Local Government is a subject included in the State List of the Constitution. Hence there is no direct link between the Union Government and the Local Authorities. There are three types of control exercised by the State Government - legislative, judicial and administrative. Let us now discuss them one by one.

The State Legislature is the creator of the Municipality by enactment. Therefore, the creature i.e.; the Board, cannot challenge the authority of the creator. Without going deeper into the limitations of legislative control it may be assumed that this control is remote. In very rare cases will there be a general debate while a demand is placed before the House, and the matter will end there without any further discussion.

Some specific occasions when the Legislature was discussing Shillong Civic Affairs may now be taken into consideration. In March, 1925, the Legislative Council passed a cut motion disallowing conveyance allowance to the Vice-Chairman of the Board. Whereas in September, 1932, in reply to a question Minister Saadulla admitted

1. No.24–26, L.S.G. - B. June, 1925.
the fact that the Municipality used to spend a portion of Government grant for the non-British areas.2 Again in February, 1936, there was a great debate in the Council about the inclusion of non-British villages within the Municipality.3 When the Municipal Bill, 1956, was under discussion, some of the members of the Legislature suggested that the Chairman of all municipalities including Shillong should be elected. The Legislature did not accept the proposal.4 In 1966, the Estimates committee of the Assembly discussed P.H.E. Department's water supply scheme for the Municipality and pointed out how to remedy the defects in the scheme.5 In the Budget session of 1976, Congress Member P.N. Choudhury was critical about the Government's apathy towards Shillong Municipal affairs.6

It was however, difficult to assess how far the various instruments of legislative control viz; censure motion, question hours, call attention notice etc; were effective - but these means of checks were

2. P.A.L.G; Vol.XII, P.843.
valuable for moulding public opinion through the publicity medium. In fine, the legislature bestows general powers on the State Government to frame rules and bye-laws under the Act to regulate the administration of the Board.

The Board and the Judiciary.

As long as Shillong Municipality was under official Chairman, judicial control was absent - because the Deputy Commissioner as the official Chairman was also the District Magistrate. Hence due to the absence of separation of powers during that period - judicial control upon the Board upto early 1964 was nominal and far from effective. Moreover, the various judicial remedies available to the people - such as declaration, injunction, damages, certiorari and mandamus, were more or less for the affluent section - ordinary citizens have been deprived of these remedies because they were expensive, protracted and uncertain as a means of remedy. This writer thinks that so long as legal aid is not available to the poor, judicial remedy is a mockery.

State Government Control.

There are several means by which State Government tries to control the Municipal Board. The Government have the right of supervision and inspection, of sanctioning bye-laws, of acting in default, of suspending
its resolutions of hearing appeals from the aggrieved persons against certain orders, and of removing particular members or the Chairman. It had also power of dissolving or suspending the Board.

State Supervision of the Board has three great aspects. First, supervision may be exercised in two ways, over particular services or the Government and its officers have a general power of interference in Shillong Civil Affairs. For instance, the Municipal Act, 1956, authorised the Commissioner or any officer of Government "to enter into and inspect any immovable property in the occupation of or any work in progress or any institution under the control and administration of the board and call for and inspect any book or document which may be for the purpose of this Act, in the possession of or under the control of Board."7 This kind of typical provision is found in all local Acts.

Second, the degree of supervision varies widely as between the Services. Public works and education were supervised more effectively than public health. But in actual practice, the degree of departmental supervision is unlikely to be the same as the wording.

7. Section 293, Assam Municipal Act, 1956.
of the Act suggests. The Act may bestow on the Municipality wide discretion but it may be subject to important administrative checks. Third, the Acts endow the Board with wide discretion in regard to water-supply and drainage. But the Municipality is subject to detailed control when it approaches the Government for a loan. Further the Board had to conform to the standards laid down by the P.W.D. for the construction works. But this does not mean that the Shillong Municipal Board is the agent of Government. We may now consider the means by which the Municipality is controlled.

