Chapter IX

CONSTITUTIONAL STRUCTURE OF THE DISTRICT COUNCIL

Administrative Areas: From the point of view of modern political analyses, the Autonomous District Council may be considered as local authorities. Local authorities invariably means the Government of and the Government for a particular local unit. But the question arises - is there any ideal size for such unit? Long ago, Plato conceived the idea for an ideal size. According to him, a city would be an ideal unit and such city would consist of 5040 citizens and not less and not more. Plato further said that so long as the city could grow without abandoning its unity it might be allowed to grow but not beyond that limit. This was because of the fact that Plato was conscious of the dangers that any large city might have to face. Aristotle also held similar opinion. He said that a state was too large when there was no more personal contact among citizens. Despite these ideal considerations of Plato and Aristotle, many cities in the world grew beyond the limit set out by them after they were dead and gone. History has proved that local communities have never been built upon the speculations of political philosophers. It is a grievous wrong to speculate on the ideal size of a local authority. Moreover it must be admitted that the size which was considered adequate two thousand
years ago was not considered adequate during the eighteen century, and it is idle to think that it is adequate during these days of automobile, aeroplane, telephone, spaceship and missile base. It must also be admitted that what is adequate today will not be adequate tomorrow. Therefore, it is the flow of historical currents and not the speculations of philosophers which determine the size of the local authorities. In modern times there is a tendency towards larger units. It may be said that small and inadequate local units will have the least chance of existence and survival.

What, then, should be the principles to be observed and followed in the determination of the administrative areas of local authorities? History has shown that there is no single principle that has been followed and adopted with any certainty of good results. But there are certain basic principles that must be kept in mind while fixing the boundaries of the areas under the jurisdiction of local governments. The two most important principles of basic importance are: the catchment area and population. The third important factor is geographical adequacy. The fourth important principle is fiscal adequacy. Unless sufficient revenue can be accrued from taxes, rates and fees no local government can run its administration. Finally, there are many other factors which have to be taken into consideration such as development, community of interest, economic and industrial character of the people, means of communication and accessibility to administrative and business centres, social life of the people, wishes of the people, local history and local traditions. Weightage must be given to several factors, but these factors very from case to case and from time to time.
Let us now examine the administrative areas of the District Councils in Meghalaya. Paragraph I of the Sixth Schedule provides that the Governor may create a new autonomous district, diminish the area of an autonomous district, unite two or more autonomous districts or parts thereof so as to form one autonomous district, define the boundaries of any autonomous district, and alter the name of any autonomous district subject to the recommendation of and the decision taken on the report of a commission appointed for the purpose. The Governor is the final authority for the abolition or modification of the administrative areas of the autonomous district councils.

In Meghalaya, in 1952 there were two autonomous district councils - the United Khasi-Jaintia Hills autonomous district council and the Garo Hills autonomous District Council. The administrative areas of both the autonomous district councils are homogeneous, compact, and with sufficient population and area. In 1964, Jowai Sub-division was separated from the United Khasi-Jaintia Hills Autonomous District and was constituted into an autonomous district with its own District Council. This district was known as the Jowai Autonomous District. But in 1972, the name was changed into the Jaintia Hills Autonomous District.

The Chairmanship of the District Councils: Each district council in Meghalaya shall be presided over by a Chairman or by a Deputy Chairman in case the Chairman is absent. Both the Chairman and the Deputy Chairman shall be elected by the District Council.

Let us now examine the election of the Chairman and the Deputy Chairman in the three district councils from time to time. The Garo Hills: On 2nd May 1952, the first District Council met to elect its Chairman. The District Council unanimously voted Rangam G. Komin, a former school teacher as the Chairman of the 1. Proceedings of the different sessions of the Garo Hills autonomous District Council.
District Council. On the following day, it elected Mohan Sangma by a unanimous vote as Deputy Chairman. On 1st May 1957, after the expiry of his full five year term, Rangam G. Momin was unanimously re-elected as Chairman for the second term. It was really strange that no one offered him the customary felicitations on his re-election. Nevertheless Momin thanked the members for electing him as Chairman of the District Council for the second term. Mohan Sangma was also re-elected as Deputy Chairman for the second term. But after Capt. Williamson Sangma joined the Chaliha Cabinet in 1958, there was a re-organisation of the Executive Committee, and Mohan Sangma was taken as Deputy Executive Member. The vacancy was filled by the election of Robert Momin as Deputy Chairman.

