CHAPTER III

CONSTITUTIONAL STRUCTURE
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The District Council shall consist of both elected and nominated members. In the original draft of the Sixth Schedule to the Constitution of India the maximum number had been fixed at forty and the minimum at twenty. But Dr. Ambedkar, the Chairman of the drafting committee moved an amendment whereby the maximum number had been fixed at twenty-four only. The strength of the nominated members had not been indicated. Dr. Ambedkar considered forty too large a number to constitute the District Council. ¹

The strength of the district council of Karbi Anglong was fixed at sixteen members, twelve elected and four nominated. ² On the first constitution of the council, the constituencies were not properly named. But still twelve constituencies were demarcated and the members were elected accordingly.

2. It is important to note that on the first constitution of the District Councils the Governor was empowered to frame rules and thereafter by the councils themselves.
In 1957, the constituencies of the council were delimited and renamed. Although delimitations were made as envisaged in the amended rules the strength of the council remained the same. There was practically no delimitation on the eve of the general election of 1962 and hence the strength remained the same as before. Thus, the original strength of the council, twelve elected and four nominated continued till the general election of 1971 i.e. for a period of nearly twenty years.

In 1969 the strength of the council was increased from sixteen to twenty four, twenty elected and four nominated. The rules of 1951 were amended (7th amendment) delimiting the constituencies and renaming the same. The general election of 1971 was held on the basis of the new delimitation.

In the meantime another constitutional development took place. The strength of the council, as envisaged originally in the Sixth Schedule, was increased from twenty four to thirty by the Assam Reorganisation (Meghalaya) Act, 1969. Out of the thirty members twenty six are elected and four nominated. The District Council decided to increase the strength of the council on the basis of the amendment of the Sixth Schedule and the delimitations were made under the sixteenth amendment to the Rules of 1951. Thus the general
election of 1978 was held for the 26 seats.  

Nomination - The Sixth Schedule provided for the nomination of members. The exact number of members to be nominated was not mentioned although the Governor while framing rules fixed it at four. The Assam Reorganisation Act, 1969, had, however, categorically stated that the number shall not exceed four. The District Council of Karbi Anglong (Mikir Hills) had always four nominated members since its very inception.

The principle of nomination has, however, certain merits and demerits. The greatest demerit of the principle is that it is highly undemocratic. Because the status of the nominated members is made equal to that of the elected. Second, the nominated members are used as the instruments of power game in most of the cases and therefore according to some the principle of nomination should be done away with. On the other hand the greatest merit of the principle is that it is the only means by which the minority communities can get representation. Moreover the principle of nomination gives proper recognition to those persons who possess exceptional merit and talent and yet feel shy to contest elections. For this reason, probably, the provision

3. In this connection it may be mentioned that the council constituencies were single member constituencies.
of nomination was made by our constitution makers. A brief survey on the nomination made will make some revelations.

In 1952 the Governor nominated Janardan Pathak, Lab Ch. Malbangsa, K. Rengma and Harimal Bora. Apparently, the nomination had served the purpose no doubt. But the Lalungs who constituted a sizable section of the people and who had been demanding an autonomous district remained unrepresented. Pathak was a commerce graduate, the only graduate amongst the members, a dedicated social worker and therefore it was good that he was nominated. Malbangsa, a Dimasa a congress worker deserved nomination. Rengma's nomination was equally justified in the sense that the Rengmas were indigenous people of the district who could not get represented in the council through direct election. Bora's nomination could have been avoided and a Lalung could have been nominated as the Assamese had already been represented by Pathak. By and large, the nominations of 1952 were justified to a considerable extent.

In 1957 the second District Council was constituted. This time, however the Governor dropped Rengma renominated Jonardan Pathak for a second term and nominated Pulsing Lalung, Santa Ram Medhi and Khuamsing Barman. There were petitions recommending the names of some persons for nomination.
The Refugee Association of Bokajan sent a telegram on 14.3.57 to the Deputy Commissioner recommending the name of Malinimohan Bhowal for membership for the council. Similarly, Dotsing Marak sent a telegram recommending the name of Thaneswar Deka, a congress worker of the district for membership of the council. Gambhir Hazarika of Phulani also offered himself for nomination. There was another application from the President, Lanka branch of All India Gorkha League recommending the name of Dhan Bahadur Rai for the nominated membership of the council. One more interesting application was from Babuji Koch who wrote that he was unemployed and therefore could not manage his family and therefore requested the Deputy Commissioner to provide him with the nominated membership. One of the noticeable features of all these petitions was that they were all addressed to the Deputy Commissioner though he had nothing to do with nomination. The Deputy Commissioner did not forward these petitions to the Tribal Area Department.

