

*Published in the Gazette of Meghalaya, Extra-Ordinary issue dated 30<sup>th</sup> March, 2012.*

**MEGHALAYA PRIVATE UNIVERSITIES (REGULATION OF ESTABLISHMENT AND  
MAINTENANCE OF STANDARDS) ACT, 2012**

**An**

**Act**

to provide for regulation of private Universities in the State and for matters connected therewith.

Whereas it is necessary to ensure that private universities maintain the standards of infrastructures, teaching, research, examination and extension of services, fee structure, safeguarding the interest of the state as a whole and in particular of the student community by emphasizing on quality education and avoiding commercialization of higher education.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

**Short title,** 1. (1) This Act may be called the Meghalaya Private Universities  
**application and** (Regulation of Establishment and Maintenance of Standards) Act,  
**commencement** 2012.

(2) It shall apply to all private universities established by or incorporated under a State Act and opened in Meghalaya in collaboration with foreign University, formal and non-formal or distance education made by private universities.

(3) It shall come into force with effect from the date of notification.

**Definitions.**

2. In this Act, unless the context otherwise requires, -

- (a) “Act” means the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2012;
- (b) “application fee” means amount deposited by the sponsoring body along with the proposal and project report to establish a university in private sector;
- (c) “off-campus center” means a center of the private university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university’s compliment of facilities, faculty and staff;
- (d) “off-shore campus” means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university’s compliment of facilities, faculty and staff;
- (e) “off-campus centre” “off-shore campus” and “study centre” as defined under these Regulations shall be applicable to the universities as defined under 2(f) of the UGC Act, 1956;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “Private university” means university duly established through a State Act by a sponsoring body viz. a Society registered under the Meghalaya Registration of Societies Act, 1983 or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956;
- (h) “State Government” means the State Government of Meghalaya;
- (i) “study center” means a center established ad maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education; and
- (j) “Student” means a person duly admitted and pursuing a programme of study;

**Establishment and recognition of Private Universities.**

3. (1) Each private university shall be established by a separate State Act and shall conform to the relevant provisions of such State Act.

(2) For a Private University established by a State Act and which is non-functional within 2(two) years of establishment, any land allotted, whether privately owned or on lease or otherwise, will revert back to the owners(s) / lessee(s) on terms and conditions agreed upon.

(3) A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services with no power of affiliation.

(4) Government Representatives shall be included in the Board of Governors.

(5) A private university established under a State Act shall operate ordinarily within the boundary of the State concerned, subject to the following conditions, namely, -

(a) a private university shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability as laid down from time to time by the UGC and other concerned statutory bodies to which it applies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc;

(b) the courses of studies prescribed for a first degree and/or the postgraduate degree/diploma programmes should have been formally approved by the respective academic bodies of the private university, such as Board of Studies, Academic Council or Governing Council or Executive Council;

(c) the programmes of study leading to a degree and or a

post graduate degree or diploma offered by a private university shall conform to the relevant regulations or norms of the Education Department, Government of Meghalaya or the concerned statutory body as amended from time to time;

- (d) a private university shall provide all the relevant information relating to the first degree or diploma programme(s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students, to the education Department, Government of Meghalaya on a proforma prescribed by the UGC or Department prior to starting of these programmes;
- (e) Education Department, Government of Meghalaya on detailed examination of the information made available as well as the representations and grievances received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various Government regulations, shall inform the concerned university about any shortcomings in respect of conformity to relevant regulations, for rectification. The university shall offer the programme(s) only after necessary rectification;
- (f) the admission procedure and fixation of fees shall be in accordance with the norms or guidelines prescribed by the UGC and other concerned statutory bodies;
- (g) relaxation of fees for poor SC/ST and meritorious students of the State is to be formulated by a separate policy of the private university in consultation with Government of Meghalaya.

**Application for  
establishment  
of Private  
Universities.**

4. (1) An application in the prescribed format along with letter of intent for establishment of a private university shall be submitted to the Government in the Education Department well in time before the date on which the sponsoring body proposes to establish such private university.

(2) The application shall be duly acknowledged by the Director of Higher and Technical Education, Meghalaya.

(3) The application shall be signed by such persons authorized to authenticate instruments on behalf of the sponsoring body.

(4) An application fee (non-refundable) of rupees ten thousand only shall be enclosed with the application through a crossed account payee bank draft in favour of the Government of Meghalaya through the Director of Higher and Technical Education, Meghalaya, payable at Shillong. The money received on account of application fee shall be deposited by the Director of Higher and Technical Education in current account in a nationalized bank to be operated jointly by the Director of Higher and Technical Education and the Finance and Accounts Officer of the Directorate.

(5) Application for the establishment of the private university shall contain the project report with all relevant particulars and be accompanied by at least ten copies of such detailed project report including soft copies in a format to be prescribed by the Department at the appropriate time.

(6) The Government has the right to reject an application for reasons as it deems justifiable. The sponsoring body may, however, apply afresh for a new or a modified project along with application fee, not later than 6 months from the date of rejection of previous proposal.

**Acceptance and Rejection**

5. (1) In case of acceptance or rejection of the application for establishment of a private university, the Government shall communicate the same formally.

(2) In case of acceptance, when the formalities as per the relevant Act have been complied with, the sponsor shall procure land and have

proper infrastructure including teaching staff as per the UGC norms or any other authority as the case may be without which they cannot start the university.

**Endowment Fund.**

6. (1) The endowment fund in the form of a bank guarantee issued by a scheduled bank shall be pledged in the name of the Director of Higher and Technical Education, Meghalaya who shall also be the custodian for all documents and instruments related to the endowment fund and its investment.

(2) In case the private university or the sponsoring body contravenes any of the provisions of the regulations or rules made there under, a part or whole of the endowment fund may be forfeited by the Government but before such forfeiture, a show cause notice shall be served by the Government on the sponsoring body or the private university, as the case may be.

(3) The Government shall, among other things, duly consider the reply submitted by the sponsoring body or private university.

(4) In case the reply to show cause notice issued under subsection (2) is not submitted by the sponsoring body or by the Registrar of the university within 45 days of receipt of the notice, the Government may decide the case on an ex-parte basis.

(5) The forfeited amount of endowment fund shall be used in the manner as specified in the relevant provisions of the governing Act.

**Inspection and Disclosure of information.**

7. The State Government shall have the right to cause inspection of all records and premises of the university at any given time. In the event of the university violating conditions set forth in the relevant Act or in the event of the university deviating from norms and extant regulations laid down by the UGC, the State Government may call for all relevant information from the concerned private university in whatsoever form as may be prescribed at the relevant time.

**Consequences of violations.**

8. (1) After inspection and assessment of a private university providing first degree and/or post graduate degree/diploma courses,

the Education Department, Government of Meghalaya may communicate to the private university any deficiency and non-conformity with the relevant Government regulations and give it reasonable opportunity to rectify the same. If the State Government, is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, it may pass an order prohibiting the private university from offering any course for the award of the first degree and, or the post-graduate degree or diploma, as the case may be, till the deficiency is rectified.