Election to the Garo Hills District Council could not be held in 1962 due to the Chinese Aggression. Elections could be held only in 1964. The third District Council met on 29th April, 1964 and elected Mody K. Marak as Chairman by a unanimous vote. It must be recalled that in 1958, after Capt. Williamson A. Sangma joined the Chaliha Cabinet, Mody K. Marak became Chief Executive Member. But Capt. Sangma resigned his ministership in 1960. On 1st May 1964 Bronson W. Momin was elected Deputy Chairman. With the creation of the autonomous State of Meghalaya, Capt. W. A. Sangma became the Chief Minister of the new State. Mody K. Marak, therefore, resigned the Chairmanship in order to take over the post of Chief Executive Member of the District Council. Bronson W. Momin was elected Chairman and Marson Sangma was elected Deputy Chairman who continued to hold their posts till the election of 1972. The fourth district council met on 25th March 1972 and elected Lohindra Sangma as Chairman and Pipin Momin as Deputy Chairman. Before his election as Chairman,
Lohindra Sangma was an Executive Member of the District Council.

From 1952 to 1976, the office of Chairman was held by four persons. All the four persons came to office after they had gained good deal of experience either as Chief Executive Member, or as Executive Member or as Deputy Chairman. It is really a pleasing feature to note that elections to the office of Chairman and Deputy Chairman in the Garo Hills District Councils were always be a unanimous vote. Moreover, there were no frequent changes either in the office of Chairman or Deputy Chairman.

**United Khasi-Jaintia Hills autonomous district:**

The first district Council met on 27th June 1952. Fredishon War was unanimously elected as Chairman of the District Council and on 1st July 1952, Humphrey Hadem was elected as Deputy Chairman by a unanimous vote. But on 6th March 1954, Humphrey Hadem resigned from the post and joined as a member of the Executive Committee headed by B.M. Roy. In his place, Dr. R.K. Tariang was elected uncontested as Deputy Chairman on 27th May 1954. On 23rd March 1955, a resolution was moved for the removal of the Chairman on the ground that he was incompetent, but Fredishon War survived this ordeal. However, Fredishon War resigned on 31st August 1957 on health grounds. On 5th September 1957, Rosaiah Nongrem was unanimously elected as Chairman and continued to hold the post till the dissolution of the first District Council. But Dr. R.K. Tariang resigned from the post of Deputy Chairmanship on 5th November 1957, on the eve of the dissolution of the first District Council.

The Second District Council met on 3rd January, 1958 and elected an elder statesman Wilson Reade as Chairman by a unanimous vote.

---

vote. On 24th March 1958, Oswald Lyngdoh was also unanimously elected as Deputy Chairman. On 13th August 1959, a no-confidence motion was tabled against the Chairman, but the Motion was lost. After the death of Theodore Cajee, the then Chief Executive Member in September 1963, the Eastern India Tribal Union Parliamentary Party was in favour of electing Wilson Reade as the New Chief Executive Member. But Edwingson Bareh aspired the post of Chief Executive Member. In order to achieve his aim, he suggested that in view of the fact that certain leaders from the Jaintia Hills were fighting for a separate District Council for the Jowai Sub-division, it would be good that the Chief Executive Member should be elected from that Sub-division.

