

Public Administration in Meghalaya

*A Tribal State
in North Eastern India*

J.M.Phira



PUBLIC ADMINISTRATION
IN
MEGHALAYA

A TRIBAL STATE IN
NORTH EASTERN INDIA

By

J. M. Phira

1996

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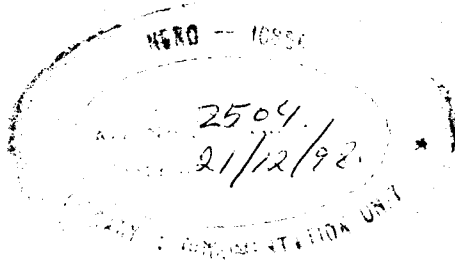
Techno-Quip
Shillong

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Price : Rs. 250/-

First Edition : 1996



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Published by

Donlang Warr Phira
Techno-Quip
Red Hill Road,
Laitumkhrah Taxi Stand,
Shillong 793003,
East Khasi Hills District,
Meghalaya, India
Phone 225397



002504

Printed at

Modern Offset,

Walhapbroo, Shillong-2. Phone: 226619

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CHAPTER I

Meghalaya

I

Meghalaya was created by the Parliament of India in 1969. The Assam Reorganisation (Meghalaya) Act 1969 was passed by Parliament as the Act No. 55 of 1969 and assented to by the President of India on the 29th of December 1969. It was published in the Gazette of India, Extraordinary, Part II, Section I on the 30th of December 1969. The Act declared that on and from the date appointed by the Central Government of India there shall be formed within the State of Assam an Autonomous state to be known as Meghalaya. The territory of Meghalaya shall comprise of the Tribal Areas of the United Khasi and Jaintia Hills District and the Garo Hills District of the State of Assam as described in paragraph 20 of the Sixth Schedule to the constitution. The Central Government appointed the 2nd day of April 1970 as the date for the formation of the Autonomous State of Meghalaya (The Government Notification is at Appendix I)

The Act also declared that the Tribal Areas of the North Cachar Hills District and the Mikir Hills District of Assam shall form part of Meghalaya in case the District Council for the Autonomous District of North Cachar Hills or the Mikir Hills, or both, as the case may be, has by a resolution passed by a majority of not less than two-thirds of their members, expressed a desire that the autonomous district shall form part of Meghalaya. In that event the President of India may declare by an order that any or both the North Cachar Hills District or the Mikir Hills District shall also form part of Meghalaya. The Central Government was empowered to appoint a date within which these Districts Councils may pass such a resolution. The Central Government appointed the 23rd day of February 1970 for this purpose. Both the District Councils rejected the option to join Meghalaya and opted to remain in Assam.

The creation of Meghalaya was the culmination of a long struggle by the people of the tribal Areas of Assam spearheaded by the All Party Hills Leaders Conference, with the demand for the separation of the Tribal Areas from Assam and creation of a separate Hill State for the Tribals. Over the years a number of proposals were offered by the Central Government to the Hill Leaders which were rejected. Finally the Government of India on 11th September 1969 announced a plan for the reorganisation of Assam. The reorganisation Scheme involved the creation of the Autonomous State of Meghalaya with jurisdiction over the Khasi and Jaintia Hills District and the Garo Hills District. The Autonomous State will have a Legislative Assembly and a Council of Ministers. Most of the subjects in the State List of the Constitution of India, except a few, would be transferred to the control of the Autonomous State, with the powers to collect taxes, land revenue, agricultural income tax, excise duty, taxes on minerals, taxes on goods and passengers, and entertainment tax. 59 of the 66 subjects in the State List were to be transferred to the Autonomous State of Meghalaya. State Highways, Major Projects, Irrigation, Flood Control, Drainage, Water power, Major Industries, Hydro-electric and Navigation will remain under the control of the State of Assam. The executive power of the Autonomous State will be co-extensive with the subjects assigned to it. Police and public order in the state will remain with Assam to secure unified administration. The Autonomous State will have representation in the Assam Legislative Assembly and Cabinet.

The High Court, the Public Service Commission and the State Electricity Board would have jurisdiction over the whole of Assam including the Autonomous State of Meghalaya. The All India Services will be a Joint Cadre.

The District Councils will continue with their existing powers and functions with more powers and under the administrative control of the Autonomous State.

Shillong will continue as the State capital of Assam and the Autonomous State. Assam will retain jurisdiction over the Cantonment and the Municipal Areas of Shillong.

The Autonomous State will remain part of Assam and yet independent in certain respects.

The Plan to create the Autonomous State within Assam was rejected by the Government of Assam on grounds of unity, integrity and security of North East India.

The All Party Hill Leaders Conference through a Resolution declared that : "Having fully considered the public opinion in the Hill Areas, the political realities in the country and the larger interest of the country as a whole, it was resolved 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."

The APHLC on 28th January 1969 formally and finally decided to accept the Autonomous State Plan and appealed to the Mikir and North Cachar Hills people to join the Autonomous State, assuring them equal representation in the various developmental activities and equal protection of their identity. The APHLC also demanded the inclusion within the Autonomous State of areas contiguous to their new State and inhabited by the Hill tribes of the autonomous State.

At this time the frontline Tribal leaders were Captain Williamson A. Sangma of Garo Hills, Brington Buhai Singh Lyngdoh of the Khasi Hills, Edwingson Barih of Jaintia Hills, all in the All Party Hills Leaders Conference. Chatra Singh Teron of the Mikir Hills, who was also then a senior Cabinet Minister in the Assam Cabinet in-charge of the important Tribal Areas Department and the Health Department. Joybhadra Hagjer of North Cachar Hills. The leaders of Mizo Hills had withdrawn their Mizo Union Party from the APHLC and demanded a separate state for the Mizos only. By then the picture was clear that the Autonomous State will consist only of the Garo Hills, Khasi Hills

and Jaintia Hills. Chatra Singh Teron worked hard in persuading the Mikirs and North Cacharis not to join Meghalaya and ultimately the District Councils of Mikir Hills and North Cachar Hills decided to remain with Assam. It was obvious that Chatra Singh Teron will not enjoy in the new Hill State the eminent position he enjoyed in the Assam Government and perhaps he expected much more in the future scheme of things. As it turned out he ultimately faded out from Assam and the Mikir Hills political scene. Joybhadra Hagjer of North Cachar Hills continued as a Cabinet Minister of the Assam Government till his death.

