CHAPTER IV

Membership

The District Council is a legislative body. Therefore, the members elected to this body are the representatives of the people. These representatives are, in fact, to reflect the wishes not only of the people of their own constituencies but of the people in general. The council constituencies are smaller in size compared to that of the state legislatures and parliament. The representatives, so elected, are to express the wishes and aspirations of the people.

Now the question is what should be the role of a representative of a legislative body in the discharge of his functions. There has been a controversy whether he will play the role of a delegate casting his vote as he is instructed or he will apply his best judgement upon the issues he is called upon to decide in accordance with his best ability and understanding. The latter alternative was advocated by Edmund Burke in his famous speech to the electors of Bristol in 1780.1 While dealing with the role of the representative

1. "Parliament is not a congress of ambassadors from different and hostile interests, which interest each must maintain, as an agent and advocate, against other agents
Prof. Harold I. Laski expressed similar views and said that no member of the legislative assembly can express all his views, partly because time does not permit him to do so and partly because new issues might be coming up on different occasions. The representative, according to Prof. Laski, cannot consult his constituents on every issue involved. He has to apply his own sense of judgement by giving due weight to the opinion of his constituents. Naturally, the representative is subject to explanations on the performance he makes as a member of the legislative body. But that does not mean that he should be the good boy of the party to which he belongs. He is elected by the people to do his best in the

agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where no local purposes, not local prejudices ought to guide, but the general good.

Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitting attention ....... But his unbiased opinion, his mature judgement, his enlightened conscience, he ought to sacrifice to you, to any man, or to any set of men living. Then he does not derive from your pleasure; no nor from the law and the constitution."

- (Encyclopedias Britannica - Vol.IX 1962, PP 163, 164.)
light of his intelligence and conscience. Sir Ivor Jennings, gave similar views when he said, 'It may seem strange to consider members as party politicians before considering them as elected members'.

Term of office - The term of office of the members is five years unless sooner dissolved and the said period may be extended by the Governor by notification in the gazette for a period not exceeding one year at a time. It is also provided that a member elected or nominated to fill a casual vacancy shall hold office for the remainder of the term of office of the member whom he replaces.

The five year term is very reasonable. Because it is the term of both State Legislature and Parliament. Holding elections simultaneously with State Assemblies and Parliament will also minimize the expenditure of election. But extending the term for an indefinite period, although extended for a period of one year at a time, strikes at the very root of democracy. The term of the District Council was extended several times. The most notable was the extension of the term

5. Sub rule 2 of rule 7 of the Rules 1951.
upto 1971 which actually expired in 1967. Although the reason for the extension was stated to be the non preparation of electoral rolls it is gathered that majority of the members did not favour the district's joining the new state of Meghalaya and hence the extension. A fresh election might have changed the entire situation. The extension for the second time in the year 1976 was quite reasonable. It is suggested that the maximum period of extension should be two years and the grounds of extension should be stated in clear terms in the rules of 1951.

Qualifications and disqualifications

The rules of 1951 make sufficient provisions for the qualifications and disqualifications of the members. The qualifications are the same with those of the members of the state legislature and parliament. In order to become a member of the council one must be (a) a citizen of India (b) attain the age of twenty five and (c) vote at the election of the members of the council.\(^6\)

The same rules also provide disqualifications of the members. First, no person shall be a member of more than one District Council. Second, no person shall be elected to more than one seat in the District Council of an autonomous

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district. Third, no person elected as a member shall remain absent for more than thirty days from the meetings of the council. Fourth, salaried government servants, both state and central, an employee of the council are disqualified from being a member of the council. Fifth, persons having unsound mind, undischarged insolvent are debarred from membership. Sixth, persons belonging to a foreign state are also disqualified to become a member of the council. Finally, persons convicted by a court of India and sentenced to imprisonment for not less than two years, persons failing to lodge a return of election expenses, persons dismissed from government service or council service for corruption and disloyalty to the state shall be disqualified to become a member of the council. But all disqualifications in respect of the last shall be valid only for five years unless otherwise removed by the Governor.

