Chapter XIX

THE AUTONOMOUS STATE OF MEGHALAYA

"The plan is totally unacceptable," thundered S.D.D. Nichols-Roy, the General Secretary, who was the leader of the non-violent Direct Action on 10th September 1968, who along with all volunteers was ready to court arrest. On 11th September he had a telephonic talk with Capt. W.A. Sangma, who was then in Delhi and who had received the full details of the Autonomous State Plan announced by the Government of India. In the midst of the talk, the telephone line failed temporarily. When interviewed by Pressmen, Nichols-Roy repeated the same words. But as soon as the line was restored, Nichols-Roy got the full details of the plan from Capt. W.A. Sangma. Nichols-Roy and other leaders then explained the plan to the volunteers and spectators. They said that the APHLC would be convened very soon to consider the merits and demerits of the plan. In the meantime, the volunteers were advised not to go to offer Satyagraha on the 12th September, but they were to be always prepared to perform their duties whenever they would be called upon to do so. The volunteers, like a disciplined group of soldiers accepted the advice of their leaders.

The first telephonic talk was too brief to be understood. Any APHLC leader who was at Shillong on that day would have given the same reply if not in a more sarcastic tone. Capt. Sangma who was in Delhi was in a better position to study the details of the plan. But for a person who was in Shillong, the gist given by
Capt. Sangma would be received with the impression that the autonomous State plan was lesser in degree than the Sub-State plan offered by G.L.Nanda or even lesser than the Nehru Plan. All APHLC leaders who were in Shillong on that day were shocked to hear that Capt. Sangma should advise them to call off the Non-violent Direct Action. Over and above that, the advice came when the situation in front of the Secretariat was very tense; when the Assam police forces were being reinforced, when the police pick-up vans were increased in numbers and when the parents of the volunteers were ready to shed cheerful tears to bid farewell to their young sons who might be arrested on the following day. But after the second telephonic talk, the clouds of suspicion hanging in the sky began to disappear. Eventually, on 12th September all the police pick-up vans disappeared, all re-enforced police forces moved away. It was at this turn of events that the APHLC leaders got the chance to advise the volunteers, sympathisers and onlookers in different places that the Satyagraha was kept in abeyance.

Before discussing the attitude of the APHLC towards the Autonomous Hill State Plan, it would be better to discuss the main features of the plan as announced by the Government of India on 11th September 1968. This announcement contemplated the formation of an Autonomous State within Assam. The autonomous state would comprise the Garo Hills the Khasi and the Jaintia Hills districts. The autonomous districts of the Mikir Hills and the North-Cachar Hills were given the option to join the autonomous State on the basis of a resolution to be adopted by a majority of not less than two-third of the members of each of the district councils before the prescribed date. There would be an Advisory
Council for the whole of the North-Eastern region to encourage an integrated approach to the security and development of the whole region. The main features of the autonomous State Plan were as follows:

In the first place, the Autonomous State was to have its own legislative Assembly and a Council of Ministers to be responsible to it. Secondly, excepting few subjects, all subjects enumerated in the State List of the Seventh Schedule of the Constitution would fall under the control of the autonomous state. Important subjects like police, law and order, Home and the like should not be transferred to the autonomous State. Thirdly, the autonomous State should have the power of taxation in respect of subjects assigned to it. Fourthly, the executive power of the autonomous State would be co-extensive with the subjects transferred to the autonomous State and would vest in the Governor of Assam. Fifthly, all bills passed by the Autonomous State Legislative Assembly should receive the assent of the Governor. Sixthly, the Assam Legislative Assembly and the Government of Assam would continue to exercise all the powers in respect of other subjects insofar as they related to the areas other than those constituting the Autonomous State. Seventhly, the Assam Legislative Assembly and the Government of Assam would have jurisdiction in respect of certain common subjects over the Autonomous State area as well. Eighthly, in respect of certain subjects of common interest and importance in the concurrent list the Assam and the Autonomous state would have concurrent powers of legislation. Other concurrent subjects would remain with Assam. Ninthly, the Autonomous State should have representation in the Assam Legislative Assembly. So also, adequate representation be given to those areas forming part
The Government of India's announcement further stipulated that a standing committee consisting of the members of the Assam Legislative Assembly from the autonomous State and other hill areas should be constituted. All bills pertaining to subjects of common interest to the whole State of Assam would first be referred to the Standing Committee for consideration after introduction in the Assam Legislative Assembly. The State Assembly should take into accounts the views of the standing Committee when such bills came up for consideration in the State Assembly.

It was also stated that the Assam High Court, the Assam Public Service Commission and the Assam State Electricity Board would continue to have jurisdiction in the autonomous State also. It was further stated that there would be joint cadres of All India Services and for some of the higher state services.

The Government of India pointed out that one of the basic objectives of reorganisation was to provide a unified and co-ordinated approach to the security and development of the whole North-Eastern Region. It was with this end in view that the Government of India decided to set up the North Eastern Council, consisting of the Governor of Assam and Nagaland as Chairman, the Chief Minister of Assam, Nagaland and the Autonomous State of Meghalaya, one Minister from each of these States, the Chief Commissioners and the Chief Ministers of the Union Territories in the North Eastern Region. The North Eastern Council was to provide for a unified and co-ordinated approach towards the development of inter-State communications, common irrigation and power, flood control projects, coordinate plans for agricultural production, regional food-sufficiency and industrial development of the whole region.
It would discuss matters of common interest to the region and suggest suitable measures including appropriate institutional arrangements.