II

The creation of the Autonomous State was set in motion by the Central Government when it introduced in Parliament on 10th December 1968, The Constitution (Twenty Second Amendment Bill 1968). Parliament passed the Bill and the Constitution (Twenty Second Amendment) Act 1969 inserted Article 244 A into the Constitution of India with effect from 25th September, 1969. The statement of Objects and Reasons of the 22nd Amendment said :

“On the 11th September 1968, the Government of India announced the broad details of the Scheme for constituting within the State of Assam an Autonomous State comprising certain areas specified in Part ‘A’ of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution. Clause 2 of the Bill seeks to insert Article 244A in the Constitution to confer the necessary legislative Power on Parliament to enact a law for constituting the autonomous state and also to provide the Autonomous state with a Legislature and a Council of Ministers with such powers and functions as may be defined by the Law.”

Article 244A of the Constitution of India reads :

- (1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the state of Assam an autonomous

state comprising (whether wholly or in part) all or any of the tribal areas specified in Part I of the Table appended to paragraph 20 of the Sixth Schedule and create therefore

- (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous state, or
 - (b) a Council of Ministers, or both with such Constitution, powers and functions in each case, as may be specified in the law.
- (2) Any such law as is referred to in clause (i) may, in particular,
- (a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous state shall have the power to make law for the whole or any part thereof, whether to the exclusion of the Legislature of the state of Assam or otherwise :
 - (b) define the matters with respect to which the executive power of the autonomous state shall extend ;
 - (c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;
 - (d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and
 - (e) make such supplemental, incidental and consequential provisions as may be deemed necessary.
- (3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in Sub-Clause (a) or Sub-clause (b) of clause (2) shall have

no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

- (4) Any such law as is referred to in this article shall not be deemed to be an amendment of this constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

Soon after the Twenty Second Amendment inserted Article 244A into the Constitution of India, Parliament enacted the Assam Reorganisation (Meghalaya) Act 1969. The Basic Features of the Act are :

1. An autonomous State, to be known as Meghalaya, shall be formed within the State of Assam, comprising of (a) The United Khasi and Jaintia Hills District excluding the Municipal Areas and the Cantonment in Shillong (This is as per the description made in sub-paragraph (2) of paragraph 20 of the Sixth Schedule to the Constitution) (b) The Garo Hills District (As specified in Part 'A' of the Table appended to Paragraph 20 of the Sixth Schedule).
2. North Cachar District and Mikir Hills District were given the option to join Meghalaya.
3. The executive power of Meghalaya shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him.
4. The executive power of Meghalaya shall extend to the matters to which the Legislature of Meghalaya has the power to make laws. On and from the appointed day the executive power of the State of Assam shall not extend to Meghalaya with respect to matters on which the Legislature of Meghalaya has exclusive power to make laws. To remove doubts it was

provided that the power of the State of Assam shall continue to extend to Meghalaya with respect to matters on which the Legislature of Meghalaya has no power to make laws.

5. There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions in relation to Meghalaya. The question whether any, and if so what, advice was tendered by Ministers to the Governor shall not be inquired into in any court.
6. The Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the Governor. The Council of Ministers shall be collectively responsible to the Legislative Assembly.
7. The Governor may appoint a person who is qualified to be appointed a judge of a High Court to be Advocate General for Meghalaya.
8. All executive action of the Government of Meghalaya shall be expressed and taken in the name of the Governor.
9. There shall be a Legislature for Meghalaya which shall consist of the Governor and the Legislative Assembly. The total number of seats to be filled by persons chosen by direct election from constituencies in Meghalaya shall not be less than 35 or more than 55. The Governor may nominate not more than 3 members from any Minority Communities in Meghalaya.
10. The provisions of the Representation of the people Act 1951, and the rules made thereunder, shall apply to the election to the Legislative Assembly of Meghalaya. The Election Commission has jurisdiction over these elections.

11. The Legislative Assembly shall choose two members of the Assembly to be Speaker and Deputy Speaker respectively.

The Legislative Assembly shall have a separate Secretariat, officers and staff.

12. The Legislature of Meghalaya has exclusive powers to make laws for Meghalaya with respect to 61 subjects included in List II of the State List and 4 subjects included in List III of the Concurrent List. 13 subjects were listed as Concurrent for Assam and Meghalaya.
13. The Legislature of Meghalaya power to make laws shall not extend to the Municipality of Shillong and the Cantonment. Any such power will extend only to such matters with respect to which the District Council Khasi Hills has power to make laws immediately before the appointed day in exercise of any of the powers conferred by the Sixth Schedule.

A special provision for Shillong was made whereby the Central Government may in consultation with the Government of Assam and Meghalaya, by an order constitute a Committee for advising the two Governments on matters of common interest with respect to Shillong in the field of education and water supply in particular, and with respect to its development and administration in general. For this purpose Shillong shall mean areas comprised within the Cantonment and Municipality of Shillong and include such other areas as may be agreed upon by the Governments of Assam and Meghalaya.

14. For the transitional period until the Legislative Assembly of Meghalaya had been duly constituted and summoned for the first session there shall be a provisional Legislative Assembly which shall consist of not less than 35 and not more than 55 persons. These members of the Provisional Assembly shall be elected by an electoral college for each autonomus

district within Meghalaya which shall consist of the elected Members of the District Councils. The Central Government may nominate not more than three persons to represent any minorities communities in Meghalaya.