**Administrative Areas.**

Under all the Municipal Laws Government was given the final authority to determine the administrative areas of the Board. In fine Government can include within or exclude from the Municipality, an area. We had already stated in Chapter-III; that the State Government extended the boundaries of the Municipal Board from time to time.

**Agency Functions.**

Under Assam Municipal Act of 1956, the Government could with the consent of the Board transfer the management of any hospital, schools or market to its control.
Appeals.

Government has power to hear appeals from the Board or any individuals. The decision of the Government is final.

Appointment of Members.

At present the Government can appoint only two members of the Board to represent the unrepresented classes. It can appoint officers of Government as expert advisers without the right to vote. So far as Shillong Municipality is concerned two officers - the Civil Surgeon and the Executive Engineer, Khasi Hills are appointed as expert advisers even after independence. Probably the list was longer in 1952, when five officers were appointed as expert advisers. Despite its provisions in the Assam Municipal Act of 1956, this practice was gradually discontinued. The supernumerary members evince little interest in Municipal meetings because they have no right to vote.

Audit.

The Board may be pressurized by the Government for prompt settlement of audit objections. The Municipal authorities are afraid of bad audit report as it

9(a). The last elected Board (1966-1973) had two members nominated by the Government, who had full voting and other powers equally with the 13 elected Members.
may adversely affect the future grants as well as their public image through publicity media.

**Budget.**

As mentioned earlier, budget is submitted to approval of the Commissioner. However, under the Act of 1956, the final authority for the approval of budget is the State Government.

**Chairmanship.**

Before May, 1964, every Chairman of the Board was appointed by the Government. At present an individual elected as Chairman had to obtain the approval of Government. Government had power to remove any Chairman or Vice-Chairman, elected or nominated if he violates or disobeys the provisions of the Municipal Act or if he is convicted of any criminal offence.

An elected Chairman has to submit his resignation to the Deputy Commissioner and the Commissioner.

**The Strength of the Board.**

Under all Municipal Acts the strength and composition of the Municipality was determined by the Government.

**Default Power.**

Under Assam Municipal Act, 1956, if the Deputy Commissioner was of the opinion that the Board defaulted
in performing any legal duty, he may call upon the Board to execute the work within a specified period. In case of failure on the part of the Municipality to carry out his orders; the Deputy Commissioner could appoint someone to execute the work and recover the cost from it.

Disputes.
The Municipal Acts have provided for the settlement of disputes, disputes between two or more local authorities, or between a local authority and a private person. Any dispute between the Municipality and a town Committee or cantonment authority had to be referred to the Deputy Commissioner. An appeal lies to the Commissioner against a decision of the Deputy Commissioner and to the State Government against a decision of the Commissioner. But where a cantonment authority is a party, the powers of the State Government shall be exercisable only with the concurrence of the Union Government. It is very pertinent to note here that Shillong Municipality had resolved many of its differences with the Cantonment Board on top level conferences rather than by appeal to Government of India. 10

10. The Chief Executive Officer of Shillong Municipality interviewed on 7.5.1976.
Emergency Powers.

Under Assam Municipal Act, 1956, the Deputy Commissioner in case of emergency may call upon the Municipality to execute an urgent work on the grounds of public safety. In case of failure on the part of the Board to comply with such orders the Deputy Commissioner may appoint some one to execute the work. But the Deputy Commissioner shall report to the Commissioner of the Division every case in which he uses emergency powers together with circumstances. The Commissioner may modify or confirm the action of the Deputy Commissioner. The Commissioner had to send a copy of his orders to Government.

Grant-in-aid.

The Government may withdraw or limit a grant if the Board fails to fulfil conditions laid down by it. The Municipality is practically helpless in such cases and has to toe the official line.

Inspection.

Inspection is one of the most effective types of control over the local Government institutions in general and Shillong Municipality in particular. As stated at the very outset the Commissioner of Division or any officer authorised by the Government may enter
into and inspect any work in progress or any document in the possession of the Board. Meghalaya being a new State and Shillong Municipality is the lone Municipality in this State, there is no post of Director of Municipalities - as in Assam.