The Government of India, further explained the imperative need of setting up of such a Council. It said that the special problems and strategic importance of the whole of the North-Eastern Region are inseparable with the security and public order because they are important not only to the States and Union territories in the region but also to the whole country. To coordinate effectively the administration of these subjects, the North Eastern Council would have a Committee consisting of the Governor of Assam and Nagaland as Chairman; the Chief Ministers of Assam, Nagaland, the Autonomous State of Meghalaya and the Chief Commissioners of Union Territories as members.

The Government of India assured to provide the North Eastern Council with a Secretariat officers of adequate status and experience and also a Planning Cell with necessary competent experts under a Planning Adviser to advise the Council.

The Government of India assured that the District Councils would continue their existence. The District Councils within the Autonomous State would be placed under the control of the Government of the Autonomous State. Further, the Sixth Schedule would be suitably amended so as to enable the District Councils to function more effectively, and, if necessary more powers would be given to them.

Lastly, the announcement also contained a provision which said that Shillong would continue to serve as a joint capital for both the Autonomous State of Meghalaya and the State of Assam. The Government of Assam would still continue to exercise its jurisdic-
jurisdiction as hitherto exercised by it over the Cantonment and Municipal areas of Shillong.

Re-action to the 11th September 1968 announcement: The leaders of various political parties in the Brahmaputra valley expressed their unwillingness to accept the autonomous state plan. The Assam Legislative Assembly also rejected the plan of the Government of India for the creation of the Autonomous State within the State of Assam because such an arrangement would adversely affect the security and integrity of Assam.

The 19th Session of the APHLC met at Tura from 17th to 19th September 1968 to discuss the merits and demerits of the Autonomous Hill State Plan. The consensus in the conference was that the autonomous state plan was worth considering, but since it was a new plan, the conference decided to consult the people before coming to a final decision in the next conference. It congratulated the volunteers and then suspended the satyagraha movement.

The Autonomous Hill State Plan was placed before the people in a series of public meetings held in all important centres of the Garo Hills and the Khasi and Jaintia Hills districts. It may be recalled that the breakaway group of the APHLC headed by H.S. Lyngdoh was very vigorous in its campaign to characterise this plan as a Sub-State Plan. In the Khasi and Jaintia Hills in particular, these leaders offered stiff challenge to the APHLC leaders. The situation during that period was critical. But the APHLC was fortunate to have S.D.D. Nichols-Roy who spoke to the people with all sincerity. It was fortunate to have B.B. Lyngdoh who was quick at reparte, and his sound logic put the opposite party in a quandary. It was also fortunate to have G.G. Swell whose eloquence kept the people spellbound. In E. Bareh, the party got a sledge hammer. It was also
fortunate to have R.S. Lyngdoh whose rhetorical oratory was unrivalled, whose knowledge and authority on the history and culture of the Khasis was unquestioned and whose sound reasoning in offering arguments for and counter arguments against the plan could not be rebutted by the opposite parties. This time also, R.S. Lyngdoh threw the opposite parties to the background as he did during the period 1962-63. His memorable speech on 6th February 1962 at Jowai still stands as a monument for fulfilling the aspirations of the hill people.

After the APHLC leaders had received the consensus of the people to accept the Autonomous State Plan as a trial, the 20th session of the APHLC met at Tura on the 14th and 15th October 1968. This Conference resolved thus: ".......having fully considered the public opinion in the hill areas, the political realities in the country and the larger interests of the country as a whole, this Conference resolves to give the Autonomous hill State Plan a fair trial with the clear understanding that the APHLC will continue all efforts to achieve a fully separate State comprising all the hill areas of the present State of Assam as envisaged in the resolution and plan of the 3rd session of the APHLC held at Haflong in November, 1960". The Conference appointed a Committee to apprise the Government of India some of the shortcomings and anomalies of the plan and to suggest improvements thereon. The Committee made a number of suggestions to the Government of India.

After the APHLC had accepted the Autonomous State Plan, the Government of India drafted the constitution (twenty-second Amendment) Bill for the creation of the Autonomous State of Meghalaya within Assam. Leave to introduce the Bill was sought in the Lok Sabha on 10th December 1968. But Shri Chand Goyal strongly opposed the grant
leave for the introduction of the Bill on the ground that it might encourage the other tribal people of other parts of India to make similar demand. According to Goyal, the people of Kumaon Hills in Utter Pradesh were demanding a hill State, and if such a bill be passed, the people of the Kumaon Hills might intensify their demands. Further, the Bill would bring into existence the system of triarchy. But the House granted leave for the introduction of the Bill. On 20th December 1968, the Bill was referred to a Joint Select Committee consisting of 45 members, 30 from the Lok Sabha and 15 from Rajya Sabha. This Committee consisted six members of Parliament from Assam. At the time when the Committee was being constituted, Abdul Ghani Dhar moved an amendment for circulation of the bill for public opinion, but this amendment was negatived. Balraj Madhok was very critical of the Bill. While defending the principles of the Bill, G.G.Swell objected only to the provision in the Bill for nomination of certain number of members. But the Home Minister who piloted the Bill explained that the basic idea which induced the Government of India to create the State of Meghalaya was that "the area is very important" and therefore it was necessary to give concessions to the people of the area.

