

The 24th February, 2010.

No.LL(B).8/2001/42.—The Meghalaya Maintenance of Public Order (Amendment) Ordinance, 2010 (No.2 of 2010) is hereby published for general information.

MEGHALAYA ORDINANCE NO. 2 OF 2010.

As promulgated by the Governor of Meghalaya on the 24th February, 2010.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 24th February, 2010.

THE MEGHALAYA MAINTENANCE OF PUBLIC ORDER (AMENDMENT) ORDINANCE, 2010.

An

Ordinance

to amend the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947 as adapted by Meghalaya).

Whereas, the Hon'ble Gauhati High Court *vide* its order dated 6th January, 2010 in matter of PIL No.50/2005 filed by Mrinal Talukdar Vrs State of Assam & Ors directed the State of Meghalaya to strictly implement the law declared by the Hon'ble Apex Court as reported in 1998 (1) SCC 201 in matter of Communist Party of India (M) Vrs Bharat Kumar & Ors;

Whereas, further the above judgment of the Hon'ble Apex Court declared that any act for ensuring abstention from normal duties by members of public employee, disrupt normal life or does any act being subversive of law and order or destroy public or private property shall be illegal;

Whereas, also the Government of Meghalaya in pursuance of and in compliance with the above order of the Hon'ble Gauhati High Court and the Hon'ble Apex Court decided to implement by amending the Meghalaya Maintenance of Public Order Act (Assam Act V of 1947 as adapted by Meghalaya) and also the Meghalaya Maintenance of Public Order (Autonomous District) Act (Assam Act XVI of 1953 as adapted by Meghalaya);

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

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

- Short title and Commencement** 1. (1) This Ordinance may be called the Meghalaya Maintenance of Public Order (Amendment) Ordinance, 2010.
- (2) It shall come into force at once.
- Insertion of new section 6A to Act V of 1947.** 2. In the Meghalaya Maintenance of Public Order (Assam Act V of 1947 as adapted by Meghalaya), after the existing section 6, the following new section 6A, shall be inserted, namely, -
- “Breach of public order, penalty. “6A Whosoever whether an individual or any organization or any association of persons or group of persons either singly or collectively does/do anything by whatever means any act for causing abstention from normal activities by members of public, employees, disrupts normal life or does any act being subversive of law and order or destroy public or private properties shall be guilty of offence under this Act and shall be punishable with imprisonment for three years and upwards but not more than seven years and also shall be liable to compensate the Government, the public and private citizen for the loss suffered by them”.

Dated Raj Bhavan,
Shillong, the 24th February, 2010.

(R. S. MOOSHAHARY)
GOVERNOR OF MEGHALAYA.

Dated Shillong,
The 24th February, 2010.

L. M. SANGMA,
Secretary,
to the Government of Meghalaya,
Law (B) Department, Shillong.