*[The Assam Reorganisation (Meghalaya)
Act 1969 at Appendix II]*

III

To implement the provisions of the Assam Reorganisation (Meghalaya) Act 1969 the first step taken by the Governor was the notification of the Assam Reorganisation (Meghalaya) (Election to the Provisional Legislative Assembly) Rules 1970. A general election under the Rules was held and completed by 23rd March 1970. The Election Commission notified the names of the Member elected by the electoral college on 20th March 1970.

[The Notification is at Appendix III]

Name of the autonomous district	Name of the Member elected
Garo Hills	1. Williamson A. Sangma
	2. Grohon Singh Marak
	3. Bronson Momin
	4. Sandford Marak
	5. Samarendra Sangma
	6. Nurul Islam
	7. Brojendra Sangma
	8. Mody Marak
	9. Nimosh Sangma
	10. Smti. Josephin Momin

11. Choron Singh Sangma
12. Netherson Momin
13. Singjan Sangma
14. Akromozzamon
15. Khelaram Barman
16. Nimai Rava.

United Khasi-Jaintia Hills

1. Brington Buhai Lyngdoh
2. P. Ripple Kyndiah
3. Simon Jenkin Duncan
4. Molendronath Swer
5. Radhon Singh Lyngdoh
6. Darwin D. Pugh
7. Rokendro Dkhar
8. Justman Swer
9. E. Bremly Lyngdoh
10. Justly Rynshon
11. Gilfred Singh Giri
12. S. P. Swer
13. Lobendri Hujon
14. Humphrey Nongrum
15. Kalingstone Laloo
16. Alwot Berry Diengdoh
17. Smti. Maysalin War
18. Stanley D.D. Nichols Roy

Jowai

1. Ohiwot Khonglah
2. Edwingson Barih
3. Beryl Sutnga
4. John Deng Pohrmen.

The Provisional Legislative Assembly was accordingly constituted by these elected Members. Dr. Radhon Singh Lyngdoh, a Khasi was unanimously elected on 14th April 1970 as the Speaker and Mr. Grohon Singh Marak, a Garo elected on 22nd April 1970 as the Deputy Speaker.

The leader of the All Party Hill Leaders Conference, Captain Williamson A. Sangma, was invited by the Governor B.K. Nehru, to form the Government. Captain Sangma constituted a small and compact Council of Ministers comprising of two Khasi leaders, one Jaintia leader and one young Garo leader as Cabinet Ministers. Mr. B.B. Lyngdoh and Mr. S.D.D. Nichols Roy represented Khasi Hills, Mr. Edwingson Bareh, Jaintia Hills, and Mr. Sandford K. Marak, Garo Hills.

The formation of the first government of Meghalaya was smooth and without any dissent made in public from any quarter. This reflected the inner strength of the APHLC and the complete command and control the frontline leaders had over the APHLC. It was only at a later date that Mr. D.D. Pugh was inducted into the Council of Ministers as a Minister of State.

IV

With the election of Dr. R. S. Lyngdoh as Speaker and Mr. Grohon Singh Marak as Deputy Speaker the Legislative Wing of Meghalaya was put in place and became functional. The Speaker appointed Mr. N.K. Handique as the first Secretary of the Meghalaya Legislative Assembly Secretariat. Mr. Handique has had long experience in the Assam Legislative Assembly Secretariat. Assam Legislative Assembly continue to function in the existing premises in Shillong and Meghalaya Legislative Assembly functions from the old Upper House Premises of the Legislatures under the 1919 and 1935 Government of India Acts, situated in the Legislative Assembly Members' Hostel Complex, and at present

temporarily the Seat of the Shillong Bench of the Gauhati High Court.

During its short life from 2nd April 1970 to 21st January 1972 the Meghalaya Legislative Assembly of the Autonomous State had 44 sittings and passed the Legislations as per Table below :-

**Number of sittings of the Meghalaya Autonomous
Legislative Assembly**

1. April Session	1970	-	8 Sittings.
2. Budget Session September and October	1970	-	10 Sittings.
March Session	1971	-	7 Sittings.
Budget Session	June	-	15 Sittings.
	November	-	4 Sittings.

**Legislations Passed by the Autonomous
Legislative Assembly**

April Session - 1970

Sl.No.	Title of the Bills	No. of Act Date of Assent
1.	The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) Bill, 1970.	Act. No. 1 of 1970 6.5.70.
2.	The Contingency Fund of Meghalaya Bill, 1970.	Act. No. 2 of 1970 6.5.70.
3.	The Legislative Assembly of Meghalaya(Speaker & Deputy Speaker Salaries & Allowances) Bill, 1970.	Act. No. 3 of 1970 6.5.70

- | | | |
|----|---|------------------------------|
| 4. | The Legislative Assembly of Meghalaya (Ministers Salaries & Allowances) Bill, 1970. | Act. No. 4 of 1970
6.5.70 |
| 5. | The Legislative Assembly of Meghalaya (Members Salaries & Allowances) Bill, 1970. | Act. No. 5 of 1970
6.5.70 |

Budget Session - 1970

- | | | |
|----|---|-------------------------------|
| 6. | The Meghalaya Appropriation (No. I) Bill, 1970. | Act No. 6 of 1970
30.9.70 |
| 7. | The Meghalaya Interpretation and General Clauses Bill, 1970 | Act No. 7 of 1970
25.10.70 |
| 8. | The Meghalaya Prevention of Gambling Bill, 1970 | Act No. 8 of 1970 |

March Session - 1971

- | | | |
|----|---|--------------------------------|
| 1. | The Meghalaya Appropriation (No. I) Bill, 1971 | Act. I of 1970
28.3.71 |
| 2. | The Meghalaya Appropriation (Vote on Account) Bill, 1971. | Act. No. 2 of 1971
29.3.71 |
| 3. | The Meghalaya Amending Bill, 1971. | Act. No. 3 of 1971
29.3.71 |
| 4. | The Legislative Assembly of Meghalaya (Members Salaries & Allowances) (Amendment) Bill 1971 | Act. No. 4 of 1971
19.3.71 |
| 5. | The Meghalaya Appropriation (No. II) Bill, 1971. | Act No. 5 of 1971
28.6.1971 |
| 6. | The Prevention of Disqualification (Members of the Legislative Assembly of Meghalaya) (Amendment) Bill, 1971. | Act No. 6 of 1971
3.7.1971 |

