

The Shillong Times

Home Ministry on the job to end dual posts culture

SHILLONG: The Home Ministry is on the job to amend the Sixth Schedule to the Constitution that will ultimately solve the problem of dual posts involving MLAs and MDCs in the State.

District Affairs Minister Prestone Tynsong said besides solving the dual posts issue, the amendment will also result in the implementation of the anti-defection law and increase in seats of all the three autonomous district councils in the State.

Tynsong said the State Government, a few months ago, had sent its response after the Home Ministry sought its views.

The Minister said as per the proposed amendment, if an MDC contests and wins the seat in the Meghalaya Legislative Assembly, his seat in the respective council will remain vacant. This means that the proposed amendment is aimed at ensuring one person for one post.

There is still ambiguity on the amended dual posts Act, 2015, brought by the State Government which prevents an MLA to become an MDC, whereas the order of the High Court of Meghalaya based on the orders of the Governor and the Election Commission states that the post of MDC is not an office of profit, and hence there is no scope for disqualification.

Another aspect of the proposed amendment to the Sixth Schedule is that there will be clauses which will prevent defection of MDCs.

In the absence of an anti-defection law in the councils, there is no bar on the part of the elected members to switch allegiance to other political parties. "Anti-defection law will be a reality after the amendment to the Sixth Schedule to the Constitution," Tynsong added.

Besides, after the amendment, while the seats in KHADC and GHADC will increase from the current 30 to 40, the strength of JHADC will go up from the current 30 to 34.

In KHADC and GHADC, the elections will be held for 35 seats and five persons will be nominated, whereas in JHADC, polls will be held for 29 seats and the remaining five seats will be filled by nominated members.

According to Tynsong, since the number of voters under JHADC is lesser than KHADC and GHADC, the total seats for JHADC were fixed at 34.

Moreover, the whole of Jaintia Hills has only seven legislators compared to Khasi Hills (29) and Garo Hills (24).

It was after ANVC demanded an increase in the seats in GHADC that the State Government had decided to extend the same facility to both KHADC and JHADC.

Tynsong said as per information available with the State Government, the Home Ministry is finalising the amendment and the draft will be placed before the Union Cabinet for its approval.

“After the Cabinet’s approval, the amended Bill will be taken up in both the Houses of Parliament for approval,” Tynsong said.

While the increase in seats will be applicable only to the three autonomous district councils in Meghalaya, the other portions of the amendment will be applicable to all the district councils in the Northeast.