(2) Any private university, which has been notified before commencement of this Act, shall comply with the provisions of this Act within a period of three months from the commencement of this Act and intimate the compliance to the State Government.

(3) The State Government may take necessary action against a private university awarding a first degree and or post-graduate degree or diploma, which are not specified by the UGC, and inform the public in general through a public notification. A private university continuing such programme(s) and awarding unspecified degree(s) shall be liable for penalty under Section 24 of the UGC Act, 1956.

(4) The State Government may take appropriate action against a study center or campus of any private university set up outside the State and having such campus or study center in Meghalaya who do not fulfill the conditions referred to sub-sections (1), (2) and (3) above including direction for closure of such study center or campus.

(5) The State Government on the recommendation of the Regulatory Board specified under section 9. (1), impose penalties on any private university which awards any degree that does not conform to extant government regulations.

Provided no such penalty shall be imposed unless such private university is given a reasonable opportunity of being heard.



**Constitution of  
Meghalaya  
Higher  
Education  
Council**

9. (1) There shall be a Higher Education Council to be called the 'Meghalaya Higher Education Council' for the purpose of assisting the Government on the matters of policy relating to development of higher education and maintaining of standards in higher education in the State of Meghalaya. Further terms of reference shall be specified in the rules.

(2) The Council shall be constituted by the Government and shall consist of a Chairman, Secretary and ten other members to be nominated by the Government.

(3) The Meghalaya Higher Education Council constituted under subsection (2) shall include

(a). An eminent educationist of repute as Chairman or an eminent person with vast administrative experience.

(b). Director of Higher and Technical Education as Member Secretary.

(c). Ten other members to be nominated from among the following:-

(i) Educationists of repute;

(ii) Heads of Colleges;

(iii) Chair persons of governing bodies of colleges;

(iv) An eminent social activist in the field of education etc.

(4) The Council shall regulate its own procedure.

(5) The terms of office of every member of the Council and traveling and other allowances payable to a member of the Council shall be as may be prescribed under rules.

**Constitution of  
a Regulatory  
Board**

10. (1) The State Government shall constitute a Regulatory Board consisting of Chairman and three members to be nominated by the State Government from eminent educationists of repute or eminent persons with vast administrative experience to be specified under the

rules. The term of reference of the Board shall be specified under the rules;

(2) The Regulatory Board shall be convened from time to time and the Headquarters shall be in Shillong.

(3) The non official members nominated by the State Government of this section shall be entitled to such honorarium, travelling allowance and daily allowance as may be prescribed.

**Powers to make Rules.**

11. The State Government may make rules for carrying out the purposes of this Act.

**L. M. SANGMA,**

Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

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LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 87/97/161.**—The Meghalaya Municipal (Amendment) Act, 2012 (Act No. 3 of 2012) is hereby published for general information.

#### MEGHALAYA ACT NO. 3 OF 2012.

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

#### THE MEGHALAYA MUNICIPAL (AMENDMENT) ACT, 2012

An

Act

further to amend the Meghalaya Municipal Act (the Assam Act, 1956 as adapted and amended by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of Republic of India as follows: -

Short title, extent  
and  
commencement.

1. (1) This Act may be called the Meghalaya Municipal (Amendment) Act, 2012.  
(2) It extends to the municipal areas of the State of Meghalaya.  
(3) It shall come into force at once.

- |  |   |
|--|---|
| Omission of existing Section 43A.  | 2. Section 43A of the Meghalaya Municipal Act (Assam Act, 1956 as adapted and amended by Meghalaya) (hereinafter referred to as the principal Act) shall be omitted.  |
| Insertion of new section 49A.  | <p>3. After Section 49 of the principal Act, the following new section 49A shall be inserted, namely,-</p> <p><b>“49A- Municipal Accounts Committee and its functions-</b> (1) Without prejudice to the provisions of sections 48 and 49 of the Act the Board may constitute a Municipal Accounts Committee consisting of such members as specified by the Board.</p> <p>“(2) The functions of the Committee shall be to examine the accounts of the Board and also to check whether the audit observations and instructions made or given from time to time have been complied with; to undertake physical verification of cash, stock and assets of the Board; and to discharge such other functions as may be entrusted by the Board.</p> <p>“(3) In the discharge of its functions the Committee shall have powers to summon person concerned and call for books of accounts and other relevant records.</p> <p>“(4) The Committee shall submit quarterly report to the Board”.</p> |
| Insertion of new Clause (e) to sub-section (1) of Section 60.  | <p>4. In sub-section (1) of Section 60 of the principal Act, after clause (d), the following new Clause (e) shall be inserted, namely,-</p> <p>“(e) fifthly, 25% of the municipal budget shall be earmarked for provision of basic services to the urban poor. In case, the fund so earmarked is not utilised for the purpose during a particular year, either fully or partially, the balance amount shall be carried over to the succeeding year’s budget.”</p>   |
| Insertion of new section 67A.  | <p>5. After Section 67 of the principal Act, the following new section 67A shall be inserted, namely,-</p> <p><b>“67A-Constitution of State Level Property Tax Board</b> (1) The State Government shall, by notification constitute a State Level Property Tax Board. The Board so constituted shall or cause to enumerate all properties within the jurisdiction of the municipalities; review the present property tax system and make recommendation for basis of assessment and valuation of properties and modalities for periodic revisions.</p> <p>(2) The composition of the State Level Property Tax Board, appointment of Member Secretary, terms of office, functions, officers and staff, budget &amp; accounts may be as prescribed.</p>   |
| Insertion of Chapter VA and new Sections 151A, 151B, 151C, 151D, 151E, 151F, 151G, 151H, 151I, 151J, 151K. | <p>6. After Chapter V of the principal Act, the following new Chapter V A and new Sections 151A, 151B, 151C, 151D, 151E, 151F, 151G, 151H, 151I, 151J, 151K shall be inserted, namely,-</p>   |

**“Chapter V A****BUDGET ESTIMATE, ACCOUNTS & AUDIT”**

**“151A-Preparation of Annual Budget** - The Board shall prepare a budget estimate of the municipality every year for the ensuing financial year in the format as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151B-Budget to be sent to the State Government** - The annual budget of following approved by the Board shall be submitted to the State Government for inclusion in the state budget as a supplement to state budget for local bodies before 31st January in each year.”

**“151C-Revision of Budget** - The annual budget so approved may be revised if considered necessary by the Board with the approval of State Government.”

**“151D- Preparation of State Municipal Accounting Manual**-The State Government shall notify a Manual to be called as the Meghalaya Municipal Accounting Manual containing details of all financial matters and procedures relating thereto in respect of the Municipality.”