The Constitution (twenty-second Amendment) Bill sought to amend Art 244 of the constitution by inserting clause A, It also sought to amend Art 275 by inserting clause I A, it also sought to amend Art 371 by inserting Clause B. The amendment of these articles would enable Parliament to bring forward another Bill to constitute the State of Meghalaya.

The Joint Select Committee gave a favourable report. When the Bill was taken up for consideration on 25th March 1969, the two leading members belonging to the Swatantra Party, Prof. Ranga and
Lobo Prabhu pointed out a number of defects in it. According to them, the provision for the nomination of certain number of members would bring into existence two classes of members. This provision would reduce the importance of the elected members and the status of the Legislature. Secondly, they pointed out that the Meghalaya Legislative Assembly would not have the same status as the Assam Legislative Assembly. Thirdly, they posed a very important question as to who should be endowed with the power to nominate the members of the Meghalaya Legislative Assembly—the Government of Meghalaya, the Governor in his discretion or the Government of India. If this power be entrusted to the Government of Meghalaya, the ruling party might nominate party men or even those who were defeated at the election, or those who had helped the ruling party. Further, the principle of nomination went against the democratic principle. The existence of nominated members would be an anachronism. But the Home Minister, Y.B. Chavan assured the House that nomination was intended to secure the representation of the minorities. Unfortunately, despite the fact that there was no difference of opinion among the political parties regarding the basic principles of the Bill, it could not be passed during the current session. Since many members of Parliament were absent, when the Bill was put to vote, it was found that it could not get the required two-third majority required under Article 368 of the Constitution. Hence, the Bill could not be introduced for the second time during the same session.

During the summer session of Parliament, there was a heavy pressure of Government business. Therefore, it appeared as if the Bill could not be introduced. Captain W.A. Sangma had to rush to Delhi to negotiate with the Government of India that the Bill be
passed during the current session. On the last day of the sitting of the Lok Sabha, i.e. on 25th September 1969, the Constitution (twenty-second Amendment) Bill was introduced. Both the Lok Sabha and the Rajya Sabha had to suspend the relevant rules so that the Bill might be passed on the same day. Hence, the Bill was passed by both Houses of Parliament on the same day by a unanimous vote.

A stage was then set for the introduction of the Assam Reorganisation (Meghalaya) Bill, 1969. During the Winter session of Parliament, the story repeated itself. Once again it appeared as if the Bill could not be introduced. Once again, both the Lok Sabha and the Rajya Sabha had to suspend all the relevant rules on the last day of the session. Thus on 24th December 1969, the Assam Reorganisation (Meghalaya) Bill, 1969, was passed in both Houses of Parliament by a unanimous vote. It became an Act when it received the assent of the President of India on 29th December 1969. This Act came to be considered as a Christmas gift to the hill people.

The 21st session of the APHLC was held in Shillong from 25th to 30th January, 1970. The Conference resolved to accept the Autonomous State plan and work for the all-round development of the State and for the well-being of the people. The Conference also placed on record its gratitude to the Government of India, the members of Parliament and to the National leaders irrespective of their party affiliation for the gesture of goodwill they had shown towards the hill people. Further, the Conference appealed to the district councils of Mikir Hills and North Cachar Hills to join the Autonomous State of Meghalaya. The Conference assured them that each autonomous district would get equal representation in the Cabinet, equal opportunities for participation in the various fields of administration and development, opportunity for preserving their distinct
identity and culture. But, the Mikir Hills district Council and the North-Cachar Hills District Council did not opt to join Meghalaya.

The Autonomous State of Meghalaya which consisted of the Garo Hills District and the United Khasi-Jaintia Hills District was inaugurated by Prime Minister, Indira Gandhi at the Garrison Ground, Shillong on 2nd April 1970.

Let us now examine the main features of the Assam Reorganisation (Meghalaya) Act, 1969.

**Legislature** : The Meghalaya Legislature should consist of the Governor and the Legislative Assembly which should consist of not less than 35 members and not more than 50 members. The Governor was authorised to nominate not more than three members to represent the minority communities in Meghalaya which were not represented or not adequately represented in the Assembly. But the elected members were to be elected from single member constituencies by direct franchise. Although the principle of nomination was criticised, yet, it must be admitted that since there were a number of minorities in Meghalaya, their interest should be protected. Hence, it was essential that certain number of members should be nominated.

It was provided also that until the Legislative Assembly of Meghalaya was constituted, a provisional Assembly should be established. The provisional Assembly should consist of 38 members, 3 of whom should be nominated by the Governor. The 38 members were elected by an electoral college in each autonomous District. The electoral college consisted of all the elected members of the Autonomous District Councils by proportional representation and by single transferable vote. It was further provided that the provisional legislative Assembly should cease to operate as soon
as the Legislative Assembly was properly constituted.

For the purpose of constituting the Provisional Assembly, the Garo Hills Autonomous District was alloted 16 seats, United Khasi Hills-Jaintia Autonomous District was alloted 18 seats and the Jowai Autonomous District was allotted 4 seats. In the Garo Hills District Council, there was a mutual agreement between the APHLC and the Congress on the proportion of seats. The APHLC returned 12 members whereas the Congress returned four. In the United Khasi-Jaintia Hills autonomous District Council, the Hill State People's Democratic Party refused to participate in any affair of the autonomous State. Hence, this party did not contest the election. Hence, the APHLC returned all the 18 members. The Jowai autonomous District Council which was dominated by the APHLC returned four members who belonged to the APHLC.