- | | |
|--|----------------------------------|
| 7. The Meghalaya Wild Animals and Birds Protection Bill, 1971. | Act. No. 9 of 1971
27.7.1971. |
| 8. The Meghalaya (Ministers Salaries and Allowances) (Amendment) Bill, 1971. | Act. No. 7 of 1971
3.7.1971 |
| 9. The Meghalaya Subsidiary Force Bill, 1991. | Act. No.8 of 1971.
3.7.1971. |

November Session 1971

- | | |
|--|----------------------------------|
| 10. The Meghalaya Transfer of Land (Regulation) Bill, 1971 | Act. No. I of 1972
28.12.1971 |
| 11. The Meghalaya Adaptation and Application of Laws Bill, 1971. | Act II of 1971
28.12.1971 |

[The Act provided for the extension of certain laws both Central Government and Assam to areas in Meghalaya and for the adaptation or modification of the Assam laws in force in Meghalaya, which are within the legislative competence of the Meghalaya Legislative Assembly.]

In its Sitting on 30th September 1970 the Meghalaya Legislative Assembly unanimously passed a Resolution requesting the Government of India to grant full-fledged statehood to Meghalaya. This was ultimately granted and the new state was inaugurated on the 21st January 1972.

The Legislative Assembly quickly settled down to do its work. To establish its credentials and maintain its dignity and privileges it took immediate steps to set the limits within which criticism of the Proceedings of the House, the decisions of the House and the Speaker can be made. To this end Mr. Prosperly Chyne a prominent resident of Shella village in the Southern slopes of Khasi Hills, and Mr. Kapila Chatterjee, a teacher of English in a renown college of Shillong and Editor of a news

weekly "Young India", were brought before the "Bar of the House" and censured by the Legislative Assembly. At this point of time many people had a lot of reservations about the status of the autonomous state and its institutions. Dr. Radhon Singh Lyngdoh, the speaker exhibited deep knowledge of the role of the Speaker and laid down high standards for the conduct of the proceedings of the Legislative Assembly. His work laid a sound basis for the functioning of the Legislature in Meghalaya. Till now, the need to discipline any one for contempt of the House and the Speaker has not arisen again. Except on some very rare occasions the proceedings of the Meghalaya Legislative Assembly were conducted and business transacted with great decorum and dignity.

Mr. B.K. Nehru, the Governor of Assam also functioned as the Governor of the Autonomous State of Meghalaya. The Council of Ministers headed by Captain Williamson A. Sangma was sworn in on 2nd April 1970 in the open air in the presence of Mrs. Indira Gandhi, Prime Minister of India, amidst a huge gathering of people and festive spirit in the Garisson ground in Shillong, the State capital.

For the smooth transition of the Executive powers from Assam to the Autonomous State, the Government of Assam, in July 1969, appointed an Adviser of Hill Areas, for the United Khasi and Jaintia Hills, and the Garo Hills. Mr. B.C. Kapoor, a senior IAS officer of the Assam Cadre was appointed as the Adviser. At the same time the Government of Assam directed a few of its officers belonging to the Indian Administrative Service to work under the Adviser in the preparatory work for the formation of the Autonomous State. These officers were Mr. T. Cajee, Mr. J.M. Phira and Mr. S.K. Agnihotri. In the meanwhile Mr. K.L. Pasricha of the IAS cadre of Madhya Pradesh and a Joint Secretary in the Government of India, was appointed as the Additional Adviser Hill Areas.

The work of the Adviser Hill Areas and the transitional team was unusual and out-of-the ordinary for serving government

officers. For all practical purposes, Captain Williamson Sangma and his colleagues had no official status till they were sworn in as Chief Minister or Cabinet Ministers. Yet for the preparatory work all directions and orders of Captain Sangma were complied with as coming from one in proper authority as this has the sanction of the Government of Assam. It was the mark of the qualities of leadership of Captain Sangma and his colleagues that they commanded the respect due to them. Their conduct and behaviour was dignified and full of decorum and mutual respect throughout the transitional period which lasted from July 1969 to April 1970.

Section 4 of the Assam Reorganisation (Meghalaya) Act 1969 vested the Executive Power of Meghalaya in the Governor to be exercised by him either directly or through officers subordinate to him. Under this authority Mr. B.K. Nehru, Governor of Assam, on 2nd April 1970 appointed Mr. K.L. Pasricha, IAS as the first Chief Secretary to the Government of Meghalaya. On the same day a number of Assam officers were appointed to serve the government of Meghalaya. (Appendix IV)

The Secretariat of Meghalaya government functioned from the Building known as the "Horse-Shoe" Building" in Shillong which was the Head Quarters of the Flood Control Department of Assam.

V

The Secretariat of the Autonomous State was quickly organised and put in place. Departmental Secretaries and their staff were appointed. Since the IAS was a joint cadre of Assam and Meghalaya the services of IAS officers at all levels was readily available. For the rest of the officers and staff the administrative device of sending such officers and staff from the various offices and secretariat of the government of Assam to

Meghalaya on deputation without deputation allowance, was adopted. The scheme provided that the deputation will continue till such time Assam and Meghalaya executed an agreement for the formal bifurcation of the services of the officers and staff between Assam and Meghalaya based on the options exercised by them. The process was implemented smoothly and effectively.

