



Autonomous District Councils And Tribal Development In North- East India

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Introduction:

North-east India comprises eight states namely Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Nagaland, Sikkim and Tripura. All these states have a number of tribal populations. These tribal populations may be classified into plain tribal and hill tribal. For the hill tribal people a policy of minimal political interference was followed by the British. None of the political reform introduced were extended to the hill tribal of North-East India.

After the independence of India, for the development of socio-economic condition of these people the autonomous district councils (ADCs) are designed to confer a considerable amount of autonomy on the tribal population through their elected representatives not more than twenty four in number elected on the basis of adult suffrage for a term of five years (Para 2 & Para 6 (A), Sixth Schedule of the constitution of India). The hill tribal of the North-East India have a distinct cultural milieu and live a life of their own, having a strong root in their respective culture and tradition. The hill tribal people do not adopt the life pattern of their neighbors in the plains. Their laws of inheritance, marriage and their customs are very much different from the plains people of mainland India. This is the reason why internal autonomy was granted so that they may in due course take their rightful place in the country.

Autonomous District Council (ADC) is based on the Sixth Schedule of the Constitution of India. The idea behind the setting up of sixth Schedule of the constitution of India is to provide the tribal people of North East India with a simple administrative set up which can safeguard their customs and ways of lives and to provide autonomy in the management of their affairs. ADCs not only give the hill people of North East India, training on local self government but also try to bring faster economic development by associating people with the developmental works through their representatives in the Autonomous District council.

The ADCs have been empowered to enact legislations for the welfare and development of the hill tribal people of the North East India. The ADC may also be described as a 'State in in miniature' having all the

paraphernalia of a government like Legislature, Executive and Judiciary. It has full autonomy to legislate and administer on subjects like Land Revenue, Primary Education, customary Laws etc. assigned to it under the sixth Schedule of the Constitution of India.

Objectives of the Study:

- To study the functioning of the ADCs from the states of Assam, Meghalaya and Manipur of North-east India.
- To examine how far the ADCs as per the provision under the sixth schedule of the constitution have actually performed to bring about socio-economic development in the tribal society of North-east India.

Methodology of the Study:

The proposed paper has been completed on the basis of secondary data. Data are taken from various souvenirs published time to time from the autonomous councils of North Cachar hills and many publications relating tribal socio-economic conditions of north-east India. Apart from, a telephonic interview was taken with Mr. L. Hmar, Ex- EM, (Executive member) of N. C. Hills Autonomous Council.

Power and Function of Autonomous District Councils: (Legislative Powers)

The ADCs have powers to make laws for allotment of land, use of land other than reserved forest for purpose of agriculture, grazing, and shifting cultivation. They also have power to establish village councils, public health, and appointment of village chiefs, laws on marriage, social customs, money-Lending and trading by non-tribal within the autonomous district. (Para 3, Sixth Schedule) All the laws and rules passed by the ADCs have to be assented by the Governor of the state.

Judicial Powers:

ADCs have the power to constitute village courts, District Council courts in the autonomous area for adjudication or trial of suits and cases or customary laws in which both the parties are tribal. (Para 4 (1), Sixth Schedule) But it cannot try cases involving offences punishable by death, transportation of life or imprisonment for not less than five years. The Autonomous District Council courts are courts of appeal in respect of all suits and cases tried by the village courts and the Subordinate District council court .No other court except the High court and the Supreme Court of India have jurisdiction over suits and cases decided by the Autonomous District Council Courts (Para 5 (1), Sixth Schedule).

Representation from Minority Community:

The power of nominations in the ADCs has from the minority community. The purpose is to give representation to minority or unrepresented tribes in the district. The power of nomination is generally vested in the hands of the Governor of the state. But it is experienced that. on some occasions the power of nomination is misused for narrow party gains since the state government has the final authority to recommend names for nomination in connivance with the Chief Executive Member of the ADCS. Often

such persons are nominated who would support the party in power in the ADC. For instance, in the North Cachar Hills Autonomous council (NCHAC) of Assam, Autonomous State Demand committee (ASDC) party won the election in 1996 and Mr. V. Varte. an ADSC candidate was nominated. (Souvenir, 2008, p.10). Besides that, nominated members are supposed to be person from the minority community who are not adequately represented but Mr. V. Varte belonged to the Hmar community which is the third largest community in N.C.Hills district of Assam. Again in 2002, NCHAC election, Mr. R.K. Daolagupu was nominated, (Souvenir,2008, p.11) who belonged to the Dimasa community, which is the largest community in N.C. Hills district of Assam. The same situation is also prevalent in ADCs of Meghalaya. In ADCs of Mizoram state, the procedure for the nominations was not followed on many occasions. It depended on the will and pleasure of the Minister of Tribal Affairs of the state government who used to recommend persons based on political grounds. It thus violates the provision of the minority representation enshrined in the Sixth Schedule of the Constitution of India.