**“151E- Maintenance of accounts** - The Board shall prepare and maintain accounts of the municipality in such form, and in such manner, as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151F- Statement of Income & Expenditure:** The Board shall or cause to prepare, within three months of the next financial year a financial statement containing an income and expenditure account and a receipt and payment account for the preceding year in the format as may be prescribed in the Meghalaya Municipal Accounting Manual.”

**“151G- Balance sheet** - The Board shall prepare or cause to prepare within three months of the next financial year a balance sheet of the assets and the liabilities of the Municipality for the preceding year in the form prescribed in the Meghalaya Municipal Accounting Manual.”

**“151H- Approval of Municipal Accounts**-The Board shall approve the account of the previous financial year within four months of the next financial year.”

**“151I- Submission of financial statements to auditor** - The financial statements prepared under section 151F & 151G be placed before the Board which, after approval, shall be submitted to the Auditor as may be appointed by the State Government.”

**“151J- Power of Auditor** (1) The municipal accounts as contained in the financial statement, including the accounts of special funds, if any, and the balance sheet shall be audited by Examiner of Local Accounts or his equivalent or an Auditor appointed by the State Government.

“(2) The Comptroller & Auditor General of India shall provide Technical Guidance and Supervision over the proper maintenance and Audit of the accounts of the Board and shall prepare an Annual Technical Inspection report based on such Technical guidance and Supervision and the test check of accounts of the municipality and forward a copy of the report to the State Government.

“(3) Notwithstanding the provisions of subsection (2) the Comptroller and Auditor General may send the report of such audit to the State Legislature.

“(4) The Board shall take necessary action on the report of the Auditor along with test audit report of the Comptroller and Auditor General, within six weeks of receipt.”

**“151K- Submission of audited accounts** - The Board shall, after adoption of the financial statement and the balance sheet and the report of the Auditor along with Test Audit Report of the Comptroller and Auditor General by the Board, forward the same to the State Government for placing before the State Legislature along with the action taken report with intimation to the Auditor and Comptroller and Auditor General.”

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

—————  
NOTIFICATION

The 30th March, 2012.

**No.LL(B) 114/2010/57.**—The Meghalaya State Finance Commission Act, 2012 (Act No. 4 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 4 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

**MEGHALAYA STATE FINANCE COMMISSION ACT, 2012****An****Act**

to constitute a State Finance Commission and to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected and to prescribe their powers and for matter connected therewith.

Whereas, it is expedient to make all the local bodies of the State to have financial autonomy to further democratic decentralization for which constitution of a State Finance Commission to consider and recommend the principle which will govern the distribution of revenue between the State Government and the Local Bodies is necessary;

And, whereas, further, Part IX of the Constitution of India does apply to the state of Meghalaya;

And, whereas, also, Part IX-A of the Constitution of India, except normal areas of Shillong, does not apply to the tribal areas of the State of Meghalaya;

And, whereas, it is expedient to constitute a single State Finance Commission for all the local bodies which will also be suitable to local bodies exempted by the aforementioned provisions of the Constitution on the basis of the existing administrative arrangements to enable all the local bodies to have financial autonomy to perform functions analogous to the functions of other local bodies constituted under Part IX and Part IX-A of the constitution while retaining the distinctive tribal identity protected by the Sixth Schedule of the Constitution of India which is foundational to the local bodies of the State;

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -



**Short title and commencement.**

1. (1) This Act may be called the Meghalaya State Finance Commission Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless the context otherwise requires, -

- (a) "Act" means the Meghalaya State Finance Commission Act, 2012;
- (b) "Commission" means the Meghalaya State Finance Commission constituted under sub-section (1) of section 3 of the Act;
- (c) "members" means members of the Commission including the chairperson, other members and include the Member-Secretary appointed under section 4 of the Act;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "State Government" means the Government of the State of Meghalaya; and
- (f) "State Legislature" means the Legislature of the State of Meghalaya;
- (g) "Traditional Bodies" means the existing Chiefs of Traditional Institutions or Village Durbars by whatever name they are constituted under the customary laws or conventions.

**Constitution of a State Finance Commission.**

3. (1) The State Government shall, as soon as may be within one year from the commencement of this Act and thereafter at the expiry of every fifth year, constitute a body to be known as the Meghalaya State Finance Commission to review the financial position of the Traditional Bodies, Municipalities or Municipal Boards notwithstanding any term by which urban local bodies are called in the State and also the Autonomous District Councils as the State Government may deem it necessary and to make recommendations as to -

- (a) the principles which should govern –
- (i) the distribution between the State and the Traditional Bodies, Municipalities or Municipal Boards or the Autonomous District Councils of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them to enable these bodies to perform the functions assigned and which may be assigned to it under any laws in force or orders and the allocation between the Traditional Bodies, Municipalities and the Autonomous District Councils at all levels of their respective shares of such proceeds;
  - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or, appropriated by the Traditional Bodies, Municipalities and the Autonomous District Councils;
  - (iii) the grant-in-aid to the Traditional Bodies, Municipalities and the Autonomous District Councils from the Consolidated Fund of Meghalaya;
- (b) the measures needed to improve the financial position of the Traditional Bodies, Municipalities and the Autonomous District Councils;
- (c) any other matter referred to the Commission by the State Government in the interests of sound finances of the Traditional Bodies, Municipalities and the Autonomous District Councils; and
- (d) any other matter referred to the Commission by the State Government in the interest of the effective implementation of responsibilities required to be undertaken by the Village Durbars, Municipalities and Autonomous District Councils.

(2) The State Government shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the State Legislature.

**The Composition and qualifications for appointment as, and the manner of selection of, members of the Commission.**

4. The composition of the Commission constituted under subsection (1) of section 3 shall consist of -

- (a) a Chairperson who shall be selected from among persons who have had experience in public affairs;
- (b) and the members not exceeding four in numbers who shall be selected from among persons who -
  - (i) have special knowledge of the finances and accounts of Government; or
  - (ii) have had wide experience in financial matters and in administration; or
  - (iii) have special knowledge of economics.
- (c) The Member Secretary, who shall be appointed by the State Government.

**Personal interest to disqualify members.**

5. Before appointing a person to be a member of the Commission, the State Government shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission and the State Government shall also satisfy itself from time to time with respect to every member of the Commission that he has no such interest and any person who is or, whom the State Government proposes to appoint to be, a member of the Commission shall, whenever required by the State Government so to do, furnish such information as the State Government considers necessary for the performance by him of his duties under this Act.

**Disqualifications for being a member of the Commission.**

6. A person shall be disqualified for being appointed as, or for being, a member of the Commission, -

- (a) if he is mentally unsound;
- (b) if he is an undischarged insolvent;
- (c) if he has been convicted of immoral offence;
- (d) if he has such financial or other interest as is likely to affect smooth functioning as member of the Commission.