In addition to these disqualifications some more disqualifications may be suggested. The district council, after all, is not a municipal board. It is a larger body and borne out of the provisions of the constitution. Therefore a member belonging to a council should not be allowed to become a member of the state legislature or parliament. Because, they may indirectly injure the autonomy of the council which has been proved on several occasions. Moreover, the person having
double membership may not pay proper attention to either of the authorities. Second, the persons who do not belong to the autonomous district i.e. the persons who do not reside in the autonomous district consecutively for a period of 15 years should be disqualified to become a member of the council. Because, non imposition of such disqualifications might make the council a body of the non-tribals. Third, the persons settling contract and having financial involvement with the council should be debarred from being the member of the council. Finally, the law practitioners pleading for and against the council should be debarred from being the member during their period of pleading.

Rights and Obligations

The rights and obligations of the members are the same with that of the members of the state legislature and parliament. They have the right to participate in discussions, to put questions and supplementary, to move motions and resolutions, to introduce bills and also have the right to have easy access to the records of the District Council. But every such right enjoyed by the member has got certain limitations. While participating in the discussion every member must make it a point that he shall not reflect upon the conduct of the President of India, the Governor and any court of law, utter treasonable or seditious words, use offensive expressions
regarding Union or any State legislature, make personal charge against the Chairman or another member, obstruct the business of the council in spite of the warning duly given by the Chairman. While putting questions also the member can ask questions within the ambit of certain limitations.

The members have certain obligations also. The most important obligation is the oath taking. Second, they have the obligation of attending the meetings of the council regularly. Third, they have to pay the dues of the council and the Government both state and central regularly. Fourth, the members have the obligation of refraining from the settlement of contract with the council.

Salaries and Allowances

There is a question that comes up now-a-days whether payment should be made to the members of the local bodies. One school is in favour of making reasonable payment to the members while the other school is not in favour of payment. The District Council is not like the panchayats or the Town committees. It is a bigger body having enough functions to be performed by the members. Therefore, the District Council, as a matter of fact, cannot be considered as a part time job and hence there must be the provision of salaries and allowances for the members.
Prior to 1958 the salaries and allowances of the members were fixed by the Government and the amount was fixed at Rs. 100.00 p.m. There were, however, certain moves by the members to increase the salary from Rs. 100.00 p.m. to Rs. 150.00 p.m. But all these moves did not get majority support of the council. The Mikir Hills (Salaries and Allowances) Act 1958 was the first Act to fix the same amount i.e. 100.00 p.m.

7. While moving the non-official resolution No. 8 during the 8th session of the council dated 3.2.54 Long Sing Tisso pleaded that the present pay of the members i.e. Rs. 100.00 p.m. was insufficient to maintain the standard of living of the members. He, therefore, proposed Rs. 150.00 p.m. instead of Rs. 100.00 p.m.

Khor Sing Terang, CEM while objecting to the resolution said, "I would have been the happiest to increase the pay of the members and keep them contended; but the greatest difficulty is the paucity of fund. Our resources are limited due to which we have not been able to undertake development works as we ought to. If under these circumstances we spend more on account of the pay of the members we shall come to face adverse criticism. In this matter, we should keep our eyes on what other District Councils do. The pay of the members of the District Council in any other district is not more than Rs. 100.00 p.m. and in the North Cachar Hills District Council it is only Rs. 75.00 p.m. Even the pay of the MLAs who have much more responsibilities is only Rs. 150.00 p.m. I would request the member to take all these facts into consideration and withdraw his resolution".

