

**MEGHALAYA LEGISLATIVE ASSEMBLY
SECRETARIAT**

NO.ES.39/MLA/2018/73.,

Dated Shillong, the 23rd June, 2020.

From :- The Public Information Officer,
Meghalaya Legislative Assembly,
Shillong.

To ✓ :- Geetika Mishra,
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New Thippasandra, Banglore-560075,
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Subject :- Information sought under the Right to Information Act, 2005.

Sir,

With reference to your letter dated 20.05.2020, the following information are provided as per your application;

1. The State Assembly debates and discussion pertaining to the Meghalaya preventive Detention Act of 1995 is copy enclosed.
2. Debates and discussion related to the Meghalaya Preventive Detention (Amendment) Act of 2003 is copy enclosed.

Yours faithfully,



**Public Information Officer,
Meghalaya Legislative Assembly.**

The 12th May, 1995

No. LL (B) 109/92/74- The Meghalaya Prevention Detention Act, 1995 (Act 5 of 1995) is hereby published for general information.

MEGHALAYA ACT No. 5 OF 1995

(Passed by the Meghalaya Legislative Assembly. Assented to by the Governor on the 10th May, 1995. Published in the Extra-ordinary issue of the Gazette of Meghalaya, dated 12th May, 1995)

THE MEGHALAYA PREVENTIVE DETENTION ACT, 1995

An

Act

To provide for preventive detention in certain cases and for matters connected therewith

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

1. Short title, extent and commencement- (1) This Act may be called the Meghalaya Preventive Detention Act, 1995

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

(3) It shall be deemed to have come into force on the 6th October, 1994

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

(a) "advisory Board" means the Advisory Board constituted under section 10;

(b) "Code" means the Code of the Criminal Procedure, 1973;

(c) "detention order" means an order made under Section 3;

(d) "Government" or "State Government" means the Government of the State of Meghalaya;

(e) "Section" means a section of this Act; and

(f) "State" means the State of Meghalaya.

3. Power to make detention order- (1) The State Government or a District Magistrate may, if he is satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or to the maintenance of public order or of supplies and services essential to the community it is necessary so to do, make an order directing that each person be detained.

(2) The Powers under sub-section (1) may also be exercised by such officer of the State Government not below the rank of a Secretary (hereinafter referred to as empowered officer as may be specially empowered by it in this behalf.

(3) When a detention order is made under this section by a District Magistrate or by the empowered officer such District Magistrate or officer, as the case may be, shall forthwith report the fact to the State Government together with the grounds on which the order has been made and such order particulars as in his opinion have a bearing on the matter and no such order shall remain in force for more than twelve days after the making thereof unless in the mean time it has been approved by the State Government:

Provided that where the grounds of detention are communicated under section 8 to the person detained after five days not after later than ten days from the date of detention, this sub-section shall apply subject to the modification that for words "twelve days" the words "fifteen days" shall be substituted.

4. **Execution of detention order-** A detention order may be executed at any place in India in the manner provided for executions of warrants of arrest under the code.
5. **Power to regulate place and conditions of detention-** Every person in respect of whom a detention order has been made shall be liable-
 - (a) To be detained in such place and in under such conditions, including conditions as to maintenance, discipline and punishment for any breach of discipline, as the State Government may by general or special order specify; and
 - (b) To be moved from one place of detention to another within the State or in another State by order of the State Government:

Provided that no order shall be made under clause (b) for the removal of a person from the State to another State except with the consent of the Government of that other State.

6. **Detention Orders not to be invalid or inoperative on certain grounds-** No detention order shall be invalid or inoperative merely by reason-
 - (a) That the person to be detained there under is outside the limits of the territorial jurisdiction of the authority making the order; or
 - (b) That the place of detention of such persons is outside such limits.

Explanation:- In this section and sections 7, 8 and 9 the expression "authority making the order" means the State Government, the District Magistrate or as the case may be, the empowered officer exercising powers under sub-section (1) or sub-section (2) of section 3.

7. **Powers in relations to absconding persons-** (1) If the authority making the order has reason to believe that the person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that authority may-

- (a) Make a report in writing of the fact to Deputy Commissioner or the Chief Judicial Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of section 82,83,84 and 85 of the Code shall apply in respect of the said person and his property as if the detention order made against him was a warrant issued by a court;
 - (b) By order notified in the Official Gazette direct the said person to appear before such officer at such place and within such period as may be specified in the order and if the said person fails to comply with such direction he shall unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the authority making the order of the reasons which rendered compliance impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.
- (2) Notwithstanding anything contained in the Code every offence under clause (b) of sub-section (1) shall be cognisable.

8. Ground of the detention order to be disclosed to the person detained- (1) When a person is detained in pursuance of a detention order the authority making the order shall as soon as may be, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing not later than ten days from the date of detention, communication to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the Government.

(2) Nothing in sub-section (1) shall require the authority making the order to disclose facts which it considers to be against public interest to disclose.

9. Ground of the detention severable- Where a person is detained in pursuance of a detention order which has been made on two or more grounds such detention order shall be deemed to have been made separately on such grounds and accordingly-

- (a) Small such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds are-
 - (i) Vaguet;
 - (ii) Non-existent;
 - (iii) Not relevant;
 - (iv) Not connected or non proximately connected with such person; or
 - (v) Invalid for any other reason whatsoever, and it is not therefore possible to hold that the authority making the order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds for making the detention order; and
- (b) The authority making the order shall be deemed to have made the detention order after being satisfied as provided in sub-section (1) of section 3, with reference to the remaining ground or grounds.

As the head of the tax agency, which course of action will you opt and why? (250 words)

10. Constitution of Advisory Boards- (1) The State Government shall, whenever necessary, constitute one or more Advisory Board for the purposes of this Act.

(2) An Advisory Board shall consist of three persons who are or have been or are qualified to be appointed as Judges of a High Court and such persons shall be appointed by the State Government.

(3) The State Government shall appoint one of the members of the Advisory Board who is or has been a Judge of a High Court to be its Chairman and the appointment as such Chairman of any person who is a Judge of a High Court shall be with the previous approval of the Chief Justice of that High Court.

11. Reference to Advisory Board- Save as otherwise expressly provided in this Act where s detention has been made the State Government shall within three weeks from the date of detention of the person, place before the Advisory Board the ground on which the order was made and the representation, made by the person detained and, where the order has been made by a District Magistrate or by the empowered officer, also the report made by such District Magistrate or officer under sub-section (3) of section 3.

12. Procedure of Advisory Boards- (1) The Advisory Board shall after considering the materials placed before it and after calling for such further information as it may deem necessary from the Government or any person called for the purposes through the Government or from the person detained, and if any particular case, it considers it necessary to do so or, if the person detained desires to be heard, after hearing him in person, submit its report to the Government within seven weeks from the date of detention of the concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person.

(3) When there is a difference of opinion among the member of Advisory Board the opinion of the majority of them shall be deemed to be opinion of the Board.

(4) Nothing in this section shall entitle any person against whom detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board.

(5) The proceedings of the Advisory Board and its report excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

13. Action upon the report of Advisory Board- (1) In any case where the Advisory Board reports that there is in its opinion, sufficient cause for the detention of the person, Government may confirm the detention order and contained, subject to the provision of section 14, the detention of the person for such period as its thinks fit.