**Term of office of members and eligibility for reappointment.**

7. Every member of the Commission shall hold office for such period as may be specified in the order of the State Government appointing him, but shall be eligible for reappointment:

Provided that he may, by letter addressed to the State Government, resign his office.

**Conditions of service and salaries and allowances of members.**

8. The members of the Commission shall render whole-time or part-time service to the Commission as the State Government may in each case specify and there shall be paid to the members of the Commission such fees or salaries and such allowances as may be prescribed.

**Procedures and powers of the Commission.**

9. (1) The Commission shall determine their procedure and methods of functioning as assigned to under this Act.

(2) The Commission may consider for its adoption the template for reports of the Commission recommended by the Thirteenth Finance Commission of India.

(3) The Commission, in the performance of their functions, shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act No.5 of 1908), while trying a suit in respect of the following matters, namely, -

- (a) summoning and enforcing the attendance of any official, person or witnesses;
- (b) requiring the production of any document;
- (c) requisitioning any public record from any court or office.

(4) The Commission shall have powers to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

**Power to make rules.**

10. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall, as soon as after it is made, be laid before the State Legislature.

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 95/2003/85.**—The Meghalaya Fire and Emergency Services Act, 2012 (Act No. 5 of 2012) is hereby published for general information.

#### MEGHALAYA ACT NO. 5 OF 2012.

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

#### THE MEGHALAYA FIRE AND EMERGENCY SERVICES ACT, 2012

An

Act

to provide for the maintenance of Fire and Emergency Service in the State of Meghalaya.

Whereas, it is expedient to provide for the maintenance of fire and emergency services in the State of Meghalaya;

It is enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

**Short title,  
extent and  
commencement.**

1. (1) This Act may be called the Meghalaya Fire and Emergency Services Act, 2012.

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

- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless there is anything repugnant to the subject or context -

(a) "Act" means the Meghalaya Fire and Emergency

Services Act, 2012;

(b) "Director" means the Director of Fire and Emergency

Services appointed under Section 5;

(c) "Fire fighting property" includes -

(i) lands and buildings directly or indirectly connected with fire fighting;

(ii) fire engines, equipments, tools, implements and materials whatsoever used for fire fighting;

(iii) motor vehicles and other means of transport used in connection with fire fighting; or

(iv) uniform and badges or rank;

(d) "Fire Station" means any post or place declared, generally or specifically by the State Government to be a fire station;

(e) "Services" means the Meghalaya Fire and Emergency Services maintained under this Act;

(j) "Jurisdiction" means an area over which a Fire Station usually operates;

(f) "Licensing Authority" means such officer as may be authorized by the State Government;

(h) "Member" means and includes a member of the service who performs operational, supervisory, directional and executive duties in such ranks as may be prescribed by the State Government;

(i) "Officer in-charge" of a Fire Station includes the Fire Officer next in rank to the Officer in-charge of Fire Station or any other Officer holding charge of the Fire Station in absence of the Officer-in-charge;

(j) "Owner" includes occupier of a building, property, place, warehouse, workshop;

(k) "Pandal" means puja pandals and other pandals for big public gathering but does not include erection of pandals in private compound or places for use during bereavement, marriage ceremony and such other occasions in private gathering;

(l) "Place" means either enclosed or covered or open land having buildings or premises within 22 meters on any side of its surroundings;

(m) "prescribed" means prescribed by rules made under this Act by the State Government;

(n) "State Government" means the Government of the State of Meghalaya;

(o) "Treasury" means the Government Treasury;

(p) "Warehouse" means any building or place used whether temporarily or permanently for storing, keeping or otherwise dealing in any manner of such articles which in the opinion of the State Government are considered inflammable;

**Explanation:-** Godowns, factories, workshops, shops dealing in any manner with prescribed inflammable articles will be regarded as "Ware House" for the purpose of this Act;

(q) "Workshop" means any building or place where the processing of any article is carried on for purposes of trade or business, if such possessing of such articles which in the opinion of the State Government is considered inflammable and are notified in this respect;

**Explanation: -** The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power;

(r) "Local Authority" means any Local Body and include Municipal Boards, Town Committees, Cantonment Boards, Durbar Shnongs or Village Councils and such other bodies as may be notified by the Government.

**Constitution of Fire & Emergency Services,**

3. There shall be constituted by the State Government, a service to be called the Meghalaya Fire and Emergency Services.

**Composition of the service.**

4. The service shall consist of the following, namely. -

(a) all members of the Meghalaya Fire and Emergency Services who were recruited before the commencement of this Act;

(b) all members recruited to the service in accordance with the provisions of this Act and rules;

**Appointment of Director of Fire & Emergency Services.**

5. The State Government may appoint a person to be Director of the Meghalaya Fire and Emergency Services borne on the IPS Cadre of the rank of Inspector General of Police, Meghalaya.

**Superintendence and control of the service.**

6. (1) The superintendence and control of the service shall vest in the Director who shall be under the administrative control and supervision of the State Government in the Home (Police) Department and shall be carried on by him in accordance with the provisions of this Act and the rules made thereunder.

(2) The State Government may create such posts and appoint such officers as it may deem fit to assist the Director in the discharge of his duties.

(3) The State Government may create as many divisions in the State as required and may also create such posts in such divisions and appoint such Divisional Officers as it may deem fit to assist the Director in the discharge of his duties throughout the State.

(4) The Director may with the approval of the State Government delegate any of the powers, functions and duties under this Act to such subordinate officer as he may deem fit.

**Appointment of members of the Services.**

7. (1) The Director or such other officer not below the rank of Deputy Director shall appoint the members of the Meghalaya Fire and Emergency Services in accordance with the rules made under this Act.

(2) Subject to the provisions of Article 311 of the Constitution of India and the Meghalaya Services (Discipline and Appeal) Rules 2011 the Officers of the service, as the State Government may authorize in this behalf, may at any time dismiss, suspend or reduce in rank or award any of the punishment to any member of the subordinate found responsible for remiss or negligence in the discharge of his duty or considered unfit. The Officer may also award any one or more punishment as provided in the Meghalaya Services (Discipline and Appeal) Rules, 2011. The provisions of the said rules shall apply, *mutatis mutandis*, with regard to procedure of awarding punishment and other disciplinary actions.

**Issue of certificate to the member of the Services.**

8. (1) Every person shall, on appointment to the service, receive a certificate in the prescribed form under the seal of the Director or an officer not below the rank of Deputy Director and thereupon such person shall have the powers, functions and privileges of a member of the service under this Act,

(2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be a member of the service, and on his ceasing to be such member, he shall forthwith surrender the certificate to any officer empowered to receive such certificate.

(3) During any period of suspension, the powers, functions and privileges vested in any member of the service, shall be in abeyance but such member shall continue to be subject to the same discipline as he would have been if he had not been suspended.