Tisso, however, reluctantly withdrew the resolution.
as salary and ₹12.50 as daily allowance. The T.A. was same as admissible to the first class officers of the Government.\(^8\)

In 1959, a non official resolution was moved by Devendranath Shyam proposing to increase the pay of the members from ₹100.00 p.m. to ₹150.00 p.m.\(^9\) On the basis of

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8. Originally, the bill proposing the Act authorised the E.C. to prescribe rates of T.A. and D.A. of the members subject to the approval of the council. The T.A. and D.A. were admissible to those residing outside the radius of 5 miles of the district headquarters. But the select committees constituted for the purpose fixed ₹12.50 per day as D.A. and T.A. admissible to the first class officers of the Government and all members residing anywhere were allowed to draw D.A. and T.A. without imposing any limitations.

9. While participating in the discussion on the non-official resolution No. 17 moved during the 29th session dated 29.6.59 Long Sing Tisso pleaded for the resolution and said that it was impossible for them to come to Diphu from their respective constituencies for public purposes for want of adequate financial resources. Tisso was supported by Jorjaram Ronghang, Barelong Terang and Raidang Engti. Engti considered ₹100.00 too small an amount to keep a minimum standard while staying in the beautifully furnished Members Hostel. According to Ronghang, the resolution was justified because the members were to pay rent for their stay in the Members Hostel when it was completed. Harsing Engti and Chandra Sing Ter the CEM, objected to the resolution.

The resolution, however, was passed unanimously by the House.
that resolution the Act was amended in the year 1960 which endorsed the resolution in toto. In 1964, the second amendment to the Act was brought into being which increased the salary of the members from Rs.150.00 to Rs.200.00 p.m. 10 Again in 1966 another non-official resolution was moved by Mohan Singh Teron during the 70th session of the council proposing to raise members' salary from Rs.200.00 to Rs.300.00 p.m. which was subsequently accepted and the Act of 1958 was amended for the third time. In 1973, another non-official resolution was moved by Sar Bey which wanted to raise the salary from Rs.300.00 to Rs.500.00 which was subsequently accepted and an attempt was made to introduce a fresh bill in the light of the non official resolution. The Act of 1973 is the latest of the

10. While moving the second amendment bill during 53rd session held on 29.9.64 Dhoni Ram Rongpi, CEM said, "It is needless to emphasize that the cost of living has increased manifold since last couple of years. The prices of foodgrains have gone up considerably which are unlikely to come down in a big way in the near future .......

Honourable members will surely agree that the salaries of the council members must be in keeping with the dignity, prestige and responsibilities attached as such .......

Sar Rongpi made similar remark - "It is not possible to keep their prestige with their pay they are getting now..."
legislations done in respect of the salaries and allowances of the members. Thus the salaries and allowances of the members has been increased considerably during a short span of fifteen years.

There was no fixed rule regarding the drawal of T.A. etc. by the members. Therefore the E.C. in its meeting held on 5.5.66 adopted a resolution restricting the members to journeys and halts undertaken in connection with the council session only. The members were debarred from undertaking journeys other than journeys during the session without prior permission of the E.C. at council's cost. From the records available in the council office it is seen that there were certain irregularities in respect of payment of T.A. to the members. One member applied for T.A. without performing a journey. Another member wanted advance T.A. as he was in urgent need of the amount not for the purposes meant but for other purposes. The third member applied for a loan of Rs.500.00 as advance T.A. which was granted accordingly. The fourth member applied for an amount of Rs.1000.00 as advance pay which was subsequently sanctioned. In order to avoid all these irregularities a circular was issued by the CEM stating the fact that the members were to submit T.A. bills one only for every month. In case of continuous journey the days covered in the subsequent months might be included.
Further, the purpose of each journey should be clearly shown in the skeleton diary. Furthermore, a second T.A. should not be entertained under any circumstances if the previous one was not adjusted.\textsuperscript{11} But it is seen that the decision of the E.C. was not implemented and the members still continued to enjoy T.A. etc. other than the T.A. enjoyed in connection with the meetings of the council. It is gathered that a considerable amount was not recovered from the members.