The party alignment of the members of the Provisional Legislative Assembly of Meghalaya was as follows: 34 All Party Hill Leaders' Conference, and 4 Indian National Congress. The Governor then nominated 3 members. One was an Assamese, one of the most distinguished educationists in North-Eastern India. one was a Bangalee, a well-known medical practitioner of Shillong, and another was a Nepalee leader of Tura. All the three nominated members joined the APHLC Parliamentary Party. Thus for all practical purposes, the Provisional Legislative Assembly of Meghalaya was more or less a uni-party Legislative Assembly.

The Assam Reorganisation (Meghalaya) Act provided that there should be two legislatures, one for the whole of Assam and another for the Autonomous State of Meghalaya. The Assam Legislative Assembly should consist of representatives from Meghalaya as well. The Autonomous State would therefore enjoy double advantage. First,
it would have its own legislature. Secondly, it would be represented in the Assam Legislative Assembly. But the people of the plains would not be represented in the Meghalaya Legislative Assembly. Fortunately for the plain of Assam, no election had ever been held to elect the representatives from the Autonomous State of Meghalaya to the Assam Legislature. The Cabinet: The Assam Reorganisation (Meghalaya) Act also provided that there should be two cabinets, one for the Autonomous State of Meghalaya and the other for the State of Assam. But while the Act did not specify about the composition of the Cabinet of the Autonomous State of Meghalaya, it specifically provided that the Cabinet of Assam should contain adequate number of representatives from the hill areas. But since, no election was ever held in Meghalaya to elect representatives to the Assam Legislative Assembly, no person from the autonomous state had ever been included in the Cabinet of Assam. The Governor: The position of the Governor in North-East India had become different from the position of Governors of other States. The Governor had become the centre of gravity. He was not only the Governor of Assam and Nagaland but also of the Autonomous State of Meghalaya. Besides, he was also responsible for the administration of NEFA. After the passing of the North-Eastern Areas Reorganisation Act, 1971, the position of the Governor has become more and more significant. He has become the Governor of five states, viz., Assam, Nagaland, Meghalaya, Manipur and Tripura. Let us examine the position of the Governor under the Autonomous State plan. As a constitutional head, the Governor should act according to the advice of the Council of Ministers, so long it commanded the confidence of the legislature. But what
would have happened if a Bill passed by the Autonomous State Assembly affected the interest of Assam? What would he do if the Assam Cabinet would advise him to veto the bill? Fortunately, such event did not take place during that period.

The Governor is also the Chairman of the North-Eastern Council which is responsible for the co-ordinated approach towards speeding up the development of the whole region. As the head of the Secretariat of the North-Eastern Council, he is responsible for its organisation and efficient functioning. Besides, he is the Chancellor of the Gauhati, Dibrugarh and Assam Agricultural Universities as well as Rector of the North Eastern Hill University.

The multifarious duties with which the Governor of the Eastern States has to perform, the complexity of the problems which he has to face and the diversities of attitudes of the people and the leaders which the Governor has to study gives one the impression that the Governor of the Eastern States must possess certain essential qualities. Physically, he must be tall, well-built, and dignified. He must possess good personality so that he may create deep impression in the minds of the people of the whole region. He must be a person of wide experience both in administration and diplomacy. He must be a man of knowledge, particularly knowledge about the North-Eastern region. He must be indefatigable in hard work. He must be able to smile even at the time when his mind is full of grief and problem. He must have a good retentive memory so that he may remember many things to deal with critical situations. He must have a penetrating mind to see the undercurrents. Finally, he must have the sense of urgency so that he may be able to solve any crisis judiciously and objectively. Thus the two reorganisation Acts had enhanced the status of the Governor of the Eastern States.
Division of Powers: The draft Assam Reorganisation (Meghalaya) Bill contemplated that there should be four lists in the division of powers between Assam and Meghalaya. The first list would include the subjects the legislative power of which were to vest exclusively in the Assam Legislative Assembly. The second list of subjects were to vest exclusively in the Autonomous State Legislative Assembly. The third was the concurrent list of subjects over which both the Legislative Assemblies could legislate. Lastly, there were certain subjects which should remain with Assam and the Assam Legislative Assembly could legislate in relation to the autonomous State.

The draft Bill listed as many as 57 subjects out of 65 subjects of the State list of the Seventh Schedule of the Indian Constitution to be transferred to the Autonomous State. The subjects which were to remain with Assam would be public order; police; gas and gas works; production, supply and distribution of goods; taxes on consumption and sale of electricity, taxes on the sale and purchase of goods, taxes on mechanically propelled vehicles and capitation taxes.