(2) In any case where the Advisory Board reports that there is, in its opinion no sufficient cause for the detention of the person, Government shall revoke the detention order and cause the person to be released forthwith.

14. Maximum period of detention- The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under sub-section (1) of section 13 shall be one year from the date of detention:

Provided that nothing contained in this section shall effect the power of the Government to revoke or modify the detention order at any earlier time.

15. Revocation of detention order- (1) Without prejudice to the provisions of section 35 of the Meghalaya Interpretation and General Clause Act, 1972 a detention order made by a District Magistrate or by the empowered officer may, at any time, invoked or modified by the State Government and, in case of a detention order made by the State Government or by the Central Government.

(2)The revocation or expiry of a detention order shall not bar making of a fresh detention order against same person in any case where fresh facts have arisen after the date of such revocation or expiry and on which the State Government, a District Magistrate or empowered office, as the case may be, is satisfied that such an order should be made.

16. Temporary release of detained- (1) Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without any condition or upon such conditions as may be specified in the direction and which that person accept and may also, at any time, cancel his release.

(2)In directing the release of any person under sub-section (1) Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3)Any person released under sub-section (1) shall surrender himself at such time and place and to such authority as may be specified in the order directing his release or, as the case may be cancelling his release.

(4)If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3) he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(5) If any person fails to fulfil any of the conditions as may be specified in the direction releasing him under sub-section (1) or in the bond entered into by him, the bond shall be declared to be forfeited and the person bound thereby shall be liable to pay penalty thereof.

17. Protection of action taken in good faith- No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act.

18. Repeal of Ordinance No. 1 of 1994- The Meghalaya Preventive Detention Ordinance, 1994 (Ordinance No. 1 of 1994) is hereby repealed.

S. DYKE

Under Secretary to the Govt. Of Meghalaya,

Law (B) Department.

PROCEEDINGS OF THE BUDGET SESSION OF THE MEGHALAYA LEGISLATIVE ASSEMBLY ASSEMBLED AT 10.00 A.M. ON FRIDAY, THE 24th MARCH, 1995, IN THE ASSEMBLY CHAMBER, WITH THE HON'BLE SPEAKER IN THE CHAIR.

Mr. Speaker :- So we will proceed on with Item No. 4(a). Minister-in-charge, Law, please.

Shri J.D. Pohrmen, Minister, Law, etc. - Mr. Speaker, Sir, I beg leave to introduce the Meghalaya Preventive Detention Bill, 1995.

Mr. Speaker :- Now I put the question before the House. The question is that leave be granted to introduce the Meghalaya Preventive Detention Bill, 1995.

The motion was carried and leave to introduce the Bill was granted.

The Minister-in-charge may now introduce the Bill.

PROCEEDINGS OF THE BUDGET SESSION OF THE MEGHALAYA LEGISLATIVE ASSEMBLY, ASSEMBLED ON THE 13TH APRIL, 1995 AT 10.00 A.M. IN THE CHAMBER WITH THE HON'BLE DEPUTY SPEAKER IN THE CHAIR.

Mr. Speaker :- We pass on to Item No.9. Mr. G. S. Massar.

Shri G.S. Massar :- Mr. Speaker, Sir, under Rule 68 of the Rules of Procedure & Conduct of Business in the Meghalaya Legislative Assembly, I move this Resolution to disapprove the Meghalaya Preventive Detention Ordinance, 1994 and the introduction of the Meghalaya Preventive Bill, 1995.

Whereas, the Meghalaya Preventive Detention Ordinance, 1994 is a mere copy of the National Security Act, 1980 (amended upto date):

And, whereas the Meghalaya Preventive Detention Bill, 1995 is to replace the Meghalaya Preventive Detention Ordinance, 1994;

And, whereas preventive detention of a person or persons is applied only in very rare circumstances when the situation is grave and caused directly by the detenus or their followers;

And, whereas the situation and circumstances that let to promulgation of the Ordinance are not reasonable and even if they are reasonable, the said situation and circumstances are not present now;

And, whereas it is not desirable to have our own preventive detention Law in the State as it is likely to be misused and abused;

Now, this House disapprove the promulgation of the Meghalaya Preventive Detention Ordinance 1994 and also the introduction of the Preventive Detention Bill, 1995 in its place.

Mr. Speaker, Sir, this Ordinance was first brought in 1979 and after that in 1990 and before its introduction there was quite a commotion and the party that was then from this side of the House opposed it so vehemently that we had to give in and refused to make it into an Act. And I remember the man who really opposed, if my memory does not fail me, was Mr. H.S. Shylla, a victim of the Ordinance. I remember tears coming from his eyes because it so happened that when he was detained under this, he lost his dear mother-in-law, if I am not mistaken, and the people who detained him did not even allow him, if my memory does not fail me, to go and attend the funeral. He was allowed to go home but he was not allowed to go to her funeral. So, Mr. Speaker, Sir, that is the essence of this Ordinance or Bill that we are going to pass. Now, the same party that had opposed so vehemently and with tears in his eyes came here with smiles in his eyes to say let us make it into an Act. What was the situation then? What is the difference? When you bring an Act or Bill or Ordinance you must justify that the situation in 1990 is quite similar to the situation in 1995 and nowhere in this Ordinance, nowhere in the Bill which they have brought here to justify the Ordinance or the Bill. If they have not justified, then what is the point? It is not better that we follow the same procedure in 1990 by not making it into an Act? I just put it to you. I would like the Minister who is going to move it to be clear about it. Where is the justification? Where is the difference in the situation in 1990 and 1995? Because I do not want to see my colleagues in this House to come with tears in their eyes and, probably, a broken heart. (Laughter)

Then, Mr. Speaker, Sir, another point. We already have the National Security Act. Actually my friend, if I am not mistaken, was detained under the National Security Act or MPDO. I cannot recall. Anyway, the MPDO was brought in. Here it is a National Security Act and here is the Ordinance or the Bill. Let us see where is the difference between this Ordinance and this Act. Sir, it is a plain complete copy. The MPDO or the one which is going to be the MPDA is a Government's copy of the NSA. The only difference is this. In Section 2, we have the definition of a person and of a foreigner it is not there, while everything is there. Then another difference here in the Act - we have Commissioner of Police and here in Meghalaya we do not have a Commissioner of Police. But the District Magistrate and the rest, except for the Commissioner of Police because the Commissioner of Police is only in metropolitan cities. The rest is the same. Section 3 is the same, Section 4 is the same, Section 5 is the same, Section 6 is the same, Section 7 is the same, Section 8 is the same, Section 9 is a copy of the Section 5(a) of the Act and the only other thing which we do not have is that when a Detention Order was made the person who has been detained has to be referred to the Court. What is the point of having these acts. There are differences between these acts. I would say that the National Security Act is so bad or is so harsh. Yes, I agree, why should we have our own act which is just a Government copy. What is the justification. Just because some people agitate on something and some loose talks were there and certain happenings which have no connection with such utterance in the public meeting or with such agitation. A person is detained because he has been charged. It is very simple to show that such a thing happened but whether it happened or not is a different matter and to draw the charges justifying the detention of a person is very simple. It is simple in the sense that we can easily satisfy the Advisory Board to justify the detention of a person. so, Sir, if you have the National Security Act which the State can at any point of time, if the situation arises can make use of that Act, why not this Carbon copy and the Central Government will have nothing to do with it, while the National Security Act, you have to send a Report to the Central Government and this is based in the national scenario in so far as administration is concerned. There is every likelihood that it can be changed. We may expect that the Centre may not agree for such things. Why do we have to create carbon copy of it. In the National Security Act, we still have that ability to plead over and above the State Government. We may go to the Centre and