From the above it is clear that there are certain irregularities in the payment of salaries and allowances to the members of the District Council. It is, therefore, suggested for the greater interest of the council that the very provision of advance T.A. and advance pay should be stopped forthwith. The District Council, as a political institution, is exposed to instability. The dissolution of the council may lead to the forfeiture of the advance payment granted to the members. Therefore, the members may be granted T.A. and D.A. only after the journey was actually performed.

Regarding the pay and allowances of the members of the District Council who are also members of the state legislature the Accountant General of Assam addressed a letter to the state Government stating the fact that the

\textsuperscript{11} MHC/XII/158/73/82 dated Diphu the 12th September, 1973.
Nagaland Government had recently restricted the drawal of salary from one source only. When the state Government sought the opinion of the council by referring the Accountant General’s letter the council of Karbi Anglong communicated the Government that it was in favour of maintaining the status quo. Thus it is seen that the council did not consider the issue seriously from the economic point of view.

Removal of members

The Sixth Schedule or the rules of 1951 do not provide for the removal of members. The nominated members shall be appointed by the Governor and they shall hold office during the pleasure of the Governor. The Governor removed nominated members on several occasions in order to maintain the political stability of the council. The membership of the elected members may be terminable if they do not attend the meetings of the council consecutively for thirty days without intimating reasons to the proper authorities. No member (elected) has been removed till now.

12. (a) State Government letter No. TAD/R/26/64 dated Shillong the 15.7.68.
(b) Council's letter No. MHC/XVII/13/69/58/1422 dated Diphu the 20.3.69

Educational background

A significant fact is that the educational background of some of the members is not good. Out of sixteen members elected and nominated in 1952 only two were graduates, one was intermediate and the rest did not complete their matriculation examination. Of the members who did not complete matriculation, two did not attend a high school. The second council also did not witness any improvement. Out of the sixteen members elected and nominated in 1957, two were graduates one was an intermediate and the rest did not pass matriculation. Some of them did not pass middle vernacular examination. The third District Council of 1962 could not exhibit any kind of marked improvement. Of the sixteen members, elected and nominated, only one was a graduate, two intermediates, one matriculate and the rest did not pass matriculation examination. As stated earlier, the strength of the fourth District Council of 1971 had been increased from sixteen to twenty four. Of the twenty four elected and nominated, four were graduates, two intermediates, two matriculates and the rest did not complete matriculation. The strength of the fifth District Council was increased from

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14. Facts collected on the basis of the interviews taken with some of the members of the periods concerned.
twenty four to thirty. Of the thirty elected and nominated members, eight were graduates, three were intermediates, six matriculates and one a master degree holder. The master degree holder had a law degree also. Thus, there had been gradual increase of educated members and the improvement itself was quite encouraging. Of all the graduates so far elected and nominated, only one was a science graduate another commerce and the rest belonged to Arts. Except the one mentioned above all graduate members did not possess other bachelor degrees. Doctors, lawyers, business man were totally absent in the District Council.

Communitywise representation

As regards community-wise representation, community wise representation of the nominated members will be ignored in this study. Of the twelve elected members of 1952 all belonged to the Karbi community. In 1957 of the twelve elected members one belonged to a non-Karbi community while the rest belonged to the Karbi community. The thing, however, changed in 1962. One more was elected who belonged to a non-Karbi community. The District Council of 1971 did not witness any remarkable change. Out of the twenty elected members four belonged to the

15. Community-wise representation of the nominated members had been discussed in the chapter 'Constitutional Structure'.
non-Karbis and the rest belonged to the Karbi community. This had not been considered a major change considering the proportionate increase in the strength of the members. Of the twenty six elected members for the fifth District Council six belonged to the non-Karbis and the rest belonged to the Karbis. Except one no Assamese had been elected so far since the beginning of the council. Similarly, only one Bengali had been elected up till now. Two Dimasas had been elected for the first time in 1978. The Bodos were represented for the first time in 1962 by a single member. The fifth council had given two Bodo members to the council. Only one Garo was elected for the first time in 1962. The Lalungs, the ex-tea garden labourers, the Kukis, the Khasis, the Jaintias had not yet been elected as members of the council. From the above it is seen that although the membership of the council had been restricted to the Karbis only there had been a gradual change in the pattern of representation and it was open to different communities.