Secondly, he suggested that since the Eastern India Tribal Union had become part and parcel of the APHLC, the matter should be decided by the leaders of the Khasi and Jaintia Hills APHLC Branch and not by the Eastern India Tribal Union Parliamentary Party alone. The position became very delicate. When the matter was brought up before the top leaders of the APHLC of the Khasi and Jaintia Hills, the situation had already become very complicated. The EITU Parliamentary Party had already advised Wilson Reade to resign from Chairmanship and to head the new Executive Committee, and Wilson Reade had already resigned on 14th September 1963. The APHLC leaders of the Khasi and Jaintia Hills tried to persuade E.Bareh not to aspire the post, but at the instance of Hoover Hynniewta, he was adamant. In the heat of the discussion, with his great magnanimity, in all sincerity, and with a sense of true-statesmanship Wilson Reade told all the leaders present that "The goal is greater than the means". The goal ahead was the Hill State.
Therefore, he requested Bareh to go ahead and withdrew from contest. Bareh became the Chief Executive Member of the United Khasi-Jaintia Autonomous District Council. Wilson Reade who resigned from the post of "Chairmanship" on 14th September, 1963 had to accept the post again at the request of the party. For the sake of a greater cause, he accepted the proposal that he should contest the post of Chairmanship for the second time. On 5th October, 1963 Wilson Reade had to face a contest with H.E. Pohshna. They secured eleven votes each and Wilson Reade was elected by lot.

After the government of Assam had issued a Notification\(^3\) that all the Members of the District Council from Jowai Sub-division had ceased to be members of the United Khasi-Jaintia Hills Autonomous District Council in view of the creation of a separate Jowai Autonomous District Council. Both E. Bareh (the C.E.M.) and Oswald Lyngdoh the Deputy Chairman had to relinquish their respective posts. Wilson Reade was called upon to head the new Executive Committee. Therefore he resigned the post of Chairmanship on 6th January 1966. Similarly, the vacancy caused by the resignation of Oswald Lyngdoh was filled up on 5th January 1966 when Wording Blah was elected Deputy Chairman by defeating Henry Cotton by a slender majority. On 23rd March 1966 Gilfred Singh Giri was elected Chairman. Both Gilfred Singh Giri and Wording Blah served till the dissolution of the second District Council.

The election to the Third District Council took place early in 1967. This time the APHLC secured 23 members in a Council of

---

\(^3\) Notification No.TAD/R/50/64, dated 23.11.64 read also corrigenda No.TAD/R/50/64, dated 24.11.64.
of 24 members. The lone member of the opposition was an independent member. Therefore, the election both for Chairmanship and Vice-Chairmanship was uncontested. Rokendro Dkhar was elected Chairman on 23rd March 1967 and Heslingwell Shangdiar was elected Deputy Chairman on 18th April 1967. But in the middle of 1968, Hopingstone Lyngdoh was expelled from the party. He and his followers formed the new party, known as the Hill State People's Democratic Party. Heslingwell Shangdiar resigned from the APHLC and joined the new Party, but he did not resign from the post of Deputy Chairman. He was removed by a Non-confidence motion on 27th November 1970. The vacancy was filled up by a unanimous election of Emerson Thangkhiew as Deputy Chairman.

The election to the fourth District Council took place in April 1972 but none of the parties that contested the election could secure a majority. Nevertheless, Bakstarwell Wanniang was elected Chairman on 23rd May 1972 and Markus Lyngdoh was elected Deputy Chairman on 27th July 1972, both, by a unanimous vote. A new situation was created by the resignation of L.Gilbert Shullai from the post of Chief Executive Member on 14th June 1975. Bakstarwell Wanniang became the new Chief Executive Member. Markus Lyngdoh was also assured by the party to become Executive Member. But when he found that he was not taken into the Executive Committee, he left the party, and on 17th July 1975 he resigned from the post of Deputy Chairman. Next day, he contested the election for Chairmanship but he lost it to Jungai Khongjoh by a majority of 14 to 16 votes. Thus Jungai Khongjoh was elected as Chairman. On 26th July 1975 E.L.Sangriang was elected Deputy Chairman by a unanimous vote.

It must be noted that the election of Chairman and Deputy Chairman has not been smooth. At least, there were two occasions
when the election to this post was a neck to neck race. But there was only one contest in the case of the election of Deputy Chairman. On two occasions a No-confidence Motion was moved against the Chairman, but on both the occasions, the motion was lost. But only on one occasion a No-Confidence Motion against the Deputy Chairman was tabled and it was carried. Further, excepting one, all the Chairmen were experienced teachers, two of them had actually served as teachers all their life and one of them got the National Award for his contributions in the field of education. The other one had served as a pastor of the Church.