plead but here in this Act, we do not have such Forum to make an appeal. Sir, it has happened in the way the ordinances has been made applicable, the Provision in Ordinances have been made applicable and people have been detained, but because of pressure from outside, the Government succumbed and had to released. That very action of the Government shows that it is not necessary to have this seriousness on the part of the Government to promulgate this Ordinances and by bringing this Bill shows that there is seriousness. It can succumbed to pressure. But the very fact is that you are not so sure on the justification of detention of the people. So, on the whole I feel that this MPDO is not warranted or this Bill which is going to be introduced is unwarranted and the replied is not warranted. As I said earlier, the situation, the circumstances and the desirability to make it into a Bill, where are they? How far are they different from 1990? Just because a certain Organisation wanted to agitate on certain matters, the Government can bring this Act, make use of this Act, I feel the desirability to make this Ordinance into an Act is not there and if such a situation arises, we have another Act, the National Security Act. Just because the name of the Act sounds very dangerous, very high but actually, it is the same. If there is a detention, if Show Cause Notices is given, that would have been different but here it is more or less the same. Mr. Speaker, Sir, I feel that this Ordinance should be allowed to die a natural death and the Bill should now be introduce. I remember one thing that the whole of the Constitution speaks about the liberty of a man in the rare of the rarest situation that detention is made applicable. If this is the case, why bring so many cases to detained a person, you can not detained him without this Bill. A person who has caused this situation which can be handled by ordinary laws, why should you bring this Act. I repeat, if you want to detain a person you cannot do it without this Ordinance or without this Bill. I therefore, plead with all the Members of the House, especially with the Government through the Law Minister who is going to introduce it, forget it. In Meghalaya we have an Act, a very tough Act where we can detain a person, why should not we be proud about this Act? The situation to detain a person in the last few months, that can be used by the same Act, the National Security Act. So, I request that the Government instead of going ahead, allow it to die a natural death.

Shri A.H. Scott Lyngdoh :- Mr. Speaker, Sir, I would like to say a few words on this Resolution, on the passing, introduction and conversion of the Ordinance into a Law. He has dwelt at length on the fact that this is just the N.S.A. in the new bottle like the National Security Act of 1980, this Ordinance is actually almost the same thing. Now, in actual application of this preventive laws, what I find from the view of my observation, not only in this State but in other States of the country is the administration allow the situation to go out of control, that is the administration by its inaction has allowed the situation to reach such a stage that certain Acts which disturbed the peace which has already been created, and therefore, detention follows. The philosophy of preventive detention is for the Administration to use laws in such a way to ensure that Act of lawlessness are under control, not to allow the situation to reach such a state where acts of lawlessness has already been committed and therefore, only detention then follows. Now, when the mover of the Resolution suggested or rather he feels that this Ordinance we should forget about it. He said that there are other laws of preventive detention which is already available to the State. There is. When I say, you may take very lightly thinking that it is not a solution, there are laws of preventive detention in the criminal procedure code. You have the preventive law knows as Section 107 of the Cr. P.C. I believe that the Police Administration has more or less by-pass this very important provision because it is a pain sticking effort. In order to book somebody under 107 requires a lot of investigation and a lot of hard-working. Perhaps, the Police Administration is not prepared for this kind of very difficult investigation. Now the preventive detention in the form of 107 Cr. P.C. is available. What the Government should think? Have you seriously try to apply this

law? Have some evaluation on how to apply. You not only bind an individual that he should not do any act which will commit a breach of peace, you not only bind him, you bind his relatives, you bind his family members and you are binding so many other people and see that this particular individual does not commit a breach of peace. So, if we say that we should do away with this preventive detention law, why not we go to the law which has been already available with us and with less obnoxious which also in a way attracts less public attention. We have the policemen at the Thana level who resorts to 107 and they will not get a Medal because nowadays we overlook the people who really work hard, invisible in their work and which is very pain in the long run. If we do away with this, please consider why 107 has not been made use for? and whether you can strengthen the administration in the Police Department to use this more effectively?

Shri E.K. Mawlong :- Sir, just a few words to support the Motion as moved by the hon. member from Nongshken. Now, as rightly said by the mover of the Motion, it appears that the proposed bill to replace the Ordinance is the same as in the National Security Act which he has referred to section and all that. Now in India, today the trend is against such Act, that famous TADA Act, all are against it and a hue and cry everywhere is being raised over the misuse of TADA, misuse of N.S.A. and so on and so forth. Now in our area as remained by the mover of the motion, he has promulgated the ordinance and the ordinance after a month or two, I do not remember, I think in 1980, it lapsed and we do not have to bring it in the form of the Bill to convert it into an Act and since the mover has already said it is only a duplicacy, a duplicate copy of the N.S.A. and I do not think it will be necessary for us to convert this into an Act. In some areas we have proved to be wiser than the Central Act which are already in existence and at times, we know, Sir, let us be very frank the result of the detention of such ordinance or N.S.A. here in our State, it appears to be taking a political colour. Why they arrest at the first instance. Sir, I remember when the police arrested the KSU activists in January last year, we had had expected that if at all the arrest is to be made because the KSU had given a call to boycott the Republic Day then they should have arrested before the 26th of January. But surprisingly enough they arrest was made after the 26th of January when everything was over and there was peace and tranquility in the State. There was no law and order problems after the 26th January but the arrest was made under the MPDO. The question is why we arrest them for nothing? So I feel that Government should think very carefully on this. There is no necessity to have so many acts. And this ordinance has been promulgated in the past. We can promulgate such ordinance at any point of time when there is a necessity to do so. But at this time there is no need for this bill. Let us take recourse in the practice that has been done in the past. I do not know whether the ordinance has got less effect than the act. Sir, the ordinance and the act have the same effect. Therefore, we do not need at all to go for this bill. So I would request the Government to withdraw this bill because the same provisions available in the NSA are also available in the proposed bill. Such ordinance can be promulgate at any time when we feel it necessary. So I once again request the government to withdraw the bill but in future if they want to promulgate the ordinance they can do it within a week in order to maintain law and order in the state.

Shri B.B. Lyngdoh :- Mr. Speaker, Sir, on this I agree with Mr. Mawlong's suggestion that prevention is better than cure. Sir, this is a preventive ordinance. It is very simple. It is also very effective. It is affective, Sir, to deal with the situation. Now, Sir, we had an experience during 1979 and 1990, and it is not necessary to have a permanent act on this. Any time the situation calls for prevention of any likely break up the law and order the ordinance is enough and effective enough to do this. Mr. Speaker, Sir, I may recall that during the national integration council held in Madras and when Mr. Advani started his Rath Yatra, I advised the

Prime Minister, Mr. Singh and I said that we are the hill people and we have a very simple law. So before he reaches the place where there is a conflict like Bihar and Orrisa, and if that is done it would have saved the Ayodhya situation because we have saved a lot here by applying this ordinance. Sir, various public leaders like Mr. Majaw, Dr. B.K. Roy, Mr. Bhaskar Choudhury were taken in as state guests under the PDO including our present MLA, Mr. Shylla. Sir, they had a good time and the peace of Shillong was very well maintained. Then in the Earl Sonatorium a menu was brought to the detainees. The man asked the famous man, Sir, what do you like to have for dinner etc. etc. Alright, said the famous man, only one item. Bring liqui ficti Scottish origin. Very nice, Sir. Beautiful language. This kind of drink is already there in the Earl Sonatorium. Therefore, Sir, I would say, let the bill be withdrawn, and if necessary, at any time the home minister would just issue a simple preventive law and not a punitive law.