Without going into the controversy on the desirability or otherwise of Governmental supervision over the activities of the Municipality, it may be pointed out that inspection is necessary for the efficient running of municipal administration at Shillong or elsewhere. Prior to independence Shillong Municipality had a unique distinction of inspection by the Governor, Commissioner, Deputy Commissioner and Director of Public Health. But after independence Civil Surgeon was the sole regular visitor. Moreover, the Deputy Commissioner's inspection was ineffective as he was also the official Chairman of the Board. But overall position of inspection was satisfactory as Shillong Municipality was always in the lime light due to its location in the State Capital.

Removal of Members.

Assam Municipal Act, 1956, authorised the Commissioner to remove any member who ceased to be an inhabitant of the municipal area, or who acquired an

11. Municipal Reports for 2 decades since 1928.
interest in any contract with the Municipality or who
as a lawyer appeared against it.

Reporting.

Under the Acts, the Board had to submit an annual
report of its various performances to Government. Apart
from the yearly report, the Municipality had to submit
a few other reports. This writer doubts the effectiveness
of such reporting as a means of Government Control.
Shillong Municipality had never submitted annual report
to Government since 1961. 12

Rule making Power.

The State Government may make rules under the
present Act on 21 subjects, such as maintenance of
minimum balance, preparation of budget, the qualifications and service conditions of employees as well as circumstances and conditions under which various licences to be issued by the Municipality. Rule making power of the Government is real and effective and thorough; by this power the State Government imposes great control and influence over the Board.

Power to Sanction.

Under the existing Acts all schemes for water supply, drainage and sewage are subject to prior approval by the Government. The sanction of Government is

essential to file a case against a member for the recovery of any loss or misappropriation of funds.

**Supersession.**

Out of all types of control over local bodies, supersession is "a sledge-hammer type of power".\(^{13}\) The Supersession of the Municipality is a suspension of that august body for a limited period. This course is generally adopted (i) when the Board becomes incompetent to discharge its legal obligations, (ii) when it persistently makes default in the performance of its duties and (iii) when it exceeds its legal power.\(^{14}\)

Shillong Municipality was superseded for the first time in November, 1958.\(^{15}\) The reasons for supersession of the Congress-dominated Board was purely financial. The Municipality was a complete failure to collect the revenues, the arrears of tax, in October, 1958, was about 2½ lakhs of rupees.\(^{16}\)

**Suspension of Resolutions.**

The Municipal Acts provide for the suspension of resolutions of the Board by the Deputy Commissioner.

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Further he can also prohibit the execution of any Act which would lead to breach of peace. But when the Deputy Commissioner, exercises this power he has to submit a report to Government which is the final authority to confirm or reject the order.¹⁷

Let us now take up some specific instances in this regard. In 1925, the Deputy Commissioner, K & J Hills, suspended three resolutions of Shillong Municipality. One of the resolutions required the municipal officials to accompany the Ward Commissioners whenever they visited their wards. The second resolution required the municipal assessor to lay the assessment papers before the Board for perusal. The Minister P.C. Dutta, agreed with the view of the Legal Remembrancer B.N.Rao, that the resolutions were not ultra vires. But Governor J.H.Kerr upheld the action of the Deputy Commissioner because he was unwilling to lower the image of the official Chairman before the Board.¹⁶ Again in 1928, the Deputy Commissioner, K & J Hills, suspended a resolution of the Board for the removal of the wall round the Khasi War Memorial. The ground put forward

¹⁷. Section 296 of Assam Municipal Act, 1956.
by the Deputy Commissioner, was that the execution of this resolution was likely to cause serious annoyance to a section of the Khasi Public. The Governor L. Hammond and Minister Nichols Roy agreed with the view of the Deputy Commissioner, therefore, execution of the resolution was suspended permanently by the Government. 19 As already mentioned in the chapter on Audit; in 1963, the Deputy Commissioner suspended a resolution of the Municipality for termination of services of four clerks. 20 From the above it will transpire that suspension of resolution was common in the life of Shillong Municipality. This instrument of control was solely dependent on the wisdom of the Deputy Commissioner.