The APHLC leaders insisted that police should be transferred to the Autonomous State. The Government of India, therefore, brought about a compromising formula by vesting village and town police in the Autonomous State. In fact, this was no concession at all to the APHLC because village police was already vested in the District Council under the Sixth Schedule. The APHLC contended that since police was not transferred to the Autonomous State, it meant that it was not trusted with the exercise of this power. However, it was not correct to interpret the situation in that manner because the loyalty of the APHLC was not doubted by the
central leaders. On the other hand, the Assam Congress leadership had to fight tooth and nail to retain the police with Assam. In order to hoodwink the criticism of the opponents that the Congress leadership was responsible for the disintegration of Assam, the Assam Congress brought out a new theory. According to the Congress leaders, the integrity of the State would not be affected so long there was a common police. But this theory was not backed by historical facts. In fact the process of disintegration began in 1947 when Assam allowed Sylhet to go away to East Pakistan. The story was repeated when a piece of territory was transferred to Bhutan. Moreover, the Assam police was unable to deal with the situation in the Naga Hills, and eventually the State of Nagaland was formed. Assam police could not deal with the problems created by the Mizo National Front. It was the Central Reserve Police and the Military that were responsible with the maintenance of law and order both in the Mizo Hills and Nagaland. In fact, it was the retention of police with Assam which created psychological effect inasmuch as it helped the birth of Meghalaya without labour pains. This was because the Congress leaders were able to pacify the people of the plains by making them believe that the integrity of Assam would not be affected so long police remained with Assam.

The APHLC had to reconcile that police should remain with Assam. The APHLC leaders understood that the representatives from Meghalaya would have a share in the administration of this important subjects as well as other subjects of common interest, as members of the common legislature as well as members of the common Cabinet. Further, there was also a possibility that one of the representatives from Meghalaya might be placed in charge of police. They also understood that no Government would exercise this power against
the interest of the hill areas. If this power would be exercised to the detriment of the hill areas, it would only help to accelerate the process of converting the autonomous State into a fully separate State.

Finally, it was agreed that the Assam Legislative Assembly should be vested with power to legislate on all subjects included in the State and the concurrent lists of the Seventh Schedule for the plain districts of Assam. It should have power to legislate on 26 common subjects which included public order; police, other than village and town police in the hill areas; high court, the Assam Public Service Commission; Prisons, Historical monuments of National importance; State Highways; State Waterways; water supplies and irrigation works of State importance; elections; and industrial projects involving an investment of Rs. 50 lakhs and more and which were to be regarded as of State importance.

However, it was provided that all bills relating to these subjects of common interests should be referred to the Standing Committee consisting of all the members of the Assam Legislative Assembly from the Hills areas and a few others, after such bills were introduced in the Assam Legislative Assembly.

Besides the subjects of common interest, there was also another list of thirteen subjects which included some of the subjects of the State list and some subjects of the concurrent list of the Seventh Schedule. This list included subjects like agricultural schemes which would benefit the whole of Assam, conservation of certain forests, the removal of prisoners, the transfer of property and the jurisdiction of all courts. It was provided that both the Assam Legislature and the Autonomous State Legislature should have power to legislate over these subjects. But in case the law passed by the autonomous State Legislature was found repugnant to the law
The Assam Reorganisation (Meghalaya) Act, 1969 passed by the Assam Legislature, the former should be considered as void. But in case the Governor had given his assent, such laws should not be void.

In its final form, the Assam Reorganisation (Meghalaya) Act, 1969 provided that Legislative Assembly of the autonomous State of Meghalaya should have power to legislate on 61 subjects out of the 65 entries of the state list and four subjects of the concurrent list of the Seventh Schedule to the Constitution. But, the Meghalaya Legislative Assembly had no power to legislate on all subjects included in the concurrent list of the Seventh Schedule to the Indian Constitution. Hence, the Legislative Assembly of the Autonomous State of Meghalaya occupied an inferior position to that of the Assam Legislative Assembly because the latter occupied a position of parity with the Union Parliament with regards to subjects included in the concurrent list of the Seventh Schedule to the Constitution.

Further, the autonomous State of Meghalaya occupied an inferior position because she was denied of public order, police and major industrial projects. Agriculture and forest were not completely under the control of Meghalaya. Further, Meghalaya had no control over water supplies, irrigation canals, drainage and embankment, water storage and water power in relation to Hydro electric and navigation projects. However, the denial of these subjects and some other subjects indirectly helped the Hill leaders to plead with the Government of India that the plan was not workable.

On the other hand, the Autonomous State of Meghalaya enjoyed a position of advantage. As stated earlier, while the people of Assam would have no say in the subjects transferred to the autonomous
State, the representatives from the autonomous state would have a share in the common subjects as well as in the subjects concerning the plains districts. The provision for a standing committee would prevent the Assam Legislative Assembly to pass any legislation which would be detrimental to the hill areas. The representatives from the autonomous states would have a say in the Assam Legislature and some seats in the Assam Cabinet. The people of the hills would continue to have a share in the administration of the whole of Assam.

Further, insofar as the transferred subjects were concerned, the autonomous state of Meghalaya had the right to exercise its powers like any other State. In fact, in practical politics, the autonomous State of Meghalaya got everything except public order and police. The other subjects were not so prestigious as these two subjects.

But the fact remains that the constitutional position of the autonomous State of Meghalaya was less than that of Assam. First, Assam was a unit of the Indian administrative set up but not Meghalaya. Secondly, Assam was directly represented in both the House of Parliament but not Meghalaya. Thirdly, Assam was represented in all the All India Councils such as the National Development Council but not Meghalaya. Above all, the Government of Assam might direct the Government of Meghalaya to undertake agency functions.