**Auxiliary Fire Force.**

9. Whenever it appears to the State Government that, it is necessary to augment the service, it may enroll trained Home Guard Volunteers for such areas and on such terms and conditions as may be prescribed.

**Powers of State Government to make orders.**

10. The State Government may, from time to time, make such general or special orders as it thinks fit and such order may be: -

(a) for providing the services with such appliances and equipments as it deem proper;

(b) for providing adequate supply of water and for securing that it shall be available for use,



- (c) for constructing or providing station or hiring places for accommodating the members of the services and its fire fighting appliances;
- (d) for giving rewards to persons who have given notice of fires and to those who have rendered effective support to the service on the occasion of fires;
- (e) for the training, discipline and good conduct of the members of the service;
- (f) for deciding or determining the cadre or terms and conditions of service of the members of the service and also members of other staff or creating such additional ranks and framing rules in respect of service conditions and conduct rules as it may deem fit;
- (g) for sending members of the service with appliances and equipment beyond the limits of any area in which this Act is in force for purposes of fire fighting in the neighbourhood of such limits on such terms and conditions and under such exigencies of situation as it deems proper;
- (h) for the employment of members of the service in any rescue, salvage or other special types of jobs or operations;
- (i) for regulating and controlling the powers, duties and functions of the Director and other members of the service;
- (j) generally for the maintenance of the service in due status of efficiency; and
- (k) for conducting mock drill and in doing so all such powers as referred to in section 11 of the Act shall be exercisable by the members of the service.

**Powers of members of the services on the occasion of fire.**

11. In the event of fire in any area, any member of the service who is in charge of fire fighting operations on the spot may -
- (a) remove, detain or order any other member of the service to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
  - (b) close any street or passage in or near which a fire is burning or raging;
  - (c) for the purpose of extinguishing fire, break into or through or pull down, any premises for the passage of those engaged in fire fighting or appliances or cause them to be broken into or through or pulled down causing as little damage as possible;
  - (d) require the authority in charge of water supply in the area to regulate the water-machine so as to provide water at a specified pressure at the place where fire has broken out and utilize the water of any stream, cistern, well or tank or any available source of water, public or private, for the purpose

of extinguishing or limiting the spread of such fire;

- (e) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire fighting operations as if he were an Officer incharge of a Police Station and as if such an assembly were an unlawful assembly. He shall be entitled to the same immunities and protection as an officer in-charge of a Police Station shall be in exercise of such powers; and
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property and for which no Officer in-charge or any member of the service working under his order or instructions will be civilly or criminally prosecuted in the court of law.

**Power of Director to make arrangement for supply of water.**

12. The Director may, with the previous sanction of the State Government, enter into agreement with the authority incharge of water supply in any area for securing adequate supply of water in case of fire on such terms as to payment or otherwise as may be specified in the agreement.

**Preventive measures and licences.**

13. (1) The State Government may, by notification in the Official Gazette, require owners or occupiers of premises in any area or of any class of premises used for purposes which in its opinion are likely to cause a rise of fire, to take such precautions as may be specified in such notification.

(2) In case a warehouse is detected without a license, it shall be lawful for the Director or any Officer not below the rank of Station Officer, to direct the removal of prescribed article which are hazardous and likely to cause fire to a place of safety and on failure of the owner or occupier to do so, the Director or such Officer may seize, detain, remove, dispose or destroy such objects or hazardous goods. Such goods which have been seized, shall be destroyed or disposed off by public auction or by calling sealed tenders and the proceeds shall be deposited into the Treasury. The Director or such Officer not below the rank of Station Officer, shall not be liable to pay any compensation in any manner to any person in this respect.

**Fireworks.**

14. No building or place shall be used for purpose of manufacturing, making or otherwise dealing in any manner, in respect of fire works without previously obtaining a license for the same from the licensing authority or such officer as may be authorized.

**Place of public gathering for entertainment.**

15. (1) No building or structure of any kind shall be used for public gathering for amusement, entertainment or any other purposes where public may assemble, unless the owner, or occupier thereof shall have previously obtained a license.

(2) Application for such license shall be made to the licensing authority who shall refer the case to the Director and the Licensing Authority shall grant or refuse such license as may be recommended by the Director.

(3) No license shall be granted unless the building or structure conforms to such rules and conditions as may be prescribed for purposes of public safety.

(4) Advance payment of such fees as may be prescribed, is made.

**Explanation:** - Theaters, Cinemas, Circus, Fairs, Mellas and such other like matters come under provisions of this Section but does not include gathering in private compound or places for use during bereavement, marriage ceremony and such other occasions in private gathering.

- Temporary structure or pandals.** 16. A person who intends to erect a temporary structure or pandal with roof or walls made of straw, hay, ulugrass, galpata, hogla, darma, mat, canvas or other like materials for use as a place where members of the public may assemble shall apply to the licensing authority and the Licensing Authority shall grant or refuse such license as may be recommended by the Director subject to clause (k) of Section 2.
- Conditions for granting license for ware-houses and workshops etc.** 17. For carrying out the purposes of any or all the provisions of Sections 13, 14, 15 and 16 of this Act, the Licensing Authority may prescribe conditions in respect of -
- (a) the limit of minimum or maximum quantity of such inflammable articles that may be stored, used or otherwise dealt with in a particular warehouse or workshop;
  - (b) determination of fees and method of calculation of fees and the manner in which payment has to be made in this respect;
  - (c) type or schedules or forms to be used in respect of granting license; and
  - (d) the precautionary measures to be taken in a warehouse.
- Power of granting license.** 18. Power of granting license under this Act shall be exercised by the Licensing Authority or by such officer who may be authorized by the State Government in this behalf.
- Expenditure on the service.** 19. The entire expenditure in connection with the service shall continue to be met out of the Consolidated Fund of the State of Meghalaya where the head of expenditure already existed before the commencement of this Act.
- Penalties for violation of preventive measures.** 20. (1) Any person who violates any of the provisions under Sections 14, 15, 16 and 17 or any provision of the Act, shall be punishable, on conviction by a Magistrate of First class, with imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.
- (2) Any person who uses any warehouse or any workshop in respect of which a license has been refused or after the license in respect thereof has been suspended or withdrawn during the time for which such license has been suspended shall be punishable, on conviction by a Magistrate of First class, with imprisonment which may extend to one year or with fine which may not be less than one lakh rupees or with both.
- (3) Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse or workshop shall be punishable, on conviction by a Magistrate, with imprisonment which may extend to six months or with fine which may extend to one lakh rupees or with both.
- (4) Any person who willfully obstructs or offers any resistance to or impedes or otherwise interferes with the Director or any Officer exercising powers under sub-section (2) of Section 13, or any assistant accompanying the Director or such Officer while exercising such powers, shall be punishable, on conviction by a Magistrate with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.
- (5) Any person who willfully obstructs or interferes with any member of the services who is engaged in fire fighting operations, shall be punishable with imprisonment, which may extend to three months or with fine, which may extend to five thousand rupees or with both.
- Information of outbreak of fire.** 21. Any person who possesses any information regarding an outbreak of fire shall communicate the same without any delay to the nearest Fire Station.