Once the Secretariat and the government became functional, the creation of Directorates and Head of Departments posed a serious problem. Without Head of Departments in the Directorates, a vital link in the administrative chain was missing and absent. The problem at this level of administration was that the function being mainly executive, almost all the Directorates of Assam administration remains with Assam. The creation of Directorates required the posting of suitable experts in various fields as Head of the Department. These officers were not available at the time. As was the normal practice in such situation IAS officers were posted in such positions pending proper arrangements.

The administration at the District level was much better. The two Hill Districts of United Khasi and Jaintia Hills District and the Garo Hills District were removed from Assam to constitute Meghalaya. The respective Deputy Commissioners and the District Heads of various Departments automatically transferred to Meghalaya. There was some confusion in respect of the functioning of the Deputy Commissioner United Khasi and Jaintia Hills in so far as his jurisdiction in respect of Shillong the Capital city of both Meghalaya and Assam. The Assam reorganisation (Meghalaya) Act of 1969 provided that Shillong will be the common Head quarter of Assam and Meghalaya, and Assam will have jurisdiction over the Cantonment and Municipal areas of Shillong. For these areas of Shillong under the jurisdiction of Assam the Deputy Commissioner of United Khasi and Jaintia Hills District of Meghalaya remained under the administrative control and direction of the Assam Government and for the rest of the District under the Meghalaya government.

The Executive Business of the government shall be transacted as per the provisions of Article 166 of the Constitution of India.

Article 166 : The Conduct of business of the Government of a State :

- (1) All executive action of the Government of a state shall be expressed to be taken in the name of the Governor.
- (2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.
- (3) The Governor shall make rules for the more convenient transaction of the business of the Government of the state and for the allocation among Ministers of the said business in so far as it is not business with respect to which the Governor is by or under the Constitution required to act in his discretion.

In exercise of these powers conferred by clause (2) and (3) of the Article 166 of the Constitution the Governor of Meghalaya made the Rules of Executive Business of the government of the state of Meghalaya. The Rules were amended from time to time to bring them in line with the expansion and new developments in administration over the years. The Rules as they stand now were first promulgated on 21st January 1972 wherein basic definitions of the institutions and functionaries of the government were laid down. The various Departments of the government were formally listed in the first schedule of the Rules. The procedure was prescribed for the allotment of Portfolios and the assigning of one or more Department to the charge of a Minister by the Governor on the advise of the Chief Minister. The Rules also says that there is no bar to assigning one Department to the charge of more than one Minister. The official head of each Department of the Secretariat is the Secretary to the government. The

Department shall consist of such other government servants as the government may determine from time to time. The Secretary under these Rules of Executive Business includes the Chief Secretary, the Additional Chief Secretary, the Principal Secretary, the Commissioner and Secretary, the Special Secretary, the Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary to the government.

The bulk of the government servants in the Departments of the government are the clerical officers and the office messengers. These are the men and women who handle all the letters and correspondences of the government at all levels. These are now known as a cadre of ministerial officers. Each Department is also provided with a pool of typists and stenographers. Most of the work that is done in the offices of the Departments is hand-written. At present the offices of the Secretariat at this level are organised with a supervisor at the top designated as a Superintendent assisted by an Assistant Superintendent and a number of Upper Division and Lower Division Assistants. Their pattern with slight modification is followed in the offices of the Directorates and the Districts; where the supervisor is designated as a Registrar or a Head Assistant as the case may be.

The Directorates are generally manned by Experts with adequate practical experience in their field. During this formative stage of Meghalaya the most difficult problem was the availability of such experts. As a temporary solution IAS officers were posted to Directorates.

VI

The North-Eastern Areas (Reorganisation) Act 1971 (Act No 81 of 1971) was enacted by Parliament and received the Assent of the President of India on 30th December 1971. This Legislation provided for the formation of the State of Meghalaya comprising of the territories which were comprised within the Autonomous State of Meghalaya and including also the territories within the Cantonment and Municipality of Shillong which did

not form part of the Autonomous State. These territories henceforth ceases to form part of the existing state of Assam. The First Schedule to the Constitution of India was also amended to insert Meghalaya as entry No. 21 in the List of full-fledged states of the Union of India. Section 2 clause (b) and Section 5 of the North - Eastern Areas (Reorganisation) Act 1971 stipulated that the State of Meghalaya will formally come into being from an appointed day to be notified by the Central government in the official gazette. Accordingly the Central Government appointed the 21st day of January 1972 as the appointed day for the purpose of the Act. The Notification No. C.S.R. 18(E) dated New Delhi the 6th January 1972 was published in the official Gazette on the 19th January 1972 (Appendix V).

Allocation of Seats in Parliament for Meghalaya was made by the Reorganisation Act both for the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The Act made suitable amendment of the Fourth Schedule of the Constitution of India and the First Schedule to the Representation of the Peoples Act 1950. One Seat was allotted in the Council of State (Rajya Sabha) and two seats in the House of the People (Lok Sabha). Both these Seats in the House of the People (Lok Sabha) were reserved for Scheduled Tribes. Special provision was made in the Act in regard to these Parliamentary Constituencies of the State of Meghalaya. The Garo Hills District, United Khasi and Jaintia Hills District, now constituting Meghalaya, under the composite state of Assam were divided into segments of Two Parliamentary Constituencies (1) The Autonomous District (Schedule Tribe) Parliamentary Constituency and (2) the Dhubri Parliamentary Constituency. The first constituency covered the entire Khasi and Jaintia Hills. The Second constituency covered the entire Garo Hills and Goalpara District of Assam Valley. The Act declared that there shall be two Parliamentary constituencies in the State of Meghalaya to be called the Shillong Parliamentary Constituency and the Tura Parliamentary Constituency (Section 17). The area falling within the Garo Hills District as it existed before 21st

January 1972 shall form the Tura Parliamentary Constituency and the remaining area in the State of Meghalaya shall form the Shillong Parliamentary Constituency. Accordingly the Two constituencies shall be deemed to have been delimited and demarcated. The Sitting Member of the Autonomous District Parliamentary Constituency shall be deemed to have been elected to the Shillong Parliamentary Constituency. The Tura Constituency was deemed to have become vacant and an election shall be held soon after 21.1.72. This election was held on 9th March 1972. Mr. Karnesh Marak of Tura, Garo Hills of the All Party Hill Leaders Conference was elected. He polled 38,211 votes against his rival Independent candidate Mr. Bronson Momin who polled 16,189 votes. The total number of Electors was 1,48,286, and the total number of valid votes polled was 54,400. Invalid votes totaled 3933 were rejected. The sitting member of the Shillong constituency Mr. G.G. Swell of Shillong, Khasi Hills of the All Party Hill Leaders Conference continue to represent the constituency. Mr. Showaless K. Shilla of Jowai, Jaintia Hills, was elected as the Member of the Council of State (Rajya Sabha). With these members of Parliament Meghalaya was fully represented in the Parliament of India in 1972.