Shri H.S. Shylla :- Mr. Speaker, Sir, I would also like to say something because my name has been mentioned time and again. Sir, this is a peculiar situation where the law makers are there to oppose and the one who is the victim of that law. But to tell the truth Sir, this bill has not been brought before the UMPF for discussion but it has been brought direct to the House. So I want to make it clear as the hon.ble Member has mentioned that I am not a party to give my consent to introduce this bill because normally they use to bring any bill to the UMPF before it comes to the House. It may be because I have not received a notice or I had not been informed. Therefore, I did not get a chance to oppose the bill. Sir, I may say that this provision has been misused in those days and I do not want to repeat it. That is why, Mr. Speaker, Sir, in the series of my questions I had tried to sought clarifications about the same issue which is a very important issue. Sir, I had sought clarification on (1) to declare the population ratio between the tribals and non-tribals so that the fear of our people to be outnumbered by the outsiders will no longer be there so that we can see that our youths should not take the issue to the street. Secondly, Mr. Speaker, Sir, I had sought clarification from the Government regarding the bans, road blockade etc. I said that now these bandhs etc. have taken a new turn. In previous years any road blockade, bans or hartals have been done in a democratic manner. But now a days they have taken a new turn. You will find no volunteers are there in the street but they just throw petrol bombs etc. So in view of this whether the bans should be declared illegal and unconstitutional. But the minister replied that so long they did not obstruct them. So I will leave it to the wisdom of the Government to think over it. But it is my way of looking at the matter so that we help our people. Sir, with regards to this I would like to request the Government to reconsider the matter. (bell rang).

Mr. Speaker :- Now, the time is 2 O'clock. So, may I take the sense of the House to extend the sitting till all the businesses are completed? (Voices: 'Yes', 'Yes').

So, with the sense of the House, I will extend the time till all the business for today are passed.

Shri B.B. Lyngdoh :- Mr. Speaker, Sir, I would suggest that we prorogue.

Mr. Speaker :- No, I have already extended the time.

Shri H.S. Shylla :- So, since the time is extended, may I continue, Sir?

Mr. Speaker :- No, please.

Shri H.S. Shylla :- But Sir, since my name has been mentioned time and again, so please let me talk only a few words more because it is the last time.

Mr. Speaker :- Alright, only a small paragraph, please.

Shri H.S. Shylla :- Sir, just now the Leader of Opposition has stated that we were treated as guest when we were put inside the jail. But that was a wrong notion or a wrong concept of the authority at that time. Actually, while we were inside the jail, we suffered a lot and not to speak of the suffering of our family members. So, I would like to state that if that is the thinking of the people when they are in the authority is very wrong, it is perhaps because they are just to put some one inside the jail and they are enjoying. That is very wrong. So, I would request the Government to reconsider this Bill so that we can take recourse to other Law. IPC is there, so we can use it.

Mr. Speaker :- Now, Minister-in-charge, please.

Shri J.D. Pohrmen, Minister, Law :- Mr. Speaker, Sir, I must express my sincere thank to the Hon'ble Member from Nongshken, Mr. G.S. Massar for having brought this very important Resolution on the MPDO. He opposed the idea of making Law or in other word, of converting this MPDO into an Act. Now, before I reply to the various points raised, I will just give a little back-ground of the MPDO. As we all know in Meghalaya we have had sad experiences of serious law and order problems right from 1979 and then the Chief Minister at that time, Mr. B.B. Lyngdoh himself was the first to promulgate the ordinance or the MPDO in December, 1979, and again in 1990 when he was again the Chief Minister and then it was also promulgated in 1992 and finally last year, 1994 because of the fact that the situation was so bad and in fact, many lives were lost during those years when this MPDO was introduced and implemented or use to contain the serious law and order situation. Now, this MPDO was to authorise the District Magistrate to order that detention of any person in order to prevent him from going in the manner prejudicial to the security of the State or to the maintenance of public order. The ordinance lapsed in due course. In fact, in 1990 there was an attempt to convert this into an Act but because of the problems somehow or other, it could not be pushed through and it died of natural death. As it happened year after year, similar ordinance was promulgated in 1990, 1992 and 1994 and also these lapsed. It is a fact that National Security Act of 1980 which is a Central Act is also applicable to Meghalaya which is much wider in scope than the present Bill. Yet, it is felt that it is not meeting the specific requirement of the State in the sense that most cases, as rightly pointed out by the Mover, that we have to make a reference to the Central Government whenever the NSA is resorted to. Now, as we al know, preventive detention is detention of the person without trial in such circumstances with the objective to prevent the individual from doing in the manner which is prejudicial to the public order, security of the State or life. His past conduct and indiscipline may form the basis of the order for retention if they reveal the tendency to do such act and the maximum period proposed is one year. Now, Article 21 of the Constitution of India states that no person shall be deprived of his life or personal liberty except according to the procedure established by Law. By reason of the above Article, (a) Preventive detention cannot be ordered by the executive without authority of the Law and unless in conformity with the procedure laid down there in; (b) Law must be authoritative law within the jurisdiction of the competent authority, by the legislature which is enacting it. Article 22 of the Constitution of India provides against arrest and detention because clauses of the constitution have been made in the proposed Bill and it should save-guard have been provided exactly as in the case of National Security Act, to ensure that the Act is not misused

by any authority in due course. Mr. Speaker, Sir, now as I have said, this ordinance had been resorted time and again. Four times now, right from 1979 upto last year. Now, the question is about why we need to convert it into an Act? The NSA is as good as MPDO and the MPDO is as good as NSA. It is true that it is almost like a carbon copy and the mover himself had stated that there are difference and these differences are quite important because whenever NSA is resorted to, the matter is referred to the Central Government for approval or to release the detenus. Whereas in the case of our own proposed bill as envisaged in the MPDO, we do not have to go to the Central Government to approve about the action taken. We do not have to go to the Central Government for any decision. We can decide here lock, stock and barrel on what we need here and so, this is very very important. That is why, our veteran leader Mr. B.B. Lyngdoh felt the need to have this MPDO way back in 1979 when we had very serious law and order problem in the State and, therefore, he had resorted to that. Even now, in 1990, he still resorted to this Ordinance, the MPDO inspite of the fact that in 1980 NSA was passed by Parliament. Therefore, it is very simple to understand that we here, would like to have some sort of doing things as far as possible to make a final decision by us whether to make arrests or whether to release the detenus. The mover had said that when some persons were detained under the MPDO, the Government had succumbed because of outside influence, this shows that the Government does not seem to be serious with the implications of the order. I think I would like to refer with the mover of the resolution that it is not the intention of the Government or rather it is not because of outside pressure that the Government had succumbed, but the Government in their wisdom felt that it was justified to release the detenus. It is also not a question to be proud to bring in this legislation. We are not supposed to know better than others. But what we felt is that it is good for us. So, the question of being proud does not arise.