<b>Failure to give information.</b>	22. Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first paragraph of Section 176 of the Indian Penal Code.
<b>False report</b>	23. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment for three months or with fine which shall not be less than one thousand rupees or with both.
<b>Employment on other duties.</b>	24. It shall be lawful for the Director to employ the member of the service in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment to provide appropriate services and relief to the people in distress situation.
<b>Enquiry into origin of fire and report.</b>	25. (1) Where any fire has occurred within any area in which this Act is in force, the senior-most officer in rank among the members of the service in that area shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Director. The Director after having ascertained the facts into the origin or cause of the fire, may furnish, on application, to any Fire Assurance Company a report on payment of the prescribed fee.  (2) If after enquiry it was ascertained that the cause of the fire is unknown or caused by negligence of the owner or occupier of any building or other property, or arson, the Station Officer in whose jurisdiction the fire occurred, shall submit a First Information Report (F.I.R.) to the Police Station of that area for investigating the case.
<b>Power to obtain information.</b>	26. Any officer of the service not below the rank of Officer in Charge of a Fire Station may for the purpose of discharging his duties under the Act require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and means of access thereto and other material particulars, and such owner or occupier shall furnish all the information in his possession.
<b>Power of entry.</b>	27. (1) The Director or any member of the service authorized by him in this behalf may enter any building, warehouse, workshop, cinema halls or place for purpose of any enquiry under this Act and for determining whether any inflammable articles are stored illegally or whether precautions against fire required to be taken in such place have been so taken.  (2) No claim shall lie against any member of the service for compensation for any damage necessarily caused by any entry made under sub-section (1).
<b>Copnsumption of water.</b>	28. No charge shall be made by any local authority for water consumed in fire fighting operations by the service.
<b>No compensation for interruption of water supply.</b>	29. No authority or in charge of water supply in an area shall be liable to claim compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of Section 11.
<b>Police Officer to aid.</b>	30. It shall be the duty of Police Officers of all ranks to aid the members of the service in the execution of their duties under the Act.
<b>Indemnity.</b>	31. No suit, prosecution or other legal proceedings shall lie against any member of the Fire and Emergency Service or police or any person for anything which is done or intended to be done in good faith or in pursuance of this Act or any rule or order made thereunder.
<b>Bar to other employment.</b>	32. No member of the service shall engage in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so by the Director.

**Restrictions respecting rights to form association, freedom of speech etc.**

33. (1) No member of the Meghalaya Fire and Emergency Service under this Act shall, without the previous sanction in writing of the State Government -

- (a) be a member of, or associated in any way with any trade union, labour union, political association or with any class of trade unions;
- (b) be a member of, or associated in any way with any society, institution, association or organization not recognized as part of the service or is not a purely social, recreational or, religious nature; or
- (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is of a purely literary, artistic or scientific character.

**Explanation:** - If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under clause (b) of this subsection, the decision of the State Government shall be final.

(2) No member of the service shall participate in or address any public meeting or take part in any demonstration or strike organized by any political party or for any other purpose affecting discipline of the Services or other purposes as may be prescribed.

(3) Any member of the service who contravenes the provisions of this section shall, without prejudice to any other action that may be taken against, be punishable with imprisonment for a term, which may extend to two years or with fine, which may extend to ten thousand rupees or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974) an offence under this section shall be cognizable and bailable.

**Reward.**

34. Any officer not below the rank of Divisional Fire Services Officer may reward a member of the services for outstanding/exemplary/rate devotion to duty, discipline, courage, or any acts of merit as follows.

- (a) **Director :** The Director may award highly commendations/commendation in the service books and/or cash reward as may be prescribed.
- (b) **Deputy Director :** The Deputy Director may also award highly commendations/commendation in the service books and/or cash reward as may be prescribed.
- (c) **Divisional Fire Services Officer :** Divisional Fire Service Officer may recommend any member (s) of the service to the Deputy Director or Director for cash reward and commendations.

- Penalty for violation of duty, etc.**
35. Any member of the service who -
- (a) is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rules or order made there under; or
  - (b) if found to be guilty of cowardice; or
  - (c) withdraws from the duties of his office without permission or without having given previous notice of at least two months; or
  - (d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or
  - (e) accepts any other employment or office in contravention of the provisions of Section 32 of this Act; or
  - (f) contravenes the provisions of Section 33; shall also be liable to departmental proceedings notwithstanding any other action taken under any other provision of the Act.
- Rules governing discipline of personnel.**
36. Fire and Emergency Service personnel in the State shall be governed by the existing relevant Discipline and Appeal Rules and other Service Conduct Rules in force, as applicable to the Indian Police Service, the State Police Service and others serving in the Police establishment.
- Operation of other Law not barred.**
37. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission, which constitutes an offence under that Act;
- Provided that no such prosecution, civil or criminal, shall be instituted except with the previous sanction of the State Government or of the authority prescribed in this behalf by the State Government if the act is done or purported to be done in the discharge of his official duty.
- Training.**
38. The State Government may establish a training centre in the State for providing courses or instructions in the prevention and extinguishment of fire and may close down or re-establish any such center.
- Public Servants.**
39. All members of the Meghalaya Fire and Emergency Service under this Act shall be deemed to be public servants as defined under Section 21 of the Indian Penal Code (Act No.45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988.
- Fire and Emergency Service personnel always on duty.**
40. (1) The personnel of the service who are not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and may at any time be deployed in any part of the State.
- (2) The State Government shall, however, ensure the grant of at least one day off in a week to all personnel or make provision of appropriate compensatory benefits in lieu of such weekly off, if under extraordinary situations the same cannot be granted to any of them.

(3) Personnel of the service shall not abdicate his duties or withdraw himself from his place of posting or deployment, without proper authorization.

**Explanation:** An officer or personnel who, being absent on authorized leave, fails without reasonable cause to report for duty on the expiry of such leave, shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

(4) No personnel shall engage in any other employment, or office of profit whatsoever, other than his duties under this Act.

**Power of State Government to make rules.**

41. (1) The State Government may, by notification in the Official Gazette, make rules in respect of the gazetted and non-gazetted members of the service and 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 all or any of the following matters, namely, -

- (a) to regulate appointment;
- (b) to regulate promotion;
- (c) for the compensation payable to the members of the service in case of accidents or to their dependence in case of death while engaged on duty;
- (d) to regulate the functions of the service;
- (e) to provide for twenty four hours access to the public; and
- (f) any other matter which is to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall, as soon as after it is made, be laid in the Legislature of the State of Meghalaya.