**Taxation.**

Regarding power of taxation the Board had to obtain the prior approval of the Government for the levy of the tax as well as the rate at which it would be levied.

Besides all these means of control it may be realised that the State Government Departments and the Deputy Commissioner play the part of a friend and guide of the Board. Generally informal advice is

rendered by the issue of circular letters outlining the views of Government on specific plans or broad policy matters. But the most effective method is through personal contact. When Shillong Municipality has a serious problem it may send a small deputation of members and officials to the Secretariat to put their point of view before the Senior Civil Servants or even to the Chief Minister and other Ministers. These higher authorities have been successful to persuade the Municipality to accept their advice on many a problem of water supply, supply of electricity and drainage in the recent past.\textsuperscript{21}

\textbf{Conclusions.}

We have noted in the above the various methods by which Government controls the activities of the Municipality by auditing its accounts, giving grants and approving its budget. Government also wield extensive powers in the approval of appointments and dismissals of some municipal members and officials and in fixing their qualifications. It has power to suspend the decisions, to appoint the Chairman and to modify the budget. All these are the off-shoot of the centralised administrative control which developed in

\textsuperscript{21} Prof. K. Chatterjee, former member of the Municipality, interviewed on 5.6.1976.
this region during the latter part of the 19th Century.

Now the question is how far Government Control and supervision is effective. As regards the nature of State Control, there is criticism that it is formal, stereotyped and negative, rather than constructive and positive. As mentioned earlier the Commissioner and Deputy Commissioner who are the Inspecting Officers of Shillong Municipality cannot devote proper attention to the Municipal affairs as they were busy elsewhere with their administrative duties. Hence all sorts of irregularities and corrupt practices take place in the placing of municipal contracts, making of appointments, and a host of other related matters, but they remain uncorrected.

To make supervision effective and regular, a separate Directorate of Municipal and Town Committees for Meghalaya as in Assam, should be created, consisting of skilled and trained inspecting staff. Frequency of inspection and adequate legal means of securing information is also of vital importance.

The Assam Municipal Act, 1956, makes a distinction between dissolution and supersession. According to the Act when the Board is dissolved, it continues

to exist until a new one comes into existence. The Act did not mention the period within which elections have to be held. This is really an undemocratic power. By allowing the Chairman and the board to function until a new board comes into being, opportunities are provided to perpetuate the mischief already done. A Board is dissolved only when its administration is found to be highly unsatisfactory. It is meaningless to say that the Board is dissolved when it actually functions. The consequences of dissolution or supersession ought to have been the same namely the existing Board ought to go out of existence immediately with this difference:—

The superseded Board should be placed under the control of a special officer appointed for a period of one year. The dissolved Board ought to be reconstituted immediately after dissolution. In fine, the voters ought to be given an opportunity to elect a new Board. Dissolution is a mild punishment for mismanagement whereas supersession is a sledge-hammer. Supersession is a more drastic step than dissolution. They are the two alternative remedies, and resort to any one of them depends on the extent to which the Board abuses the powers vested in it.
Again, the maximum period of supersession should be spelt out in the Act. Now Government can keep the Board under supersession for any number of years. For instance the terms of the office of the Commissioners of Shillong Municipality was extended for more than two years and finally with effect from August 1973 the Board was dissolved and all powers and functions of the Municipality were handed over to the Chief Executive Officer. But even in August, 1977 there was no sign of civic elections. This writer thinks that the sense of deprivation which the Shillong citizen feels over having lost the Municipality, is genuine. Allied to this feeling is the fact that the Government has been less than fair to the non-A.P.H.L.C. ruled Shillong Municipality.