In 1962 the third District Council was constituted. The Governor nominated Dhoni Ram Rongpi, Pulasing Lalung, Khuamsing Barman and Resulo Rengma. No Assamese was nominated though they constituted a sizable section of the total population. Moreover, the nomination of Rongpi, a Karbi
as a member was not justified considering the fact that Karbis were already represented in large numbers through direct election. Yet Rongpi's nomination was good. He had the qualities of leadership. He was the Secretary of the Karbi-A-Darbar at that time. Although Song Bey the president of the Darbar was chosen as the Chief Executive Member (CEM) unofficially, he could not get himself elected. The defeat of Bey prompted the Darbar to request its secretary to take the leadership of the council. Since Rongpi was not elected to the council he had to be nominated to it. There was one memorandum submitted by 829 members recommending Amritlall Israel Minz to represent the ex-tea garden labour community. Harimal Bora who was nominated to the first District council petitioned to the Deputy Commissioner that he was a dedicated congress worker since 1939, an ex-vice President of the District Congress Committee, President of the Peace Committee of Nomati during the language riot of 1960 suffered a lot for the country and, therefore, he should be nominated to the District Council. There was another application from Thanglet Kuki, offering himself for a nominated seat in the District Council on the ground that the Kukis were not represented in the council. There was another

4. Interview with Sri Rongpi and some of his contemporaries.
petition submitted by the Kuki National Union recommending the name of Khuamlam Kuki for a nominated seat. But all these petitions were summarily rejected.

The fourth District council was constituted in 1971. The Governor nominated Pitor Tubit, Knowembe Rengma, S. Daulaguphu and Pulsing Lalung as members. The Dimasas, the Lalungs and the Rengmas continued to represent while Tubit represented ex-tea garden labour community. No Assamese was nominated. The ex-tea garden labour community was represented for the first time in 1971. There were a number of petitions recommending nomination on the eve of the formation of the fourth council. The President and the Secretary of the Nangput Darbar wrote on 12 August, 1968 to the CEM to nominate one from the Nongput Community as it was numerically stronger than the Lalungs and the Rengmas. The Diphu Mahila Samity, in a meeting presided over by Mrs. Preety Goswami adopted a resolution requesting the CEM to nominate at least two ladies as members of the council. On 9.3.69 a general meeting of the Pradesik Gorkha League, Jiribasa Branch, presided over by Punya Prasad Upadhya requested the council to nominate at least one from the Nepalese to the council. Indra Sing Deuri the Secretary of the Lalung Darbar in his letter dated 29.1.69 sought nomination to represent the
Lalunge. Khaisason Guite applied for a nominated seat in the council to represent the Paite Kuki. A general meeting of the Dimasa Kacharis adopted a resolution recommending the name of Sampurna Bathari, a retired junior commissioned officer of the West Bengal Battalion for nomination. The meeting by another resolution disapproved the candidature of S. Doulaguphu for the membership of the council. The resolution further stated that Doulaguphu was immature, inexperienced and of questionable character. Similar petitions were submitted by Bhimram Pradhan and Budhiman Rai also. Another interesting application was submitted by Harsing Timung, a Karbi for nomination. Timung in his application stated that he belonged to a separate clan which was not represented in the council. Therefore his name should be considered for nomination. The Jaintia Darbar recommended Chandwell Samaiang of Mawlubar village for a nominated seat in the council. But almost all applications were addressed either to the Deputy Commissioner or to the CEM. They were not sent to the Tribal Areas Department for necessary action. Thus most of the minorities, bigger or smaller, demanded representation in the council to protect their interests. But the Governor nominated Sateswar Doulaguphu although he was not favoured by certain sections of the Dimasas.
The demands of other minority communities could not be satisfied as the number of nominated seats was limited to four. It would have been better if at least one lady had been nominated to represent the fair sex as they constitute half of the total population. The male dominated District Council cannot understand or appreciate the problems peculiar to their sex.