The allocation of seats in the Meghalaya Legislative Assembly was made by the Act. Sixty Seats were allocated. All the Sixty seats were to be filled up by persons chosen by direct election from territorial constituencies. Of the Sixty seats fifty shall be reserved for Scheduled Tribes and Ten seats remained as general seats. The Election Commission of India arranged for the delimitation of these constituencies. The Election Commission issued the Delimitation of Assembly constituencies Order 1972 which was published on 24th January 1972. This could be done as all the preliminary work was done before the full State came into being. The Election Commission, after a summary revision, also finalised the electoral Rolls of these constituencies which was completed on 31st January 1972. The stage was thus set for the first General elections to the Meghalaya Legislative Assembly.

The Election Commission of India scheduled the programme for the conduct of the first general elections to the Meghalaya State Legislative Assembly and the Bye-elections to the Tura (Scheduled Tribe) Parliamentary Constituency. The date of the elections was fixed on 9th March 1972.

1. Date of issue of Notification for the elections 4th February, 1972 (Friday)
2. Last date for filing nomination 11th February 1972 (Friday)
3. Date for Scrutiny of Nominations 12th February 1972 (Saturday)
4. Last date for withdrawal of candidatures 14th February 1972 (Monday)
5. Date on which Poll if necessary, be taken 9th March 1972 (Tuesday)
6. Date for completion of elections 17th March 1972 (Friday)

The elections were duly held on 9th March, 1972. The counting of votes was done on the 11th, 12th, 13th and 14th of March 1972. The following is the List of Persons elected as Members of the First Meghalaya Legislative Assembly :

Jaintia Hills District

Constituency	Name of elected Member	Party affiliation on 16th March 1972
1. Jowai (ST)	Mr. Blooming Shallam	APHLC
2. Nongtalang (ST)	Mr. Enowell Pohshna	Independent
3. Rymbai (ST)	Mr. Lewis Bareh	Independent
4. Sutnga (ST)	Mr. Onwardleys Well Nongtdu	Independent
5. Nartiang (ST)	Mr. Edwingson Bareh	APHLC

6. Mynso Raliang (ST)	Mr. Humphrey Hadem	Independent
Khasi Hills District		
7. Mawlai (ST)	Mr. Standlington David Khongwir	Independent
8. Mawkhar (Gen)	Mr. Alexander Warjri	APHLC
9. Jaiaw (ST)	Mr. P.Ripple Kyndiah	APHLC
10. Mawprem (Gen)	Mr. Maham Singh	Congress
11. Shillong Cantonment	Mr. Dhruva Nath Joshi	Congress
12. Laban (Gen)	Mr. Parsvanath Chowdhry	Congress
13. Malki (Gen)	Mr. Upstar Kharbuli	Independent
14. Laitumkrah (Gen)	Mr. Peter Garnett Marbaniang	APHLC
15. Nongthymmai (ST)	Mr. Brington Buhai Lyngdoh	APHLC
16. Nongkhlaw (ST)	Mr. Hoover Hynniewta	Independent
17. Nongpoh (ST)	Mr. D.Dethwelson Lapang	Independent
18. Mawhati (ST)	Prof. Martin Narayan Majaw	Independent
19. Sohryngkham (ST)	Mr. Grosswell Mylliemngap	Independent
20. Nongkrem (ST)	Prof. Radhon Singh Lyngdoh	APHLC
21. Dienglieng (ST)	Mr. Besterson Kharkongor	APHLC
22. Umroi (ST)	Mr. Dlosing Lyngdoh	Congress
23. Mylliem (ST)	Mr. Jormanik Syiem	APHLC
24. Sohiong (ST)	Mr. Edward Kurbah	Independent
25. Nongspung	Mr. Winstone Syiemiong	Independent

26. Mairang (ST)	Mr. Y. Fuler Lyngdoh Mawnai	Independent
27. Pariong (ST)	Mr. Hoping Stone Lyngdoh	Independent
28. Nongstoin (ST)	Mr. Francis Mawlot	Independent
29. Mawthengkut (ST)	Mr. Raisen Mawsor	Independent
30. Langrin (ST)	Mr. Humphrey Nongrum	APHLC
31. Mawkyrwat (ST)	Mr. Rowell Lyngdoh	Independent
32. Mawsynram (ST)	Mr. Kisto M. Roy Marbaniang	APHLC
33. Shela (ST)	Mr. Stanley D.D. Nichols Roy	APHLC
34. Sohra (ST)	Mr. S.P. Swer	APHLC
35. Nongshken (ST)	Mr. Darwin D. Pugh	APHLC
36. Langkyrdem (ST)	Mr. Galynstone Laloo	APHLC

Garo Hills District

37. Mahendraganj	Mr. Shamsul Haque	Independent
38. Dalu (ST)	Mr. Nimosh Sangma	APHLC
39. Dambuk-Aga (ST)	Mr. Brojendra Sangma	APHLC
40. Chokpot (ST)	Mr. Jackman Marak	APHLC
41. Siju (ST)	Captain Williamson A. Sangma (Elected uncontested)	APHLC
42. Rongrengiri (ST)	Mr. Chohoronsing Sangma	APHLC
43. Rongjeng (ST)	Mr. Pleander Gare Momin	Independent
44. Kharkhuta (ST)	Mr. Pritington Sangma	APHLC
45. Songsak (ST)	Mr. Elwin Sangma	APHLC