Now the question arises whether Government should be given this power. The lovers of local self government hold the view that Government influenced by non-administrative consideration is likely to misuse this power for political purposes. Moreover, it is the rejection of the principle of local autonomy and responsible for the impression that local Government in India in

24. All Party Hill Leaders' Conference - the then ruling party in the State Legislature.
general and Meghalaya in particular is a farce. After a close study of all cases of supersession and dissolution in this part of the country, we come to the conclusion that this power should be there. It was never abused from political reasons. Supersession and dissolution came only when the administration deteriorated. If Government had not been endowed with this power much harm would have been done to society. Whenever Government exercised this power it interpreted the will of the people of the locality more correctly than the Board itself and saved them from ill-considered and harmful activities.

Finally, while local bodies have always been subject to State Control, ideas about the nature and purpose of control and the machinery through which it should be exercised have undergone a change. Today control is looked at as a method of guidance to be given to these bodies as distinguished from that of mere fault-finding. As regards machinery, the tendency is to have control exercised not so much by local officials like Deputy Commissioners, as in earlier days, but by inspectors specially appointed by the State government. The views of the Rural Urban Relationship
Committee (1966) are of great value in this connection - the State and Union Government must play a positive and supporting role to strengthen the municipal administration so that it may perform its tasks efficiently and effectively.\textsuperscript{25}

\textsuperscript{25} Venkatarangaiya, M. and others - \textit{Local Government in India}, 1969, PP. 476-77.
Government Control of the Khasi Hills District Council.

There are three types of control exercised by the State Government - legislative, judicial and administrative. Let us now discuss them one by one.

The State Legislature is not the Creator of the District Council. The Council is, however, product of the Sixth Schedule of the Constitution. The provisions of the Sixth Schedule can be amended only by a Parliamentary enactment. Therefore, theoretically, the District Council may act independently of the State Legislature. But in actual practice the position is quite different. For instance, according to sub-para 2 of para 16 of the Sixth Schedule, if at any time the Governor is satisfied that a situation has arisen in which the administration of the autonomous district cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council. Sub-para 2 of para 16 further provided that the Governor may appoint a person to exercise all powers vested in the District Council, for a period not exceeding six months.

Sub-para 2 of para 16 further provided that every order made by the Governor under sub-para 2 of para 16
shall be laid before the Legislature of the State along
with the reasons for issue of such order - and such
order shall cease to operate on the expiry of thirty
days from the date of re-assembly of the State Legis-
lature.

It is clear from the above that any order of the
Governor affecting the District Council, is subject to
approval and review by the Meghalaya Legislative Assem-
bly. Hence the Legislative Control over the District
Council is real.

Further, under *12A* of the Sixth Schedule if any
law or regulation made by the District Council, is in
conflict with any provision of the law made by the State
Legislature then the law made by the State Legislature
shall prevail. Hence the superior position of the State
Legislature is clearly recognised by the Sixth Schedule
of the Constitution.

Below are given some specific occasions when the
Legislature is discussing the District Council affairs,
either in the form of putting questions to the minister
concerned; or by the members participating in the debate,
while a demand for grant is placed before the house, or
a debate on the Governor's address. In April, 1974, the
Governor while addressing the Legislative Assembly of
Meghalaya, made some important observations about the role of the District Councils. He further clarified that, “There is no ground for apprehension that with the creation of Meghalaya, the local customs, and local democratic institutions under the District Councils would be adversely affected in any manner. My Government will respect and support the traditional local institutions under the District Councils.”

In the autumn session of the Meghalaya Assembly, the Finance Minister, has mentioned in his speech that the pace of development in the rural areas will be intensified by extending financial assistance to the District Councils for their own plans.

In the budget session of the Assembly in 1972, some members have voiced concern about the misuse of District Council Vehicles during elections by the A.P.H.L.C., candidates. Again in reply to a question in the budget session of 1974, the Minister-in-charge of District Council Affairs informed the House that grants-in-aid to the District Councils are released only after getting utilisation.

certificates of previous year's grant. In reply to another question in the same session of the Assembly, the Minister, had to admit that the Government is not aware of the fact that Government grants to the District Councils are wrongly appropriated and utilised by the District Councils. It is evident from the above that the affairs of the District Councils are very much in the lime light in the Meghalaya Legislative Assembly.