The final phase: Although the APHLC had accepted the Autonomous State and had taken the responsibility to run the affairs of the State, yet it never forgot the fact that the end in view was the achievement of a fully separate State. It was only waiting for a proper opportunity to stake its claim that the Autonomous State of Meghalaya was not workable and that it should be raised to the
status of a full fledged State. The long awaited opportunity came when the Government of India announced that Manipur and Tripura should be raised into the status of States on 3rd September 1970. Immediately, Capt. W.A. Sangma, Chief Minister of Meghalaya and President of the APHLC consulted other party leaders. On the same date, he sent a telegram to the Prime Minister urging upon her that Meghalaya should also be raised into a full-fledged State. The Prime Minister, then sent the Union Home Minister of State, K.C. Pant to visit Shillong. K.C. Pant arrived Shillong on 14th September 1970 and had long discussion with the Meghalaya Cabinet and with other leaders of the APHLC. K.C. Pant assured that he would communicate their demand to the Prime Minister. The 22nd session of the APHLC which met in Shillong from 19th to 22nd September 1970 passed the following resolution.

I. "Whereas in its 19th Session held at Tura in 1968, the Conference, while recognising certain inherent defects of the Autonomous Hill State Plan, decided to give it a fair trial with the clear understanding that the APHLC would continue all efforts for the creation of a fully separate State; and

Whereas from the difficulties already faced by the Government of Meghalaya in working out the plan, and from other indications also, the Conference is now convinced that the autonomous Hill State Plan will not succeed;

Now, therefore, this Conference strongly urges the Government of India to take immediate steps for the constitution of Meghalaya into a fully separate State".

II. "The Conference took note of an approved the timely action taken by the party leadership is sending telegrams to the Government of India urging acceptance of the Party's continuing demand
Further, on 30th September 1970, the Meghalaya Legislative Assembly unanimously adopted the following resolution:

"Having regard to the difficulties which have already risen to the surface and which are bound to confront the Government in an increasing manner in the implementation the complicated scheme embodied in the Assam Reorganisation (Meghalaya) Act, 1969.

This House resolves that the Government of India be moved to take immediate steps to bring Meghalaya by converting this autonomous State into a full fledged separate state".

On 2nd October 1970, the Meghalaya Cabinet met the Prime Minister at Gauhati to implore her that the time was opportune to convert Meghalaya into a full fledged State. The Prime Minister then told the Chief Minister of Assam M.M. Choudhury about the demand of the Meghalaya Cabinet. M.M. Choudhury did not object to this demand. Again, the Chief Minister of Meghalaya, Capt. W.A. Sangma and some of his colleagues met the Prime Minister in New Delhi on 28th October 1970. The Prime Minister agreed that she would make an announcement at an early date. Capt. W.A. Sangma had to rush to Delhi again on 9th November 1970, to press the demand. On 10th November 1970, Capt. W.A. Sangma was told by the senior officers of the Home Ministry that the Prime Minister would make an announcement at 5 P.M. Capt. W.A. Sangma was anxiously waiting from the Speaker's gallery. His heart was palpitating with joy when he saw the Prime Minister entering the Lok Sabha Chamber, but he became dumbfounded when he saw the Prime Minister going out again. Then she entered again for the second time only to send a note to the Honourable Speaker. As soon as the Honourable Speaker informed the House that the Prime Minister would make an
announcement at 5.30 P.M., Capt. Sangma rushed to the Prime Minister's Chamber. On his way, he was confronted with one senior officer of the Home Ministry who was also looking for Capt. Sangma. As soon as he was conducted to the Prime Minister, he was told by the Prime Minister that she had received a telegram from the Chief Minister of Assam opposing to raise Meghalaya into a full fledged State. In the midst of the discussion, the Home Secretary said that the opposition of Assam was merely a game of diplomacy. Perhaps Assam wanted sufficient funds from the centre to build its new capital. The Prime Minister agreed that she would make an announcement. Hence at 6-30 P.M. the Prime Minister made the following announcement on the floor of the Lok Sabha.

"As the House is aware, some time ago we reorganised the State of Assam and constituted the Garo Hills and the Khasi and Jaintia Hills districts into the Autonomous State of Meghalaya within Assam. This arrangement took into account the need to provide adequate scope for the political aspirations of the people of this area while preserving the overall unity of the State of Assam. The decision to grant statehood to Manipur and Tripura, however necessitated a fresh look at the status of Meghalaya. The Chief Minister of Meghalaya also argued that in the changed situation Meghalaya should be made a separate State. Later, Shri K.C. Pant visited the North-Eastern region and discussed this matter with the Chief Minister and other Ministers of Meghalaya, as well as with the Ministers of Assam. Recently, the Meghalaya Legislative Assembly has passed a resolution demanding full statehood. On October 2nd I was in Gauhati and further discussion were held with both the Governments. Taking these factors into account, Government have decided to accept in principle Meghalaya's
demand for statehood. We shall consider with sympathy the request of the Assam Government for assistance in building a new capital.

The need for a coordinated approach to the problems of the development and security of the North-eastern region gains further importance in view of the contemplated constitutional changes in this region. We are studying these problems to see what further measures are necessary. I propose to have a discussion with the Governor, Lt. Governors and Chief Ministers concerned regarding this and other connected matters in the near future.

Meghalaya came into existence with the goodwill of all sections of the House. I hope that the decision to raise it to statehood will also be welcomed by the whole House".