Mr. Scott from Jaiaw had referred to Section 107 of the Criminal Procedure Code. But this particulars Section 107 is a kind of routine matter because this is a general Section as other sections in the Criminal Procedure Code. The difference is this that MPDO is for a specific person for detaining for only a period of time in order to bring down the volatile situation. So, it is not the same. Section 107 of the Criminal Penal Court are not one and same.

Mr. E.K. Mawlong, the member from Umroi also referred to TADA. TADA is quite a different law altogether. It is a question dealing with terrorism. He said that people are against such acts and laws. Well, I may say that people are all against many laws. Rather they would like to have no laws actually because laws binds us. We cannot do whatever we want. Laws were made for the collective interest of the society. Today it may be for me and later on it not be me. Therefore, there is a need to make laws for the collective interest of the whole society. He also said that we are trying to convert this MPDO into an act which we want to be better than others. We are not trying to show. In fact, we are trying to learn many things from others. With this MPDO, the basic need is the same. Whether you have MPDO or whether you convert it into an act, it is the same thing. Why fight shy of trying to convert it into an act because everybody agrees that we need to take action when the situation demands. In 1979, 1990, 1992 and 1994, we have seen that there is a law and order situation in our State. Let us say that it does not seem to be convertible. I will not be a prophet to say that in the years to come, there will be no law and order problem in the State. There will be peace. I will not advocate that.

So, Mr. Speaker, Sir, when we think that the situation is not very encouraging to live in peace prior to 1979 is wrong. We are to prepare for any eventuality, for any situation that may disturb public order, that may disturb the society. Therefore, I strongly advocate that there is

an urgent need to convert this MPDO into an act and make it a permanent act because the situation does not seem to be no good in the near future. Now, there has been a reference to the KSU leaders when the hon'ble member from Umroi had said that they should have been arrested before the 6 January. But they were arrested because of the call for bandh on the Republic Day. Sir, they were not arrested only for this but for other reasons which was found valid by the Advisory Board. It was for other reasons which I am not suppose to leak out here in the House. Our report is justified and the leaders were arrested subsequently. Sir, I hope the House will agree with me and convert this order into an act. Thank you.

Shri G.S. Massar :- Sir, before I give my mind, may I get some clarification from the Minister. (1) Minister has agreed that this is a carbon copy of the NSA. If this is the case then why is the necessity to have this ordinance or bill which seeks to repeal the NSA inapplicable in the State. Whether there is any provision? Now Minister will agree that once a person is detained under the NSA, we have to get the approval of the Centre. Now do you agree that this approval is another authority? Detention is used in rare cases. Do you think the State Government should also after taking action think that there should be another authority to examine whether such a detention is warranted. Like we have in the Lower Court, there is a provision for appeal. Can you say that there will be another authority of appeal to examine independently? No. 3 is that the Law Minister has stated that release also has to be obtained from the Central Government. I think section 14 says that any detention made by Officers and the State Government, they can be released without Central sanction. After it is once released it can be revoked on its own.

Shri J.D. Pohrmen, Minister, Law :- Sir, the question of repealing of the NSA has to be passed by Parliament. I don't think we are competent to think about any legislation passed by Parliament. Parliament may ask only for opinion. Mr. Massar is an experienced lawyer. Now I don't think the question of appeal will arise because it is not a court. About section 14 he had mentioned about revocation. This is only an interpretation. Sir, this is our observation and I hope that I have clarified all the points raised by the Hon'ble Member from Nongshken. I would request him as a very sincere, experienced lawyer and learned advocate to kindly withdraw the resolution so that we can go through this Bill for converting it into an act.

Shri G.S. Massar :- Sir, I am not going to say that NSA cannot be repealed. It is a fact neither it cannot be made applicable. Then why do you bring this carbon copy which is except only in name. I think some of people like Mr. Majaw were released by the State Government. It has no meaning. Why are we to have two acts? I think the Law Minister has tried his best to satisfy about it but still it is unsatisfactory. I prefer to have one act than two acts. Therefore, I will not withdraw.

Mr. Speaker :- Now let me put the question before the House. The question is that under Rule 68 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly, disapproving the Meghalaya Preventive Detention Ordinance, 1994 and the introduction of the Meghalaya Preventive Detention Bill, 1995.

(The motion was put to voice vote and lost)

Now let us pass on to Item No. 10 (a).

Shri J.D. Pohrmen, (Minister, Law) :- Mr. Speaker, Sir, I beg to move that the Meghalaya Preventive Detention Bill, 1995 be taken into consideration.

(14)

Mr. Speaker :- The question is that the Meghalaya Preventive Detention Bill, 1995 be taken into consideration.

The motion is carried and the Bill may now be taken into consideration.

Since the resolution to amend the Bill is lost, let us pass on the next item. The Minister-in-charge, please.

Shri J.D. Pohrmen, (Minister, Law) :- Mr. Speaker, Sir, I beg to move that the Meghalaya Preventive Detention Bill, 1995 be passed.

Mr. Speaker :- The question is that the Meghalaya Preventive Detention Bill, 1995 be passed.

The motion is carried and the Meghalaya Preventive Detention Bill, 1995 is passed.

9-04-1999

15. My Government has also raised the Indian Reserve Police Battalion during the year, inspite of certain problems which had come up. The State Police is being modernized with better weapon systems, tele-communications and improved mobility in a phased manner. Because of the limitations of the normal laws in tackling the problems of insurgency and various crimes committed by the underground outfits, my Government has also taken recourse to the use of Preventive Detention of suspected militants and criminals under the *Meghalaya Preventive Detention Act*. A total of 37 (thirty seven) people were detained under the Act in the last year. We will continue in our efforts to tackle the insurgency problem in the State.

21-06-1999

Mr. Chairman, Sir, in view of the increase in the increase in the crime rate and also the increase of the number of detainees under *Meghalaya Preventive Detention Act*, it is no longer considered safe to accommodate the security prisoners along with other criminals and under trial prisoners. It was, therefore, proposed to set up a Central High Security Jail in Shillong for that purpose. The proposal was submitted not only to the 10th Finance Commission but also in every Annual Plan, however, no specific allocation have been received. In the meantime, the State Government started the exercise of locating suitable sites for the proposed Central Security Jail at Mawiong, Tynring and Laitkor. However, in each of these places, there is a strong public objection to Jail being located in their area. Hence, the proposal to have a Central Security Jail in Shillong has not made any headway due to non availability of funds and a suitable site. Although all the existing District Jails are functioning normally, they suffer from certain deficiencies like absence of proper hospital and dispensary, foolproof security arrangements, separate wards for high security prisoners, convicts and UTPs and provision of security vans. The proposal to purpose two security vans, one for Tura and the other for Jowai District Jail is under consideration of the Planning and Finance Department. Adequate lighting arrangements have also been made for security of the District Jails particularly in Shillong. Installation of additional water storage tanks had also been sanctioned during the last financial year. Sanctions have also been accorded for purchase of 126 SBBL guns so that the jail security staff would be armed to ensure better security.