It is partly due to the fact that there is a full-flagged Department of District Council Affairs in the Meghalaya Secretariat. But it is difficult to assess how far the various instruments of legislative control namely, question hours, call attention notice etc.; are effective. Moreover, the State Legislature may discuss the grants-in-aid policy of the Government towards the District Councils in general and Khasi Hills District Council in particular, but the Legislative Assembly had no Constitutional Power to amend any provisions of the Sixth Schedule - which was exclusively reserved for Parliament. Therefore the Control exercised by the Meghalaya Legislative Assembly over the District Councils are not sufficiently effective. The District Council and the Judiciary.

30. Ibid. P.63.
As mentioned earlier in this Chapter - the various judicial remedies available to the people - such as injunction, damages, mandamus, are almost exclusively for the affluent section - common men have been deprived of these remedies because they are expensive and uncertain as a means of remedy. However, we may take up some leading cases where the Khasi Hills District Council is involved in the recent past.

In the case of Chief Executive Member versus Jormanik Syiem, in 1960, the Supreme Court of India held the view that the Syiem is a functionary under the District Council; and the Council is competent to remove him.\textsuperscript{31}

In the second leading case of the District Council versus Ka Drepsila Lyngdoh, in 1969, the Supreme Court observed that the District Council has jurisdiction over the Barabazar of Shillong.\textsuperscript{32}

In the third leading case of the District Council versus Miss Sitimon Sawian, in 1971, the Supreme Court

\textsuperscript{31} T. Cajee VS Jormanik Syiem and another, C.A.394 of 1960 (S.C.).

\textsuperscript{32} The District Council VS Ka Drepsila Lyngdoh, C.A. 1475 and 1476 (NCM) of 1969.
had declared the Transfer of Land Act, 1953, is clearly beyond the scope of law-making power conferred on the District Council by the Constitution. 33

It transpired from the above that the District Council is subject to severe judicial review by the highest Court of India. And the various actions and legislations of the Council were exposed to scrutiny by the highest Legal Authority on various occasions.

**Governor’s Control.**

Although the Sixth Schedule had mentioned about the approval of the District Council's legislative and other activities by the Governor, but in practice it means the power of the State Government. There are several means by which the State Government tries to control the District Council. The Government have the right to appoint the Chief Executive Member and other Executive Members. The rule-making power of the District Council is also limited as all such rules and regulations require approval of the Governor. 34 The District Council is subject to detailed control when it approaches Government for a loan. Moreover, the Council had to


34. The Assam Re-organisation (Meghalaya) Act, 1969, Sec.74, (4th Schedule).
conform to the specifications laid down by the P.W.D., for any construction work. But it does not mean that the Khasi Hills District Council had no separate entity and the Council is the agent of government. We may now consider the statutory means by which the Council is controlled.

Appointment of Members.

Every member of the newly elected District Council had to take an oath of affirmation before the Deputy Commissioner. Under amended para 2 of the Sixth Schedule the Governor can nominate four members in the District Council. All the nominated members hold office at the pleasure of the Governor. The qualifications and disqualifications of membership are also clearly laid down by the State Government and any disqualifications of any member also can be removed by the Government. When a seat becomes vacant then the Governor is the sole authority to declare it to be vacant by a public notification in the Gazette. Thus, almost all aspects of the

38. Ibid.
40. Ibid., Rule 18.
41. Ibid., Rule 16.
membership is controlled by the Government.

Executive Committee.

The Chief Executive Member is elected by the District Council. But two other Executive Members are appointed by the Governor at the advice of the Chief Executive Member. So unlike the Chairman of Shillong Municipality, the newly elected Chief Executive Members do not require any approval of the Government. In case of resignation of the Chief Executive Member, the Governor is the ultimate authority to accept the resignation. After the acceptance of the resignation the Governor may appoint any member of the District Council to carry on the duties of the Executive Committee until a new Committee is elected.