**Power to remove difficulty.**

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not in consistent with the provisions of this Act as appear to it to be necessary or expedient, for removing difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon after it is made, be laid before the Legislature of the State of Meghalaya.

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



# The Gazette of Meghalaya

EXTRAORDINARY

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No. 29 Shillong, Friday, March 30, 2012, 10th Chaitra, 1934 (S. E.)

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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 31/91/35.**—The Meghalaya Professions, Trades, Callings and Employments Taxation (Amendment) Act, 2012 (Act No. 6 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 6 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

### THE MEGHALAYA PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION (AMENDMENT) ACT, 2012.

**An**

**Act**

further to amend the Meghalaya Professions, Trades, Calling and Employments Taxation Act (Assam Act VI of 1947 as adapted by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-Two Year of the Republic of India as follows :-

**Short title and Commencement.**

1. (1) This Act may be called the Meghalaya Professions, Trades, Calling and Employments Taxation (Amendment) Act, 2011.

(2) It shall come into force on the first day of April, 2012.

**Amendment of the schedule to the Principal Act.**

2. The existing Schedule to the Principal Act shall be substituted by the following new Schedule, namely, -



<b>A.</b>	<b><u>Where the gross total annual income</u></b>			<b><u>Amount of Tax</u></b>
(a)	Does not exceed ₹ 50,000/-			Nil
(b)	Exceeds ₹ 50,000/-	but below	₹ 75,000/-	200
(c)	Exceeds ₹ 75,000/-	but below	₹ 1,00,000/-	300
(d)	Exceeds ₹ 1,00,000/-	but below	₹ 1,50,000/-	500
(e)	Exceeds ₹ 1,50,000/-	but below	₹ 2,00,000/-	750
(f)	Exceeds ₹ 2,00,000/-	but below	₹ 2,50,000/-	1000
(g)	Exceeds ₹ 2,50,000/-	but below	₹ 3,00,000/-	1250
(h)	Exceeds ₹ 3,00,000/-	but below	₹ 3,50,000/-	1500
(i)	Exceeds ₹ 3,50,000/-	but below	₹ 4,00,000/-	1800
(j)	Exceeds ₹ 4,00,000/-	but below	₹ 4,50,000/-	2100
(k)	Exceeds ₹ 4,50,000/-	but below	₹ 5,00,000/-	2400
(l)	Exceeds ₹ 5,00,000/-			2500

**L. M. SANGMA,**  
Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30th March, 2012.

**No.LL(B) 53/2002/566.**—The Meghalaya Value Added Tax (Amendment) Act, 2012 (Act No. 7 of 2012) is hereby published for general information.

**MEGHALAYA ACT NO. 7 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29th March, 2012.*

*Published in the Gazette of Meghalaya Extra-Ordinary issue dated 30th March, 2012.*

**THE MEGHALAYA VALUE ADDED TAX (AMENDMENT) ACT, 2012.**

**An**

**Act**

further to amend the Meghalaya Value Added Tax Act, 2003

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows :-

- Short title and Commencement.** 1. (1) This Act may be called the Meghalaya Value Added Tax (Amendment) Act, 2012.  
(2) It shall be deemed to have come into force with effect from 1st May 2005.
- Amendment of Section 44.** 2. In the Meghalaya Value Added Tax Act, 2003 as amended in Section 44, the following new proviso shall be inserted, namely, -  
“Provided that in respect of the sale of liquor, the point of sale as shall be made by the owner of Bonded ware house be deemed to be the first point of sale.”

**L. M. SANGMA,**

Secretary to the Government of Meghalaya,  
Law Department.



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## PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

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### NOTIFICATION

The 30<sup>th</sup> March, 2012.

**No.LL(B)20/2012/25.**—Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 (Act No. 8 of 2012) is hereby published for general information.

### **MEGHALAYA ACT NO. 8 OF 2012.**

*(As passed by the Meghalaya Legislative Assembly)*

*Received the assent of the Governor on 29<sup>th</sup> March, 2012.*

*Published in the Gazette of Meghalaya, Extra-Ordinary issue dated 30<sup>th</sup> March, 2012.*

**MEGHALAYA PRIVATE UNIVERSITIES (REGULATION OF ESTABLISHMENT AND  
MAINTENANCE OF STANDARDS) ACT, 2012**

**An**

**Act**

to provide for regulation of private Universities in the State and for matters connected therewith.

Whereas it is necessary to ensure that private universities maintain the standards of infrastructures, teaching, research, examination and extension of services, fee structure, safeguarding the interest of the state as a whole and in particular of the student community by emphasizing on quality education and avoiding commercialization of higher education.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows: -

**Short title,** 1. (1) This Act may be called the Meghalaya Private Universities  
**application and** (Regulation of Establishment and Maintenance of Standards) Act,  
**commencement** 2012.

(2) It shall apply to all private universities established by or incorporated under a State Act and opened in Meghalaya in collaboration with foreign University, formal and non-formal or distance education made by private universities.

(3) It shall come into force with effect from the date of notification.

**Definitions.**

2. In this Act, unless the context otherwise requires, -

- (a) “Act” means the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2012;
- (b) “application fee” means amount deposited by the sponsoring body along with the proposal and project report to establish a university in private sector;
- (c) “off-campus center” means a center of the private university established by it outside the main campus (within or outside the State) operated and maintained as its constituent unit, having the university’s compliment of facilities, faculty and staff;
- (d) “off-shore campus” means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university’s compliment of facilities, faculty and staff;
- (e) “off-campus centre” “off-shore campus” and “study centre” as defined under these Regulations shall be applicable to the universities as defined under 2(f) of the UGC Act, 1956;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “Private university” means university duly established through a State Act by a sponsoring body viz. a Society registered under the Meghalaya Registration of Societies Act, 1983 or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956;
- (h) “State Government” means the State Government of Meghalaya;
- (i) “study center” means a center established ad maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education; and
- (j) “Student” means a person duly admitted and pursuing a programme of study;

**Establishment and recognition of Private Universities.**

3. (1) Each private university shall be established by a separate State Act and shall conform to the relevant provisions of such State Act.

(2) For a Private University established by a State Act and which is non-functional within 2(two) years of establishment, any land allotted, whether privately owned or on lease or otherwise, will revert back to the owners(s) / lessee(s) on terms and conditions agreed upon.

(3) A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services with no power of affiliation.

(4) Government Representatives shall be included in the Board of Governors.