Training of personnel not only in handling of fire arms but also in the other security related aspects have also been given in batches. The State Government have also proposed for the consideration of the 11th Finance Commission as follows : (1) Construction of a high security jail complex in Shillong at an estimated cost of Rs.485 lakhs for approximately 250 prisoners. (2) Construction of full fledged District Jails at Nongstoin, Nongpoh and Baghmara at an estimated cost of Rs. 876.78 lakhs. (3) Providing a 10 bedded Jail hospital fully equipped with manpower and equipments to each of the seven District Jails at an estimated cost of Rs. 215.47 lakhs. (4) Increasing the total strength of the security staff in each jail. The existing Jail buildings also suffer from inadequate water supply. While temporary and stop-gap arrangements are made to meet the water requirements there is a need to ensure permanent and regular water supply. Proposal for improvement of water supply to the existing four District Jails have also been submitted to the 11th Finance Commission at an estimated cost of Rs. 62 lakhs. The Inspectorate General of Prisons is headed by an Inspector General of Prisons in the headquarters. In the District Jails the following staff are available.

	Shillong	Jowai	Tura	Williamnagar	Total
Superintendents	1	1	1	1	4
Jailors	1	1	1	1	4
Asst. Jailors	2	1	1	1	5
Medical & Health Officers	1	1	1	1	4
Pharmacists	1	1	1	1	4
U.D.A.	1	1	1	1	4
L.D.A cum typist	1	1	1	1	4
Head Warders	3	3	3	3	12
Warders	45	22	22	18	107
F. Warders	3	3	3	3	12
Plumber cum Electrician	1	1	1	1	4
Medical attendant	NIL	1	NIL	NIL	1
Cooks	NIL	2	2	2	6
Sweepers	2	2	2	2	8
Drivers	2	1	2	3	8

As on 31.12.98, the existing population of convicts and UTPs in each jail are as follows:

<u>Name of District</u>	<u>Official capacity</u>	<u>Present population</u>
1. Shillong Jail	150	357 - 396
2. Tura Jail	270	101
3. Williamnagar Jail	30	61
4. Jowai Jail	100	110

Under the centrally sponsored scheme of strengthening of jail administration, provision have been made for imparting training to the inmates of the Jail to learn knitting, tailoring, bamboo and cane works so that the UTPs are gainfully engaged while in Jail. It is hoped that this will enable some of the UTPs to turn a new life when they are released from the jail. One of the major deficiencies in the present jail Administration is the inadequacy of funds to meet the dietary requirements. While the Budget estimates are based on the capacity of the District Jails, in almost all the District Jails the number of inmates are more than the District Jails the number of inmates are more than the total capacity requiring additional mouths to be fed. Secondly, because of the constant fluctuation of prices of food items which takes an upward swing, invariably, the dietary costs also increased against a limited budget provision. Every year the Department has to come up with the proposal to draw additional funds either through an advance from C.F. or through supplementary demands. But this process takes time and the dietary liabilities are not cleared timely leading to dislocation of supplies. The Department is taking all steps to ensure that the dietary supplies flow uninterrupted minimizing the hardship of the Jail inmates. Mr. Chairman, Sir, inspite of the best effort of the Department to improve the Jail conditions and the life in Jail within the budgetary provision, the Department is aware of the deficiencies in the system. While physical improvement to the buildings and the other infrastructure requirement are being met, the Department is aware of the lack of psychological motivation and rehabilitation of the prisoners in all the Jails. For this we have to draw on the services of the experts in the field and train up the Jail staff in this very important aspect. One important question raised by the hon. member from Tura, regarding the New Tura Jail. Tura Jail is well equipped and properly established as per Jail Manual. The boundary walls of the Jail complex is under process the Superintendent District Jail Tura has already requested the Secretary Garo Hills District Council, Tura to fix a convenient date for inspection of a private land for the said construction and to divert the public road away from

the boundary walls. At present, there is no proper drinking water supply. The Superintendent District Jail Tura has already requested the Sub-Divisional Officer, P.H.E. Sub-Division Tura to investigate the possibility of erecting Santri fugal Turbine Pump to pump water into the Jail from then nearby stream. Medical facilities like medicines are made available and the uniforms are also already available. One Member raised a very important issue that is Mental Jail, that is for the information of the House, on this Mental Jail is handed over to the Health Department. Another point raised by Shri P.M. Syiem about the UDPs who escaped through climbing the walls at Jowai jail, also the untoward activities from outside the jail, security has been tightened now. Another very important question, raised by Mr. T.H. Rangad for consoling the prisoners, church organisations used to visit the jail for consoling with the prisoners in order to become good citizens of the State. So whatever I have started learning during the few days because I have taken over just a few days now, only for the Session replying for all cut motions, I have to learn more and I have to study more about jails and I hope if I continue in this Department, I will definitely would like to visit all the jails and would like to see the conditions of the jails and improve it. Once, again, Mr. Chairman, Sir, I am grateful to the mover of the cut motion for raising issues which are very important for improving the Jail Administration and which are already engaging the attention of the Department. I would also like to thank the other members who have participated in the discussion for their constructive criticism I am fully convinced that the cut motion have been moved out the deepest concern the mover has as a former Minister Incharge of Home Jails Department for all round development of the District Jails and ensuring a better life for the inmates while they are in the Jails. I would like to assure the Hon'ble Mover and other members through you, Mr. Chairman Sir, that the Department would give its best to improve the conditions of the Jails within the constraint of availability of man power and funds. I, therefore, request the Mover of the cut motion to withdraw the Motion so that the limited budgetary provision could be fruitfully utilised for the betterment of the Jails.

(19)

26-06-2001

The State Police Department has also taken necessary steps to impart special training to its police force to tackle the problem of insurgency in the State. I may also inform this august House that we have lost 14 policemen killed during encounters with the militant groups including the one today who was shot by unidentified gunmen at Shyiap, the details of which are yet to reach me. In the process, 101 numbers of militants were arrested, 18 members of the militant groups have been killed in encounters and 5 were detained under MPD Act during the year.

The 30th July, 2003

No. LL (B) 109/92/115- The Meghalaya Preventive Detention (Amendment) Act, 2003 (Act No. 5 of 2003) is hereby published for general information.

MEGHALAYA ACT NO. 5 OF 2003

(As passed by the Meghalaya Legislative Assembly)

(Received the assent of the Governor on 26th July, 2003)

(Published in the Gazette of Meghalaya, Extra-ordinary issue, dated 30th July, 2003)

THE MEGHALAYA PREVENTIVE DETENTION (AMENDMENT) ACT, 2003

An

Act

To amend the Meghalaya Preventive Detention Act, 1995.

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

1. Short title and commencement:-

- (1) This Act may be called the Meghalaya Preventive Detention (Amendment) Act, 2003
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of Section 14 of Act No. 5 of 1995:- In Section 14 of the Meghalaya Preventive Detention Act, 1995 (Act No. 5 of 1995), for the words "one year" the words "three years" shall be substituted.

3. Repeal and Saving:-

- (1) The Meghalaya Preventive Detention (Amendment) Ordinance 2003 (Ordinance No. 3 of 2003) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or action, taken under the provision of the said Ordinance shall be deemed to have been done or taken under this Act.

L.M.SANGMA,
Deputy Secretary of the Govt. of Meghalaya,
Law (B) Department Shillong

PROCEEDINGS OF THE RE-ASSEMBLED BUDGET SESSION OF THE MEGHALAYA LEGISLATIVE ASSEMBLY 2003 HELD OF THE 20TH JUNE 2003 AT THE STATE CENTRAL LIBRARY WITH HON'BLE SPEAKER IN THE CHAIR.