46. Resubelpara (ST)	Mr. Salseng C. Marak	APHLC
47. Mendipathar (Gen)	Mr. Sibendra Narayan Koch	Congress
48. Tikrikila (Gen)	Mr. Manindra Rava	APHLC
49. Phulbari (Gen)	Mr. Akramozzaman	Congress
50. Rongchugiri (ST)	Mr. Medison A. Sangma	APHLC
51. Bajengdoba (ST)	Mr. Grohonsing Marak	APHLC
52. Dadengiri (ST)	Mr. Reidson Momin	APHLC
53. Rongram (ST)	Miss Percylyna Marak	APHLC
54. Selsella (ST)	Mr. William R. Cecil Marak	Congress
55. Ampatigiri (ST)	Mr. Jagabandhu Barman	Congress
56. Rangsakona (ST)	Mr. Sandford K. Marak	APHLC
57. Tura (ST)	Mr. Singjan Sangma	Congress
58. Kherapara (ST)	Mr. Plansing Marak	APHLC
59. Dalamgiri (ST)	Mr. Ira Marak (Elected uncontested)	APHLC
60. Salmanpara (ST)	Mr. Samarendra Sangma (Elected uncontested)	APHLC

The profile of Elections in The Districts of Meghalaya from 1952 is at Appendix VI

The first Meghalaya Legislative Assembly was constituted with these newly elected Members. Prof. Radhon Singh Lyngdoh, the Speaker of the Autonomous State Legislative Assembly was elected as the Speaker. Captain Wiliamson A. Sangma resigned as Chief Minister of the Autonomous State on 20th January 1972. After his party the APHLC secured a majority in the elections of March 1972 he was called upon to form the government as

the Chief Minister of the new State. He retained the old team of Cabinet Ministers in the Autonomous State which included Mr. B.B. Lyngdoh, Mr. Stanley D.D. Nichols Roy, Mr. Edwingson Barch, Mr. Sandford K. Marak. Along with Mr. Darwin D. Pugh the Minister of State from the old team, Mr. Grohon Singh Marak, the Deputy Speaker in the Autonomous State Assembly was inducted as Minister of State.

When the Autonomous State of Meghalaya came into being from 2nd April, 1970 with a Legislature of its own, the Rules of Procedure and Standing orders of the Legislative Assembly of the State of Assam in force immediately before the Assam Re-organisation Act, 1969 came into effect, were made applicable to the Legislative Assembly of Meghalaya with modifications and adaptations made by the Governor of Assam exercising his functions as the Governor of the Autonomous State of Meghalaya. On Meghalaya becoming a full-fledged State by the North Eastern Areas (Re-organisation) Act, 1971, the Speaker of the Legislative Assembly of Meghalaya also adopted the Rules of Procedure and conduct of Business of the Autonomous State of Meghalaya for the Legislative Assembly of the State of Meghalaya. These Rules were from time to time amended by the Rules Committee of the Meghalaya Legislative Assembly as and when required.

These Rules of Procedure and Conduct of Business in the Legislative Assembly were made under the authority of the Provisions of Article 208 (1) of the Constitution of India wherein it was stated that a House of the Legislature of a State may make rules for regulating, subject to the provisions of the Constitution, its procedure and the conduct of its business. Article 209 provided for the making of rules by the Legislature of the State for the timely completion of financial business and the appropriation of moneys out of Consolidated Fund of the State. Article 210 provided for the transaction of business in the Legislature in the official language or language of the State or in Hindi or in English. Provision have also been made that the Speaker or the Chairman

may permit any member who cannot adequately express himself in any of these languages to address the House in his mother-tongue.

The Rules made provision for the summoning of the Assembly to sessions, the seating of Members in the House, the taking of the Oath or Affirmation by newly elected Members, the election of the Speaker and the Deputy Speaker and also the Panel of Chairmen. All Members are required to take and subscribed an Oath or Affirmation in pursuance of Article 188 of the Constitution of India. No member shall be entitled to take part in any proceedings of the House unless he has done so. A Roll of Members of the Assembly shall be maintained which shall be signed by the Member in the presence of the Secretary of the Assembly, after taking the Oath or Afirmation and before taking his seat. An Attendance Register shall be maintained in which a Member except the Speaker and Deputy Speaker and the Ministers, shall sign once in every 10 (ten) days while attending the Assembly. The Seating of the Members shall be in the order determined by the Speaker. For Summoning the Legislative Asembly to session the Chief Minister shall in consultation with the Speaker advise the Governor. This is done as per the provision of Article 174 of the Constitution of India. Article 174 provides that the Governor shall from time to time summon the Legislature of the State to meet at such time and place as he thinks fit. Six months however shall not intervene between its last sitting on one session and the date appointed for its first sitting in the next session. The Governor may also from time to time Prorogue the House or dissolve the Legislative Assembly.

English is the official langaguage of the State of Meghalaya. The Rule of the Legislative Assembly accordingly provides that the business of the Assembly shall be transacted in English. Provided that a member may address the Assembly in his own mother tongue only when he makes over to the Speaker and the Secretary, a copy of the English version of his intended speech

at least half an hour before the commencement of the Sitting on which he proposed to speak and also circulated such copies to the Members at his own initiative immediately before he delivers his speech on the floor of the House.

Detail provisions are made in the Rules for the hours of sitting of the House. The Assembly shall ordinarily sit from 10.00 A.M. to 2.00 P.M. in all week days except on Sunday, Saturday, Friday and holidays. On Friday it shall sit from 10.00 A.M to 12.00 Noon. The procedure for the preparation of the programme of the House, arrangement of the list of Business, the Quorum, the appointment of Members or election to the various Assembly Committees have been laid down besides all the routine procedure required for the smooth functioning of the Legislature as a democratic institution.