Jaintia Hills Autonomous District Council: 4 The first Jowai Autonomous District Council met early in 1967 and elected Ohiwot Khonglah and Oswald Lyngdoh as Chairman and Deputy Chairman respectively by a unanimous vote. Early in 1970, the Chief Executive Member, Edwinson Bareh joined the Sangma Cabinet of the newly created Autonomous State of Meghalaya. Ohiwot Khonglah aspired the post of Chief Executive Member, but the party elected John Deng Pohrmen to be the new Chief Executive Member. Hence Ohiwot Khonglah contented to remain as Chairman. During the 1972 general election to the Meghalaya Legislative Assembly, although Ohiwot Khonglah was a sitting member of the Assembly could not get a ticket from the party to contest the said election due to his differences of opinion with the other leaders of the party in the district. Hence, he resigned from the party and from the post of Chairman of the District Council and contested the election to the State Assembly as an independent candidate. Then the District Council elected Nihon

Keih as Chairman. The Second District Council met in the middle of 1973, after the election and elected Nihon Keih and Beryl Sutnga to the post of Chairman and Deputy Chairman respectively.

**Unanimous election:** The most important and interesting feature in the election of presiding officers in all the three District Councils is that, barring a few cases in the Khasi Hills District Council the election, on the whole, has been by a unanimous vote. This is because of the fact that the office of Chairman in particular is like that of speakership of a legislature. It must also be noted that there has been suggestions that Government should pay a bonus to a district council that elects its Chairman by a unanimous vote. It is urged that district councils should not be converted into playgrounds of politics, factionalism and groupism which are likely to come into existence in case of bitter contest. Further, such contest may create stalemate in the affairs of the district councils.

**Procedure for the election of Chairman and Deputy Chairman:** The Assam Autonomous District Councils Rules which are still followed in Meghalaya provides that at the beginning of a new district council or when the office of Chairman falls vacant, the Governor shall fix a date for the holding of the election. The Deputy Commissioner or the Secretary of the District Council, as the case may be, shall send to all members a notice informing them of the date of a meeting for the election of Chairman. Any member of the District Council may nominate another member for the post of Chairman. The nomination paper should be delivered before noon on the day proceeding the date of election to the Deputy Commissioner.

or the Secretary in person by the candidate himself, or by his proposer or seconder who have signed the nomination paper. The proposer and seconder should state clearly the name of the member whom they have nominated.

The Deputy Commissioner or any officer authorised by him in his behalf shall preside over the first meeting of the district Council. He shall read out the names of the candidates nominated for election as Chairman. If only one candidate has been nominated he shall declare that candidate to have been elected. If more than one candidate has been nominated, the district council in session should proceed to elect a Chairman. When two or more candidates get equal number of votes lots should be drawn for the selection of a Chairman. The candidates must first take the oath and then contest the election. A person who has not taken the oath shall be disqualified from the contest. The election shall be decided by a simple majority.

A Chairman so elected must be able to command the respect and confidence of the majority. Therefore, the rule of simple majority in the election of Chairman seems to be insufficient. If there are three or more candidates, the successful candidate is likely to be elected by a minority vote. Hence, there may be constant attempt at no-confidence motions against him. Therefore, it appears that is is highly necessary to have a rule of special majority in the election of Chairman.

The person elected as Chairman enters office immediately. He is not required to receive the approval of the Governor.

In the case of the Deputy Chairman, the same procedure is adopted. But the meeting called for the election shall be presided over by the Chairman. The Chairman also fixes the date of the meeting for such election.
Term of Office: It is provided that the Chairman and the Deputy Chairman shall hold office as long as they command the confidence of the district council. They may also be removed at any time without assigning any reason by the district council. The Government has no power to remove them from office even if they violate the rules and regulations. Any motion of no-confidence against the Chairman or the Deputy Chairman must first obtain leave of the Council. If leave is not granted, the resolution cannot be moved. According to the Rules, at least one fourth of the members present must support the resolution. If less than one fourth of the members rise, leave is not granted, and hence the resolution cannot be moved. When leave is granted, the resolution can be moved, and then it must be supported by a majority of the members present and voting provided there is a quorum. The quorum is six or one-third of the total number of members of the Council, whichever is greater.

