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Shri V. Shanmuganathan
Governor



RAJ BHAVAN
SHILLONG - 793001
MEGHALAYA
INDIA

31st May, 2016

ORDER

A reference was received from the State Government on 28.11.2015 under Article 192 of the Constitution of India, wherein a question had arisen as to whether Shri Pynshngainlang Syiem, Member of the Meghalaya Legislative Assembly of Meghalaya, has become subject to disqualification under Article 191 (1) (a) of the Constitution since he is also simultaneously an elected Member of the Khasi Hills Autonomous District Council. In terms of Article 192 (2) of the Constitution, the matter was referred to the Election Commission of India on 30.11.2015 seeking the opinion of the Election Commission. The opinion of the Election Commission of India received vide letter No. 113/7(G)/ML/2015-RCC/398 dated 16th May, 2016 has been placed before me and I have perused the same. The Election Commission has opined that Shri Pynshngainlang Syiem, Member of the Meghalaya Legislative Assembly cannot be said to be holding an office of profit under the Government within the meaning of Article 191 (1) (a) of the Constitution and consequently Shri Pynshngainlang Syiem, Chief Executive Member has not attracted the disqualification under Article 191(1) (a) of the Constitution.

In accordance with the opinion of the Election Commission of India, I hereby decide under Article 192 (1) of the Constitution that Shri Pynshngainlang Syiem, Member of the Meghalaya Legislative Assembly has not attracted the disqualification under Article 191 (1) (a) of the Constitution.

The matter is disposed off accordingly.

V. Shanmuganathan

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