VII

With the Legislative Assembly and the State government constituted, the aspirations of the Tribal people of Meghalaya has been fulfilled in full measure. The stage is now set for the political leadership in power to deliver on their promises to the people that they have the genius, the political wisdom, and vision to raise the standard of development in all fronts of public and community life from that of the dismal status under the old order to what they have rosily painted that "Meghalaya will be a patch of beauty and grace and a shining outpost of progress in North Eastern India."

Even though it was a co-incidence, and not by design, that Meghalaya started first as an Autonomous State and finally as a full-fledged state, the situation as far as the Administration is concerned was ideal and could not have been better. The Executive and Administrative machinery of state, that was already established and functioning during the period of Autonomous Statehood, smoothly took over the entire executive and administrative responsibilities in all spheres from the government of Assam. The

transition from Assam to Meghalaya administration was efficiently and effectively made. The best testimony of this was the fact that immediately within March 1972 the first general Election could be successfully conducted by the new Administration.

The North Eastern Areas Reorganisation Act 1971 has made elaborate provisions for all aspects and contingencies of the transition from Assam administration to Meghalaya administration. Besides the conduct of the Elections, provisions was made for the functioning of the Legislative Assembly of the Autonomous State as the Provisional Legislative Assembly of the State of Meghalaya on and from the appointed day viz 21st January 1972 and to continue as such until the Legislative Assembly has been duly constituted and summoned for the first session. The persons who immediate before the appointed day were Speaker and Deputy Speaker of the Legislative Assembly of the Autonomous State shall be the Speaker and Deputy Speaker of the Provisional Assembly. This arrangement has ensured the smooth transition of the Legislatures.

In Judicial administration the Act declared that on and from 21st January 1972 the High Court of Assam and Nagaland located in Gauhati shall cease to function and stands abolished. In its place the Act created a common High Court for the States of Assam, Nagaland, Meghalaya, Manipur and Tripura; to be called the Gauhati High Court (The High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura). All the Judges of the High Court of Assam and Nagaland holding office immediately before 21st January 1972 have the option to remain Judges of the common High Court. The common High Court shall remain at Gauhati; the same place in which the High Court of Assam and Nagaland was located. The President of India was authorised to establish Permanent Bench or Benches of the High Court at one or more places within the territories in which the jurisdiction of the High Court extends. These Benches were ultimately constituted and established at all the state capitals of Manipur, Tripura, Mizoram

and Meghalaya. The Permanent Bench of the Gauhati High Court at Shillong was inaugurated by Mr. Justice A.M. Ahmadi, the Chief Justice of India on 4th February 1995 at Shillong.

The Advocates Act 1961 was suitably amended to create the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura with provisions for entry into its roll of Advocates. The right of audience in the Gauhati High Court among the Advocates General of the states of Assam, Manipur, Meghalaya, Nagaland and Tripura was to be determined with reference to their date of enrolment as Advocates. The Act also made provisions for the Practice and Procedure in the Common High Court, the custody of the seal of the common High Court, the Powers of Judges, the Procedure as to appeals to the Supreme Court, and the Forms of Writs and other Procedures. In short nothing was left to chance or open to any question in regard to the proper functioning of the common High Court. Accordingly the transition of judicial administration at the Highest level was smooth and efficient.

With the Legislature, the Executive and the Judiciary formally placed in position according to the demands of the Constitution of India Public Administration in Meghalaya was well-founded and what was left was for the routine of administration to take its own course.

VIII

Elaborate provisions and clear directions were made in the Act to regulate the bifurcation of the various Services both of the All India Services and the State Services engaged in the State of Assam and the Autonomous State of Meghalaya. From 21st January 1972 the All India Services in Assam consisting of the Indian Administrative Service, the Indian Police Service, and the Indian Forest Service, each service, shall be constituted into a Joint Cadre of the Indian Administrative service, a Joint Cadre of the Indian Police Service and a Joint Cadre of the Indian Forest

Service. This shall be done under the provision of the cadre Rules of their respective service. The initial strength and composition of each of the Joint cadres shall be such as the Central Government determine before the appointed day. The members of each service borne on the Assam cadre immediately before the appointed day (21.1.72) shall be allocated to the Joint Cadre of the same service so constituted.

Persons who were borne as members of any of the state services of Assam serving in connection with the affairs of the state of Assam or the Autonomous State of Meghalaya on and from the appointed day (21.1.72) will be required to serve in connection with the affairs of the state of Meghalaya, as determined by the agreement between the Government of the State of Assam and the Government of the Autonomous State of Meghalaya, or between the government of the state of Assam and the State of Meghalaya, or if required between the Central Government in cases referred to it by the respective state governments. In these circumstances every person covered under these agreements shall accordingly be deemed to have been allocated for service to the state of Meghalaya. Provisions were made for the constitution of Advisory Committees by the Central Government for the purpose of assisting it in the discharge of the functions involved in these arrangements and for ensuring fair and equitable treatment to all persons affected including proper consideration of any representation by such persons.

The Public Service Commission for the existing state of Assam, shall on and from the appointed day, be deemed to be the Public Service Commission for the State of Assam. Every person holding office as Chairman or other member of the Public Service Commission shall continue as chairman or member of the new Commission as the case may be. He shall be entitled to receive from the Government of the state of Assam conditions of service not less favourable than those to which he was entitled before the appointed day. He shall hold office till the completion

of his term of office as determined by the conditions of service applicable to him before the appointed day.

With these arrangements the administration of the new state of Meghalaya was provided adequately with officers and staff during the transition period. At this stage all the officers and staff of the existing state of Assam were fully covered and protected by an agreement between the respective states on their conditions of service. In course of time the freedom of choice to serve Assam or Meghalaya was freely exercised by an option made by the concerned officers and staff.