(5) A private university established under a State Act shall operate ordinarily within the boundary of the State concerned, subject to the following conditions, namely, -

(a) a private university shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability as laid down from time to time by the UGC and other concerned statutory bodies to which it applies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc;

(b) the courses of studies prescribed for a first degree and/or the postgraduate degree/diploma programmes should have been formally approved by the respective academic bodies of the private university, such as Board of Studies, Academic Council or Governing Council or Executive Council;

(c) the programmes of study leading to a degree and or a

post graduate degree or diploma offered by a private university shall conform to the relevant regulations or norms of the Education Department, Government of Meghalaya or the concerned statutory body as amended from time to time;

- (d) a private university shall provide all the relevant information relating to the first degree or diploma programme(s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students, to the education Department, Government of Meghalaya on a proforma prescribed by the UGC or Department prior to starting of these programmes;
- (e) Education Department, Government of Meghalaya on detailed examination of the information made available as well as the representations and grievances received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various Government regulations, shall inform the concerned university about any shortcomings in respect of conformity to relevant regulations, for rectification. The university shall offer the programme(s) only after necessary rectification;
- (f) the admission procedure and fixation of fees shall be in accordance with the norms or guidelines prescribed by the UGC and other concerned statutory bodies;
- (g) relaxation of fees for poor SC/ST and meritorious students of the State is to be formulated by a separate policy of the private university in consultation with Government of Meghalaya.

**Application for establishment of Private Universities.**

4. (1) An application in the prescribed format along with letter of intent for establishment of a private university shall be submitted to the Government in the Education Department well in time before the date on which the sponsoring body proposes to establish such private university.

(2) The application shall be duly acknowledged by the Director of Higher and Technical Education, Meghalaya.

(3) The application shall be signed by such persons authorized to authenticate instruments on behalf of the sponsoring body.

(4) An application fee (non-refundable) of rupees ten thousand only shall be enclosed with the application through a crossed account payee bank draft in favour of the Government of Meghalaya through the Director of Higher and Technical Education, Meghalaya, payable at Shillong. The money received on account of application fee shall be deposited by the Director of Higher and Technical Education in current account in a nationalized bank to be operated jointly by the Director of Higher and Technical Education and the Finance and Accounts Officer of the Directorate.

(5) Application for the establishment of the private university shall contain the project report with all relevant particulars and be accompanied by at least ten copies of such detailed project report including soft copies in a format to be prescribed by the Department at the appropriate time.

(6) The Government has the right to reject an application for reasons as it deems justifiable. The sponsoring body may, however, apply afresh for a new or a modified project along with application fee, not later than 6 months from the date of rejection of previous proposal.

**Acceptance and Rejection**

5. (1) In case of acceptance or rejection of the application for establishment of a private university, the Government shall communicate the same formally.

(2) In case of acceptance, when the formalities as per the relevant Act have been complied with, the sponsor shall procure land and have



proper infrastructure including teaching staff as per the UGC norms or any other authority as the case may be without which they cannot start the university.

**Endowment Fund.**

6. (1) The endowment fund in the form of a bank guarantee issued by a scheduled bank shall be pledged in the name of the Director of Higher and Technical Education, Meghalaya who shall also be the custodian for all documents and instruments related to the endowment fund and its investment.

(2) In case the private university or the sponsoring body contravenes any of the provisions of the regulations or rules made there under, a part or whole of the endowment fund may be forfeited by the Government but before such forfeiture, a show cause notice shall be served by the Government on the sponsoring body or the private university, as the case may be.

(3) The Government shall, among other things, duly consider the reply submitted by the sponsoring body or private university.

(4) In case the reply to show cause notice issued under subsection (2) is not submitted by the sponsoring body or by the Registrar of the university within 45 days of receipt of the notice, the Government may decide the case on an ex-parte basis.

(5) The forfeited amount of endowment fund shall be used in the manner as specified in the relevant provisions of the governing Act.

**Inspection and Disclosure of information.**

7. The State Government shall have the right to cause inspection of all records and premises of the university at any given time. In the event of the university violating conditions set forth in the relevant Act or in the event of the university deviating from norms and extant regulations laid down by the UGC, the State Government may call for all relevant information from the concerned private university in whatsoever form as may be prescribed at the relevant time.

**Consequences of violations.**

8. (1) After inspection and assessment of a private university providing first degree and/or post graduate degree/diploma courses,

the Education Department, Government of Meghalaya may communicate to the private university any deficiency and non-conformity with the relevant Government regulations and give it reasonable opportunity to rectify the same. If the State Government, is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, it may pass an order prohibiting the private university from offering any course for the award of the first degree and, or the post-graduate degree or diploma, as the case may be, till the deficiency is rectified.

(2) Any private university, which has been notified before commencement of this Act, shall comply with the provisions of this Act within a period of three months from the commencement of this Act and intimate the compliance to the State Government.

(3) The State Government may take necessary action against a private university awarding a first degree and or post-graduate degree or diploma, which are not specified by the UGC, and inform the public in general through a public notification. A private university continuing such programme(s) and awarding unspecified degree(s) shall be liable for penalty under Section 24 of the UGC Act, 1956.

(4) The State Government may take appropriate action against a study center or campus of any private university set up outside the State and having such campus or study center in Meghalaya who do not fulfill the conditions referred to sub-sections (1), (2) and (3) above including direction for closure of such study center or campus.

(5) The State Government on the recommendation of the Regulatory Board specified under section 9. (1), impose penalties on any private university which awards any degree that does not conform to extant government regulations.

Provided no such penalty shall be imposed unless such private university is given a reasonable opportunity of being heard.

**Constitution of  
Meghalaya  
Higher  
Education  
Council**

9. (1) There shall be a Higher Education Council to be called the 'Meghalaya Higher Education Council' for the purpose of assisting the Government on the matters of policy relating to development of higher education and maintaining of standards in higher education in the State of Meghalaya. Further terms of reference shall be specified in the rules.

(2) The Council shall be constituted by the Government and shall consist of a Chairman, Secretary and ten other members to be nominated by the Government.

(3) The Meghalaya Higher Education Council constituted under subsection (2) shall include

(a). An eminent educationist of repute as Chairman or an eminent person with vast administrative experience.

(b). Director of Higher and Technical Education as Member Secretary.

(c). Ten other members to be nominated from among the following:-

(i) Educationists of repute;

(ii) Heads of Colleges;

(iii) Chair persons of governing bodies of colleges;

(iv) An eminent social activist in the field of education etc.

(4) The Council shall regulate its own procedure.

(5) The terms of office of every member of the Council and traveling and other allowances payable to a member of the Council shall be as may be prescribed under rules.

**Constitution of  
a Regulatory  
Board**

10. (1) The State Government shall constitute a Regulatory Board consisting of Chairman and three members to be nominated by the State Government from eminent educationists of repute or eminent persons with vast administrative experience to be specified under the

rules. The term of reference of the Board shall be specified under the rules;

(2) The Regulatory Board shall be convened from time to time and the Headquarters shall be in Shillong.

(3) The non official members nominated by the State Government of this section shall be entitled to such honorarium, travelling allowance and daily allowance as may be prescribed.

**Powers to make Rules.**

11. The State Government may make rules for carrying out the purposes of this Act.

**L. M. SANGMA,**

Secretary to the Government of Meghalaya,  
Law Department.