Economic and Social background

A study on the economic and social background of the members of the Karbi Anglong District Council reveals an important fact. Of all the members, elected and nominated, 16. Informations collected were based on personal interviews with living and relatives of dead members.

16. Of all the members, elected and nominated.
to the first district council, 1952, only two were rich, three belonged to the middle class and the rest were poor. Similarly, of the sixteen members of the council of 1957 five belonged to the rich i.e. the sons of mauzadars, four belonged to the middle class and the rest poor. Of the sixteen members of 1962, three belonged to the rich, three belonged to the middle class and the rest poor. Of the 24 elected and nominated members of 1971 three belonged to the rich, five belonged to the middle class and the rest poor. Of the thirty elected and nominated members of 1978, four belonged to the rich, eleven middle class and the rest poor. Thus there is substantial improvement of the economic background of the members considering the proportionate increase in the strength of the members.

Regarding the social background of the members some important assessment can be made. Of the sixteen members of 1952 one was a prominent communist leader who went underground for a considerable period and elevated to the position of Cabinet Minister in the state cabinet for nearly two decades. Another a freedom fighter who dedicated his life for the cause of Karbi Anglong and got settled permanently. The third and the fourth member were nominated members of the Assam Legislature even prior to the declaration of independence. The fifth member remained in the state cabinet for nearly a decade. The second District Council of 1957 did not witness a major change.
Because most of the members of the first council got elected again. However, one more communist leader who went underground came overground and entered into the council politics. The council of 1962 had witnessed a new leadership in the person of the secretary of the Karbi-A-Darbar a socio-cultural organisation of the Karbis. One more communist leader became a prominent member of the council. The council of 1971 had, however, brought some new elements. Some youth congress members and also belonging to the youth wing of the Darbar got elected. Moreover, one seniormost member of the C.P.I. having a very good hold in a particular constituency got elected. The most notable thing was the membership of the council of 1978. Most of the members who got elected on two or three earlier occasions were ousted and a group of very young men got themselves elected as members of the council. The new members had good educational background no doubt but they did not possess a good social background. Thus the number of persons having good social background has been gradually reduced to the minimum due to the emergence of young members.

Party identification

Almost all the members belonged to the Karbi-A-Darbar which was an ally of the congress since the beginning of the council. Barring a few all identified themselves either as
members of the Karbi-A-Darbar or as members of the congress. This was the picture upto 1978. The general election of 1978, had however, given a different picture of the party affiliation. Although the national parties do not field candidates under the party banner, the Janata Party backed candidates in all the twenty six constituencies of the council. The present day membership of the council cannot claim membership of a party due to their frequent change of political parties. Some regional parties such as Mikir Hills Peoples’ party, Karbi Anglong Peoples’ Conference, Hill Peoples’ Party came to the surface. But they do not exist now.

Conclusion

From the above analysis the following conclusions may be drawn.

(1) The term of office of the members of the council had been extended indefinitely for political reasons. That should be stopped forthwith and the maximum period of extension should not exceed two years.

(2) The disqualifications prescribed in the rules of 1951 were not comprehensive. More disqualifications, such as, non fulfilment of fifteen years residential qualification may be suggested.
(3) The salaries and allowances of the members had been enhanced enormously which should not have been done.

(4) The educational background of the members do not seem to be satisfactory. There were no sufficient number of qualified persons to participate in the affairs of the council.

(5) The economic and social background of the members do not seem to be satisfactory.

(6) There were defections.