Election of Chairman.

The date of election of Chairman of a newly elected District Council shall be fixed by the Governor.

Meetings of the District Council.

The Chairman when authorised by the Governor, can summon or prorogue the District Council. Hence the

42. Rule 20, Autonomous Districts Rules, 1951.
43. Ibid., Rule 21.
44. Ibid. Also Rule 22.
45. Ibid., Rule 32.
46. Ibid., Rule 36.
Chairman's power is limited - he cannot do anything until specifically authorised to do so by the State Government.

Further, the Chairman will supply a list of business and questions to the Deputy Commissioner, and if the Deputy Commissioner is of opinion that any question is falling outside the jurisdiction of the District Council, then he may advise the Chairman not to allow that question to be answered.47

Legislation.

No bill shall be introduced in the District Council without the prior approval of the Governor.48

When a bill was assented to by the Governor and published in the Gazetted it shall have the force of law as provided for in para 11 of the Sixth Schedule to the Constitution.

It is obligatory on the part of the Secretary of the District Council to send a copy of the proceedings of the Council to the Governor through the Deputy Commissioner.49

Audit.

The District Council may be pressurized by the Government for immediate settlement of audit objections. Bad audit reports may adversely affect the future grants and assistance from the Government.

47. Rule 52, Autonomous Districts Rules, 1951.
48. Ibid., Rule 72.
49. Ibid., Rule 121.
The Strength of the District Council.

The strength and composition of the District Council was determined by the Government.

Grants-in-aid.

The State Government may withdraw or limit a grant if the District Council failed to fulfil conditions laid down by it.

Removal of Members.

The Government may by notification remove any member who ceased to be an inhabitant of the autonomous district, or acquired any other disqualifications.

Rule making Power.

Under para 2 of the Sixth Schedule to the Constitution, the State Government may make rules - such as maintenance of minimum balance and other financial matters, the qualifications and disqualifications of members, conduct of business of the Council and so on. Through this power the Government imposes great control over the Council.

Suspension.

The Governor may, at anytime, suspend any act or resolution of the District Council which is likely to

endanger the safety of the Country or prejudicial to public order and take such steps as he considers, necessary including the suspension of the Council. Under para 16 of the Sixth Schedule if at any time the Governor is satisfied that a situation has arisen in which the administration of the District Council cannot be carried on in accordance with the provisions of this Schedule, he may by public notification, assume to himself all or any of the functions or powers exercisable by the District Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period of six months, and extend the period of suspension by another period of six months at a time. But he had no power to dissolve the Council without the recommendations of the Commission to be appointed under para 14 of the Sixth Schedule.

The Khasi Hills District Council was suspended in July 1977. Probably the Governor had exercised these powers for the first time so far as any District Council in this part of the country is concerned.

We have already discussed the points of difference between supersession and dissolution in Chapter IV. We think that there should be statutory provision for supersession of the District Council, as the present system of

52. Gazette of Meghalaya (Extraordinary), 30.7.1977.
suspension of the Council for a period of one year is not satisfactory. After the period of suspension, the former Council will once more come to power, which may again carry out its past mistakes and mismanagement of administration. Hence, there should be provision for supersession of the District Council.

In conclusion we may observe that the Government's control over the Khasi Hills District Council is not so effective. There is no provision in the Sixth Schedule for the periodical inspection of the District Council. Similarly there is no provision for the submission of annual report by the Council. The State Government allowed the District Councils in general and the Khasi Hills District Council in particular to function more or less independently. As a result, the Council did not surrender the unspent grants to the Meghalaya Government. The District Council is in the habit of transferring amounts from one major head to another - which is highly improper according to financial norms.

This writer thinks that the State Government should play a positive and supervisory role of a guide so far as the District Council is concerned. The Government should help the Council to overcome its financial difficulties - but at the same time it should see that the District Council strictly observe the financial properties and regulations.