In the mean time an interesting development took place. There was intra-party conflict in the Karbi-Adarbar in 1972. Dhoni Ram Rongpi's leadership was challenged by a group of members which included the nominated members also. The role of the nominated members was disliked by C.S. Teron the T.A.D. Minister in the State cabinet. He terminated the membership of the nominated members. This was challenged in the Gauhati High Court by the members concerned on the grounds that the notification terminating their membership was not placed before the Governor and that it was done at the instance of C.S.Teron. It should be done by the Governor in his discretion. The Court did not agree with the contention of the petitioners.

5. The issue had already been dealt with in the chapter entitled 'Political Executive'.

It categorically stated that the termination of membership of the nominated members was perfectly legal was justified on the ground that the power of the state Government extends to the autonomous districts also and that the Governor is the constitutional head of the state. Whatever the Governor does that has to be done by him on the advice of the council of Ministers. The Governor, in fact, had no discretionary power in respect of the subjects specified in the Schedule. On the termination of the membership of the four members, the Governor nominated four others, Indra Sing Deuri, Samson Surin, Resula Rengma and Subal Ch. Barman. This had, however, facilitated the representation of the Laluangs, the ex-tea garden labour community, the Rengmas and the Dimasa Kacharis. The fresh nomination enabled Joy Sing Doloi who belonged to Sri Rongpi's group to become the CEM of the council.

This incident indicates that the nominations are political appointments. The nominated members must support the Government and its allies. They must maintain the political stability of the party in power. If the nominated members do not behave properly, they will be taught a lesson.

The fifth District Council was constituted immediately after the general election of 1978. The Governor nominated Bapuram Singnar, Lindok Teron, Anjan Teron,
and Bidya Dhar Bara as members. But curiously enough Singnar in a letter addressed to the Deputy Commissioner expressed his unwillingness to be nominated as a member of the council for pressing personal reasons and best interest of the party discipline. Earlier Singnar laid a condition that he would accept membership provided Gandhi Ram Timung, Minister of State in the State Cabinet was present at the time of oath taking. Khor Sing Bey the CEM sent a telegram to Timung requesting him to come to Diphu so as to enable Singnar to avoid humiliation. In this connection it may be mentioned that Singnar was defeated in the election of 1978. Pitor Tubit was nominated in the place of Singnar who refused nomination for obvious reasons.

Thus the principle of nomination was not observed in 1978. Had Singnar accepted the nomination three out of four nominated members would have belonged to the Karbi

7. HAD/150/78/I-A dated 10.5.78.
8. According to Kanta Ram Mech a member of the E.C. of Bidya Sing Engleng, Singnar was appointed at the instance of G.R. Timung, the Minister. Singnar's nomination was not liked by the E.C. of Khor Sing Bey and therefore knowing fully well Singnar was not willing to take oath.
9. No. HAD/150/78/40-A dated 8.5.78.
community which was already well represented through direct election. The nomination of Tubit, however, secured representation of the ex-tea garden labour community. Other minorities, such as, the Lalungs, the Dimasas and the Rengmas were completely left out. The Dimasas were, however, represented for the first time through direct election. But the Lalungs and the Rengmas were not represented through direct election and therefore they should have been represented through nomination. Another interesting feature of nomination is that the Assamese who were unrepresented since 1962 got representation after a lapse of sixteen years.

There were a number of petitions recommending the names of different persons for nominated membership. Mon Prasad Tamang offered himself for nominated membership to represent the Nepali community and the Janata Party in the council. Similarly, Suren Timung, an inhabitant of Sarishjan offered himself for nomination. The United Minority Community of Karbi Anglong recommended the names of Besulo Bengaa, Rohak Hrangohal, Moliram Dhanower, Indra Sing Deuri and Bin Maelai for membership. There were large number of petitions disapproving the nomination of Pitor Tubit. There was another petition recommending the name of D.B. Rai for nominated membership. The Rengma Naga Peoples' Committee, in a petition, requested the Chief Minister of Assam to nominate
one from the Rengmas. All those petitions were thrown into the waste paper box.