Mr. Speaker:- I will now call the House to order. Let us start our business by taking up item No.1. i.e. report of the Business Rep Advisory Committee and the under rule 2230230.

I am to Report that I called a meeting of the Business Advisory Committee in my officer Chamber on Monday, the 2nd June 2003 to settle the Calendar for the Re-Assembled Budget Session of the Assembly. The meeting was attended by Shri J.D. Rymbai, Minister in-charge Parliamentary Affairs and Shri A.L. Hek, M.L.A. The Current Session will consist of 9 working days out of which 7 days have been earmarked for Government Business and 2 days for Private Members' Business. The main item of Business from the Government will be Passing of the Budget, 2003-2004. The Calendar as settled but the Business Advisory Committee is placed on the Members' Table. Now we come to item No.2, Shri J.D. Rymbai Minister, Parliamentary Affairs to move.

Shri J.D. Rymbai. Minister Parliamentary Affairs : Mr. Speaker Sir. I bet to move" that this House agrees to the allocation of time by the Business Advisory for Committee in regard to various items of Business for the current Session".

Mr. Speaker : Motion moved. The Question is that this House..... Current Session. Those who are in favour say "Aye"(The motion was carried) The motion is carried and the House agrees to the allocation of time for the current Session. Now let us come to the next item (**Interruption**)

Shri Cyprian Sangma : Sir, I think there is an adjournment motion which we have submitted to you.

Mr. Speaker : Yes, I received it today at 8:25 to 9:25 a.m. Going through the content of the motion I think the motion should have been definite. It should have been a matter affecting the interest of the State and of urgent public importance. Rule 56 (1) says " A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. You should have raised before the passing of the motion. Now the motion is carried.

Shri Cyprian Sangma : Sir, we were unaware. Had we known, we would have raised objections.

Mr. Speaker : You could have made a submission when the Minister moved the motion.

Shri E. K. Sangma : Sir, since we have submitted, it is the duty of the Chair at least to announce. To admit it is the prerogative of the Speaker. That should have been announced.

Mr. Speaker : This is not pertaining to the calendar. Now the question is to settle the calendar of the Session. Now we come to Item No.3. Panel of Chairman. In pursuance of Rule 9 (I) of the Rules of procedure and Conduct of Business in the Meghalaya Legislative Assembly, I nominate the following Members to constitute the Panel of Chairman for the Re-assembled Budget Session, 2003. 1. Shri H.S. Lyngdoh 2. Shri E.D. Marak, MLA 3. Shri

A.I. Hek. M.I.A 4. Shri C.R. Sangma. M.I.A. Now we come to Item No.4. Shri D.D. Lapang, Chief Minister.

Shri D.D. Lapang, Chief Minister : Mr. Speaker, Sir, I beg to lay the Meghalaya Preventive Detention (Amendment) Ordinance, 2003.

Mr. Speaker : Item No.5. As the Deputy Chief Minister has authorised Chief Minister to attend to Assembly matters on his behalf, Chief Minister please.

Shri D.D. Lapang, Chief Minister : Mr. Speaker, Sir, I beg to lay the Report of the Comptroller and Auditor General of India for the year ending 31st March, 2002.

Mr. Speaker : Now Item No.6. Shri D.D. Lapang, Chief Minister.

Shri D.D. Lapang, Chief Minister : Mr. Speaker, Sir, I beg to lay the 45th Annual Report of Mawmluh Cherra Cements Limited, 2000-01.

Mr. Speaker : Now we come to Item No.7. Shri Charles Pyngrope, Minister in-charged, Co-operation.

Shri Charles Pyngrope, Minister, Co-operation : Mr. Speaker, Sir, I beg leave to introduce the Meghalaya Co-operative Societies (Amendment) Bill, 2003.

Mr. Speaker : Motion moved.

(The motion was carried and leave was granted to introduce the bill).

Mr. Speaker : Now we come to Item No.8. Let us take up item No.8. The Chief Minister to introduce Meghalaya Preventive Detention (Amendment) Bill, 2003.

Shri D.D. Lapang, Chief Minister : Mr. Speaker, Sir, I beg leave to introduce Meghalaya Preventive Detention (Amendment) Bill, 2003.

Mr. Speaker : Motion moved. Now let me put the question before the House, the question is that, leave be granted to introduce the Bill.

(The motion was moved and leave was granted to introduce the Bill).

(4)

**PROCEEDINGS OF THE RE-ASSEMBLED BUDGET SESSION OF THE
MEGHALAYA LEGISLATIVE ASSEMBLY HELD ON 1-7-2003 IN THE STATE
CENTRAL LIBRARY WITH HON'BLE SPEAKER ON THE CHAIR.**

Mr. Speaker :- The question hour is over. Now let us take up Item No 2 Chief Minister to move.

Shri D.D. Lapang (Chief Minister) :- Mr. Speaker, Sir, I beg to move that the Meghalaya Preventive Detention (Amendment) Bill, 2003 be taken into consideration.

Mr. Speaker :- Motion moved. Now let me put the question before the House. The question is that the Meghalaya Preventive Detention (Amendment) Bill, 2003 be passed.

(The motion is carried and the Meghalaya Preventive Detention (Amendment) Bill, 2003 is passed).

May I inform the House that since no one has tabled the Amendment Motion or Amendment Notice, the Assembly has not served any advance Notice for consideration of the Bill, we pass on to the next item. Item No. 3, Chief Minister please.

Shri D.D. Lapang (Chief Minister) :- Mr. Speaker, Sir, I beg to move that the Meghalaya Preventive Detention (Amendment) Bill, 2003 be passed.

Mr. Speaker :- Motion moved. Now let me put the question before the House. The question is that the Meghalaya Preventive Detention (Amendment) Bill, 2003 be passed.

The Motion is carried and the Meghalaya Preventive Detention (Amendment) Bill, 2003 is passed.

7-05-2008

Shri Francis Pundit R. Sangma:- Chairman Sir, I also support the Cut Motion moved by Shri Charles Pyngrope about the Police Department's functioning and public relationship in our State. When we talk of the law and order, sometime we feel that we are very much neglected and we have seen that in many cases many innocent people are being victimized. Many people were arrested as a tip off of the militant activities. In our State, the police in the field are not investigating the real culprits and in such cases many innocent people are victimized and unnecessarily harassed. And we have seen that whenever the public complaint or lodge an FIR, many Police Outposts are not taking prompt action to the complaints, and by delaying like this the people who lodged the complaint are very much dishearted.

Whenever, the criminals or militants are arrested, the Police Department are not forwarding them to the magistrates, but are keeping them in their office for many days and weeks. According to rules, whenever the police arrest or charge a criminal, they should forward them to the Magistrate within 48 hours, but by not doing so, many innocent people have to stay in the lockup and face many tortures and harassments in police custody. So, I request the Home Minister to look into this case and see that the arrested person is the real criminal or not. That will be judged in the presence of the District Administrative Office. In our own areas many innocent people are not the actual criminals but are wrongly charged by suspecting their activities and they are put in jails and sometime put up in a very rigorous Acts like the **MPDA Act** and by putting them into such kind of cases, the innocent people are so much victimized and they are so much discouraged and they are hurt by the police not investigating the actual cases.