On the same day, a similar announcement was made on the floor of the Rajya Sabha by K.C. Pant, Minister of State for Home Affairs.

The APHLC leaders hailed the announcement as a milestone in the history of Meghalaya in particular and that of North-Eastern India in general. The announcement was also welcomed by all political parties in Meghalaya. The Government of Assam also welcomed the announcement as was evident from the speech of K.M. Choudhury, Chief Minister of Assam, on the floor of the Assam Legislative Assembly during its winter session. The Chief Minister said thus: "I on behalf of the Government of Assam welcome the decision and wish all the best to the Government and people of Meghalaya............. We may be separated by administration but nature has created us to live together for eternity and we shall have to live together for eternity; we have to march hand in hand towards progress and the integrated Assam". The State Council of the Communist Party of India also welcomed the decision of the Government of India to confer full statehood upon Meghalaya.
Although there was a general consensus from all sides that Meghalaya should be conferred full statehood, yet there was a delay in the finalisation of drafting the Reorganisation Bill. The main reasons for the delay were as follows. First, there was a consideration as to the manner in which Assam was to shift its capital. Secondly, the unfortunate happenings that took place in the erstwhile East Pakistan kept the Government of India busy. Thirdly, much thought and discussion were spent regarding the arrangement for the interim period over the jurisdiction of Shillong. The Government of Meghalaya was of the view that Shillong should come under the full control of Meghalaya, but it did not object that the Government of Assam should function from Shillong for some years. But the Government of Assam pleaded that the normal area which included the three municipal wards of Shillong should fall within the jurisdiction of Assam during the interim period. When the Government of Meghalaya could not agree, the Government of Assam insisted that it would have its jurisdiction only on the European ward. But in the middle of September 1971, the Government of India indicated that the total responsibility over the Shillong, the Capital city would devolve upon Meghalaya because "one State cannot delegate such power to another". Further, the Government of India pointed out that the most that could be done was "to permit Assam the use of Government building currently here in Shillong".

It was only in October 1971 that the drafting of the North-Eastern Areas (Reorganisation) Bill was completed. This bill was passed by both Houses of Parliament in December 1971. This Act not only conferred statehood on Meghalaya, Manipur and Tripura, but also converted Mizo Hills into a Union Territory to be known as Mizoram, NEFA was also converted into a Union Territory to be known as Arunachal Pradesh.
Prime Minister Indira Gandhi came to Shillong on 20th January 1972 to inaugurate Meghalaya as a full fledged State. This time, the function was held at Polo Ground and about one-third of the entire population of Meghalaya, a crowd which Shillong had never seen before, turned out to see and hear the Prime Minister bless the State of their hearts' desire, and which they knew full well, became a joyful reality because of her great statesmanship and foresightedness. At midnight of that memorable day, the zero hour when Meghalaya attained full statehood, at Raj Bhavan, the then Governor, B.K. Nehru administered the oath of allegiance to the Speaker and also the oath of office and secrecy to the Members of the Ministry. The Prime Minister honoured this function by her serene presence inspite of the bitter and biting cold of Shillong on that winter night. The members of the State Legislature took the oath of allegiance on 21st January 1972 in the Chamber of the State Legislature.

The North-Eastern Areas (Reorganisation) Act, 1971 confers upon Meghalaya a number of benefits. First, it raises Meghalaya into a full-fledged State. Thus the status of Meghalaya has been raised on a par with the other States of India, secondly, the whole of Shillong becomes part of Meghalaya. Section 5 of the Act says: "On and from the appointed day there shall be formed a new State, to be known as the State of Meghalaya comprising - (a) The territories which immediately before that day were comprised in the Autonomous State of Meghalaya formed under section 3 of the Assam Reorganisation (Meghalaya) Act, 1969; and (b) So much of the territories comprised within the Cantonment and Municipality of Shillong as did not form part of that autonomous State, and thereupon the said territories shall cease to form
part of the existing State of Assam". During the interim period, "lands and buildings as are held by the existing State of Assam within the limits of the Cantonment and Municipality of Shillong ............... as may be agreed upon between the States of Assam and Meghalaya shall be available for the use of the State of Assam on the appointed day and thereafter for such period as may be agreed upon between the said states".

Thirdly, Meghalaya is represented in the Rajya Sabha by one member and in the Lok Sabha by two members. In fact, the Bill proposed that Meghalaya should have one representative in the Lok Sabha but later, the number has been fixed at two.

Fourthly, the Meghalaya Legislative Assembly shall have sixty members, fifty of whom shall be reserved for the Scheduled Tribes. The nominated elements have been abolished. Later on, by an amendment to the Constitution, the reservation of seats for the Scheduled Tribes in Meghalaya has been eliminated.