In the mean time, the Governor terminated the membership of Pitor Tubb and Lindok Teron for alleged corrupt practices. Pitor Tubb and Lindok Teron filed suits against the order of termination in the Gauhati High Court, the court which restrained the Government to fill up the vacancies till the finalization of the case. The High Court order puzzled the Government and the Opposition in the council. The State Government again terminated the membership of the two remaining nominated members, Anjan Teron and Bidya Dhar Bora. In their place Dharani Bora and Biren Sing Engti the ex-M.P. were nominated. Engti was already tipped for CEM ship by Mrs. Anowara Timur, the Chief Minister in case the Opposition could gather support to form the ministry. But the resignation of the Chairman and the Deputy Chairman, who belonged to the ruling group prompted the Governor to supersede the council till Engti was installed as the CEM of the council. On the vacation of the High Court stay order the Governor nominated Indra Kanta Harpal and Chandra Singh Teron Habai as members

11. The stay order was issued on 11.7.80. This had a reference to civil rule No. 504 of 1980 and civil rule No.11 (SH) of 1980.
of the council. Thus the nomination and renomination made during the period under review gives an impression that the very principle of nomination had not been strictly followed. The Rengmas and the Lalungs continued to remain unrepresented while two out of four nominated belonged to the Karbi Community. Besides the nomination itself was designed to capture power of the council.

**Conclusion** - After making an assessment on the constitutional structure of the council the following conclusions may be drawn.

1. The strength of the council changed on two occasions since the inception of the council. The first was in 1971 and the second was in 1976. The first was done according to the original provisions laid down in the Sixth Schedule and the second was done according to the amendments done by the Assam Reorganisation Act, 1969.

2. On all occasions the strength of the nominated members remained at four. Although there was the scope to increase the strength of the nominated members by the council by making similar amendments to the rules the strength remained the same. The Assam Reorganisation Act, 1969 had, however, fixed the strength at four.

3. The principles of nomination representation to the principal minority communities was followed initially. But in 1962 the Governor nominated Dhoni Ram Rongpi, a Karbi,
along with others, although the Karbis had been duly represented through direct selection. In 1971, the principle of nomination had been honestly followed but the nominations made during the post 1978 election period had broken all norms of nomination. The Lalungs and the Rengmas had been deliberately left. The Dimasas and the Bodos, had, however, been represented through direct election. Thus it is seen that the Governor did not care to provide representation to various interests in the council.

(4) The nomination, has been used on two occasions by the Government to keep its own men in the Executive Committees. This is a fundamental mistake committed by the Government. When the Government suspected the dubious role of the nominated members in 1971 they were removed and fresh nominations were made to keep its own men in the council. Similar steps were taken by the Government during the post 1978 election period also. There is, however, a difference between the two. In case of the latter the State Ministry was changed on several occasions. The first nomination made immediately after the general election 1978 was that of the Borbora Ministry. The Hazarika Ministry did not find any occasion to disturb the members. But when Mrs. Anowara Taimur formed the ministry her Government tried its best to instal its own men in the council and all former nominations were
cancelled. Thus the nominated members became the tools of the State Government and they were removed according to the sweet will of the Government. It is therefore suggested that the tenure of the nominated members should be fixed. They should not be removed except for valid reasons.

(5) On two specific occasions the nominated members were elected as CEMs of the council. This is an unhealthy practice.

(6) No women had been nominated since the inception of the council. Since no women had been elected to the council the Government should have taken appropriate steps to nominate them to the council.

(7) Another principle of nomination making room for persons contributing extra ordinary service to the development of art, culture, education and science had not been adhered to. Only on one occasion Jonardan Pathak, a dedicated social worker, a commerce graduate had been nominated. On all other occasions this principle was deliberately ignored. Economist or educationist of repute may be nominated as members of the council. That will directly help the council in all possible ways.
(8) Finally, those who were defected in the election should not be nominated. Bapuram Singnar who was defeated in the general election 1978 was nominated by the Government as member of the council. Singnar, as stated earlier, did not accept the nomination. This practice should be avoided for the greater interest of the council.