10-03-2014

Shri Paul Lyngdoh :- This was the course of his address he is found to have a made weapon in case of assistance. I think it is crystal clear that this particular Address is not only glaciare but it is also a contradiction. I recall when Lenin was young and started his Revolutionary track, he penned down "One step forward, two steps backward" and this particular phrase somehow has a very ...reflection of what this Government is every time doing. It takes one step forward and two steps back. The members of this House will recall the three months long agitation carried out which had led to a total collapse of law and order. There were incidents of the loss of lives and property. There were incidents where for days together the Government offices did not function. Till today, after a year of the constitution

(6)

of this present House, the ILP was the only issue in which the Opposition was consulted and called for discussion in order to put our heads together and try to put that impasse. Sir it is really worrying to note that Sir, it is really worrying to note that, we have this situation where this particular piece of legislation, a demand as articulated by the NGO's on the ILP. The basis of this demand itself was the recommendation of the High Level Committee which the Government had constituted in 2012 and at the end of the day, what we saw was a totally different formula that was offered in the form of the so-called Tenancy Bill. This Tenancy Bill which was then sort to be push through, had to faced a very distasteful exit, when the Chairman of the particular Committee had to have an engagement with the group of students from Shillong and the Bill was ridiculed by everyone who was present there. Sir, our contention is that, the phenomenon of illegal immigration is nothing new to Meghalaya but the fact that this particular Government has had enough time to deliberate, has had the good will, the support of the opposition in trying to work out a viable formula and yet at the end of the day it could only offer a medicine which was worst than the ailment, it certainly does not comment the Government very well. Sir, the other line which I am sure the Hon'ble Governor must have had a lot of problem in noting, was this particular line which says, "that law and order situation in Meghalaya for the last one year has been stable and under control". Sir, stable and under control, there is no bigger myth than this assertion because here we have a State that had have a brief stint with militancy, atleast in the Khasi and Jaintia sector has had the opportunity to stem out militancy in the Garo Hills but when you speak of law and order, it is very important that we first attempt to keep our House in order. You have young activists belonging to the NGO's who were booked under very rigorous legislation known as the MPDA (*Meghalaya Prevention and Detention Act*), I know what preventive detention means because myself have first hand experience three times as a student activist, what I would like to know is, why is it when you make this tall claim that law and order is well under control. What happened to the case of one Nurul Islam, the DC of Ampati Police Station, who in the span of one week of being posted as CC of Ampati had this very shameful record of having rape two minor girls, where is the truth in this claim that law and order is under control when the keeper of the law himself had committed such a grave crime against humanity and that this very same OC till today could not even be tracked down let alone arrest him, when an DC of a thana who is suppose to be well within the radar of the police intelligent network cannot be tracked down, where is the merit in your claim that you will stem out, you will root out militancy and that law and order is well under control. It simply beats me because I do not see that such tall claims will be digested by the people of

Meghalaya, to top it all, the Home Police Department is in a total shambles. I recollect a brief interaction which I had with our Hon'ble Minister of Home when we went through the rigors of the ILP agitation and casually I asked her what do you think, how is the situation, I know that she is a very devout Christian, she said let us all pray, pray for the return of normalcy. Sir, prayer as a form of seeking a divine help is alright but prayers need to be pack up by positive action and that is where I see this Government, lacking, there is no sense of elective responsibility, there is no sense of direction. Large areas of West Khasi Hills and the Garo Hills continue to be completely outside the rule of law and I know for a fact, that even the senior police official would agree with me that there is a total collapse of law and the rule of law in a vast region of Meghalaya covering West Khasi Hills and the Garo Hills You talk of stemming out insurgency, when insurgence know in advance about the police movement In the coal belt of West Khasi Hills it is an open secret that militant's extort and get advance information about the arrival of police team so that they make good their escape well ahead in time This is the situation that we are faced with today and this situation is compounded and worsened by the lack of connectivity and good roads in our State. I am happy to hear from an esteem colleague from Myllem that he laid emphasis and he is happy that the Governor Address has laid a lot of stress on good roads. Sir, I am very happy because I know that most of our road are actually very stress and most of them cannot take the load any longer. Just a couple of weeks back we visited Nongstoin, the oldest District headquarter in the State which is suppose to link us to the current project to the Garo Hills, what is the condition of the road, it is pathetic, it does not do credit to the Department of PWD that an important life-line connecting the three Districts of East, West Khasi Hills and Garo Hills is in such a dilapidated state. Sir, there was a media reports a couple of weeks back which were then contradicted by the DGP about certain officials of the Police Department being busy in coal trade, a very lucrative trade. But it is an open secret, that a good number of Police Officer even of the junior levels whose hands are full and whose time is shared between policing and running a lucrative coal trade. How it comes to such a point? It is then that policing takes a back seat, it is then that law and order takes a back seat because other priorities become an immediate concern of official of the Police Department. Sir, I would like the Department and the Government to order a thorough probe into how is it possible officials who have sworn to ensure the safety, security of the citizen of this State could be busy engaging themselves in business practices. Sir, we have taken a step forward again by engaging with militant outfits and trying to work out a viable constitutionally acceptable solution on the insurgency issues raised by the insurgent outfit in the Garo Hills. But look at what happened today, the same

ANVC which has signed the peace pact, the Tripartite Peace Pact, that pact is under a cloud today. Why, because this Government promised that the powers of the Autonomous District Council would be elevated, would be raised, the number of the Members of the Council would be raised to 40, and the powers of the executive functions would be substantially enhanced and this required the amendment of the Sixth scheduled to the Constitution. The Parliament has yet been prorogued, the new Parliament is being constituted then what happened to this propose Peace pact without the necessary amendment, that was supposed to have happened. Sir, the outgoing Government had all the sympathy I believe had full understanding of the situation in Meghalaya because it was politically the same alignment we had the Congress led UPA at the Centre and a Congress led MUA in Meghalaya. But I am not trying to digress indications that the UPA will not be back in power. What happen to this Peace Pact with the ANVC? one step backward. The second step backward is that, today the GNLA has also jumped into the fray and said what about our demand, what about our charter of demands, what about our issues, and what does this means? It means that this Government will now have to engage with another outfit and try to work a peace pact with them. I don't know how many Peace Pact will be signed and where will this Peace Pact lead us to and this is the best illustration of words not matching deeds. Sir, the entire policing system is in the state of rot, in the state of decay and you cannot have enough para military forces brought from outside the state. There have been several requests even at the height of ILP agitation for requisitioning of additional forces, that request has always been turned down. What does that leave us with, it leaves us with only option which is to tone up the Police Department. How can you tone up the Police Department when an OC commits an act of rape and when you trace him, his origin his home address is in Assam. How is it possible that you in vibrate a Police Department and when they commit acts of crime, when they take long leave of absence, you have to track and locate them somewhere in Madhya Pradesh, in Rajasthan and in Assam. What kind of a Police Department that we have? I leave it to the Home Minister to prioritize the need to revamp this Department, because I would see that without a strong determine, efficient and focus Police force, the question of maintaining law and order will be under stresses, the moment any small group of people either takes part in agitation or part insurgency. Sir, the Governor made a reference to the activities of the HNLC having seen decline during the past one year. I need not say more on this, other than to remind the Members of this August House in general and the Minister in-charge in particular about the recent news report of Vice President of the KSU having joined this same outfit. Sir, a lot reasons, a lot of analysis and I am sure have been done by the Department, but at the fact end