Here also, simple majority prescribed for the removal of the presiding officers of the district council is not adequate. At least, a special majority of not less than two-third of the total strength of the district council seems to be necessary so that the Chairman, in particular, may not be plagued by constant non-confidence motions. It is true that since 1962, there were only three no-confidence motions. But this feature may not stand as a guarantee for the future. Therefore, a special majority is necessary.

A question may be asked - shall the Government be vested with the power to remove a Chairman? The district councils are strongly opposed to such proposal on two grounds. First, provision has already been made for the removal of an undesirable Chairman by a resolution of the Council. Secondly, if such power is vested, the
Government may also be tempted to misuse it for any political reason. Hence, there is no need for such a change because the Chairman has no executive powers. He is merely a presiding officer and has no scope to misuse the powers.

Resignation: The Rules also provide that the Chairman and the Deputy Chairman may resign at any time in writing. The Chairman submits his resignation to the Deputy Chairman and the Deputy Chairman to the Chairman. The resignation shall come into effect immediately.

Functions of the Chairman: The Chairman of any of the district councils has certain statutory functions. He presides over the meetings of the district council. In his absence, the Deputy Chairman presides. If he is a candidate for election to the office of Chairman he shall not preside over the meeting called for the purpose. He shall not preside over the meetings called for the discussion of a no-confidence motion against him.

Further, the Chairman should call the meetings of the district council. He may also call for special meetings. He is also bound to call the meetings of the Council whenever requisitioned by members. He has also power to prorogue the council. Again, the Chairman exercises all the powers vested in the members. But he should not act in opposition to or in contravention of any decision of the Council. He should not exercise any powers which should be exercised by the Council. He may delegate his powers to the Deputy Chairman.

Furthermore, the Chairman is specially endowed with certain powers which he can exercise independently of any other authority.

He has a casting vote, in case of equality of votes. He may direct any member to discontinue his speech. He may order the withdrawal of members from the sitting of the council. He may allot time for official and non-official business. He decides all points of order which may arise and his decision is final. He has also powers to decide the admissibility of questions and resolutions. He also decides the method of taking votes by division. In fine, he regulates the proceedings of the district council.

A person who is not a member of the district council cannot be elected Chairman. The Chairman shall vacate office when he ceases to be a member of the district council.

When the office of Chairman is vacant, or when he is absent, the Deputy Chairman shall perform all the functions of the Chairman. If both of them are absent, a member of the district Council nominated by the Chairman shall discharge the functions. At the commencement of every session, the Chairman shall nominate two persons to preside during the absence of the Chairman and the Deputy Chairman. If both the offices are vacant, one of the members of the district council shall be appointed by the Governor to preside.

Observations: When we examine the events that have taken place in the election of Chairman, a number of conclusions can be arrived at. First, the office of Chairman does not appear to be attractive, and as such, on the whole, there have been practically no contest both in the Garo Hills and the Jaintia Hills District Councils. But in the Khasi Hills, there were contests which were really very keen. Generally, and not universally, disappointed and disgruntled politicians were dropped into the posts. Therefore the Chairman and the Deputy Chairman were generally elected by a unanimous vote except in the Khasi Hills.
Secondly, all the Chairman and Deputy Chairman except a few cases held office for a single term. There has been a tendency towards a single term, a tendency which is based on the assumption that no one is indispensable in a democracy.

Thirdly, in none of the three district councils, nominated members were elected as Chairman or Deputy Chairman.

Fourthly, no lady has ever been elected as Chairman or Deputy Chairman.

Finally, a close study of the Chairman and Deputy Chairman, we find that the majority of them have had sound education and experience in public affairs. Most of them had served as school teachers. Baring two exceptions in the Khasi Hills, they did not involve themselves in any controversy, and as such, they did not incur the displeasure of the members of the district council concerned. Most of them adhered to the principle of strict impartial attitude in the conduct of proceedings.