The Act also lays down that the Provisional Legislative Assembly of the Autonomous State of Meghalaya would also be the provisional Legislative Assembly of the State of Meghalaya. It is further provided that the Speaker and the Deputy Speaker of the provisional Legislative Assembly of the Autonomous State of Meghalaya should be the Speaker and Deputy Speaker of the provisional Legislative Assembly of the State of Meghalaya. The critics strongly argued that this provision was ultra democratic, they argued that the provisional legislative Assembly of the Autonomous State was indirectly elected by the elected members of the District Councils. The District Councils were elected on issues which were fundamentally different from those of the Legislative Assembly. Therefore, the legislative Assembly elected by the members of the District Councils was not really representative in character. They further said that
since the members of the legislative Assembly were not elected by the people, the Government of Meghalaya was also not democratic and representative in character. Therefore, they demanded that the Presidential Rule should be imposed during the interim period. Theoretically, these arguments were correct. But the critics did not realise the fact that if Presidential rule was imposed, it would provide enough material to the ruling party to exploit the sentiments of the people. Therefore, the Act does not provide for Presidential Rule during the short interim period.

The Act also provides that the Meghalaya State shall have a common High Court with Assam. However, provision has been made for the establishment of the Shillong Bench of the Gauhati High Court and the High Court itself may hold its sitting anywhere within its jurisdiction with the approval of the Governor. The establishment of a common High Court implies that there shall be a common law and a common interpretation of law.

Although the Act does not mention specifically that Meghalaya shall have a common Governor, yet it has a common Governor with Assam. There is no specific mention of a common Governor in the Act because a situation may arise in future when the need for separate Governor may be felt necessary. However, since the Governor is a constitutional head, there is no difficulty in having a common Governor. It may also be mentioned that there has been a demand by the Nagas for the appointment of a separate Governor for Nagaland. But if all the States in North-East India will have separate Governors, there will be another difficulty. That difficulty relates to the question as to who shall be the Chairmen of the North-Eastern Council.

The Act also provides that Meghalaya shall have its own
public Service Commission. But as regards officers of the All-India Services, the Act provides that there shall be joint cadre for the I.A.S., I.P.S. and Indian Forest Service between Assam and Meghalaya. The initial strength and composition of each of the joint cadres shall be determined by the Central Government. Those selected to the All India Services from the State civil service shall also be allocated to the Joint cadre of the same service.

The Government of India is authorised to appoint one or more Advisory Committees for the purpose of assisting the two Governments in regard to the discharge of any of the functions connected with this matter and for ensuring fair and equitable treatment to all persons affected by these provisions.

The Act also provides that the Assam State Electricity Board and the State Warehousing Corporation would continue to function for a period of two years subject to such directions as may, from time to time, be issued by the Central Government. The successor States may constitute their own State Electricity Board and their own State warehousing corporation to take over from the existing board or corporation as the case may be the assets, rights and liabilities in the States concerned.

Provision is also made for the apportionment of assets and liabilities between the State of Assam and the State of Meghalaya. In case the two governments cannot come to any agreement, the Government of India is authorised to determine.

Further, there are also provisions that for a certain period of time, certain institutions shall remain common for the two States.

All theAssembly and parliamentary constituencies in
Meghalaya shall be single member constituencies. As far as practicable, each constituency shall be geographically compact. While determining the boundaries of constituencies, regard shall be paid to physical features, existing boundaries of the administrative units, facilities for communication and public convenience. The Assembly constituencies must be within a parliamentary constituency. No Assembly constituency shall spread over more than one parliamentary constituency. The Election Commission shall be assisted by certain number of associate members in determining the boundaries of constituencies. The members of the Lok Sabha from Meghalaya and six members of the Meghalaya Legislative Assembly to be nominated by the Honourable Speaker shall be the associate members. The Associate members shall have no right to vote or sign any decision of the Commission.

Lastly, after the setting up of the North-Eastern Council, Meghalaya has an equal voice and equal representation with all the other Eastern States and Union territories in shaping the integrated approach towards the economic development of the whole of North-Eastern India. The main functions of the North Eastern Council are as follows:

(a) to formulate for the States represented in that Council, a unified and co-ordinated regional plan (which will be in addition to the State plan) in regard to matters of common importance to that area;
(b) to determine priorities and recommend the stages in which in the regional plan; may be implemented;
(c) to recommend the location of the projects and schemes included in the regional plan;
(d) to review, from time to time, the implementation of the projects and schemes included in the regional plan and recommend
measures for effecting co-ordination in the implementation of the projects and schemes by the Governments of the States concerned;

(e) Where a project or scheme was intended to benefit two or more states, recommend the manner in which:— (i) such projects and scheme may be executed or implemented, managed or maintained, (ii) the benefits thereon may be shared among the beneficiary states, and (iii) the expenditure thereon may be incurred; (iv) On the review of progress of the expenditure, recommend, from time to time, to the Central Government the quantum of financial assistance to be given to the State or States entrusted with the execution of any project or scheme included in the regional plan;

(f) to recommend the undertaking of all surveys and investigation of projects in any State represented in the Council to facilitate consideration of the feasibility of including new projects in the regional plan;

(g) review, from time to time measures taken by the States represented in the Council for the maintenance of security and public order therein and recommend to the Governments of States concerned further measures necessary in this regard.

There was a lot of controversy regarding the question whether the setting up of the North-Eastern Council would affect the status of the States. It was, of course understood that the council would serve a useful purpose to promote regional development, understanding and emotional regional integration. All these fears were allayed by the Prime Minister, who at her inaugural speech that she made on 7th November 1972, while inaugurating the first sitting of the North-Eastern Council, the Prime Minister said:
"It is not a super government; it does not abridge the powers of the State and the Union Government. It is an advisory and not a supervisory body. The Central Government will not use the Council to interfere with the affairs and functions of the various governments of this region".