Employment in Schools:

The ADCs have framed service rules to manage and regulate the service of their employees. Despite the rules framed by the ADCs, the staff has increased excessively. The ADCs make appointment to teachers and other staff and increase the number of schools without providing adequate infrastructure to the schools. In ADCs of Mizoram, most appointments for various posts were made with a view to extending political patronage without considering for the qualification of persons. Further, the appointment of the teachers was hardly made on the basis of merit in ADCs of Assam. Therefore, there were some teachers who were not qualified enough to teach in the primary schools. The teachers also never got their salaries on time. In the ADCs of Meghalaya, misuse of government funds for schools development was also evident since there had been no expert inspecting officers. And in the appointment of teachers, favoritism and political influence played a vital role. Such situation led to the decline in the standard of teaching and the quality of education.

Land Law and Land Revenue

Under the Sixth Schedule of the constitution of India, the ADCs are empowered to make laws relating to allotment or use of land. (Para 8 (1), Sixth Schedule]. In Meghalaya and in the hills of Assam, no land can be mortgaged. leased. bartered, gifted or otherwise transferred by tribal to non-tribal without the permission of the ADCS. Although the ADCs have power to make laws for land development and land revenue, hardly any significant steps have been taken to initiate land reforms which hold the key to prosperity in tribal society. In the ADCs of Meghalaya, land revenue collection could not be made since the control over land remained with the Siems (village chief) and Headmen. Revenue from the grazing lands in the khasi hills of Meghalaya went to the siems (village chief) instead of the ADCs. Besides, absence of plain areas from where revenue can be raised since there was no tax on jhum land (shifting cultivation in the hill areas of North East India) in the hill areas, food scarcity caused by drought, irregular collection of

land revenue due to ethnic conflicts and deplorable communication made the collection of revenue small and complicated in the ADCs areas of Assam state.

The study reveals that tax is an important source of the ADCs', internal income. The ADCs have framed certain regulations for the collection of taxes in their areas. The ADCs collect taxes on profession, trades, callings, employments, animals and boats, entry of goods into markets for sale and tolls on persons and goods carried in ferries. But, collection of taxes was not done regularly and properly since the ADCs neither enforced the regulation strictly nor realized the amount efficiently. No attempt was also made by the ADCs to raise its revenue by exploiting its financial resources available to them. The receipt from the source of taxation was not adequate as there were loopholes and leakages in the process of collection of the taxes. It was alleged that taxes collected by the official hardly reached the coffer of ADCs of Assam in its entirety. Thus, there was an allegation of siphoning of tax amount by the concerned officials (An interview with Mr. L. Hmar ex-EM (Executive Member of N.C. Hills ADC of Assam))

Fund allotment for the Development activities

Funds for carrying out developmental activities as provided according to the present system are found to be inadequate as well as unworkable. In Jaintia Hills ADC (JHADC) of Meghalaya, during 1997-98, an amount of Rs. 90 lakh was asked from the state government for the purpose of construction of communication in rural areas, implementation of forest schemes and salary for the staff but the state government released only Rs. 57, 40, 510 (Das, 2002, p.16). Similarly in N.C. Hills ADC (NCHADC) of Assam, during the annual plan 1997-98 and, 1998-99, an amount of Rs. 7.07 lakh had been allotted to NCHADC for the department of Information and Public Relation but there was a shortage of Rs. 4.07 lakh for payment of salaries of officers and staff.(Souvenir, 1999, p.51). Thus, it has been observed that the funds released as grants-in-aids by the state governments were far from being sufficient to meet the actual requirements of the ADCs.

The ADCs control the administration of justice but it is observed that in some ADCs, there were no legal experts or trained judicial officers to carry on the trial of cases and disputes efficiently and expeditiously. Moreover, the village courts or village councils as provided in paragraph 4 of the Sixth Schedule of the Constitution of India had not yet been constituted by some of the ADCs. Due to lack of co-ordination, the ADCs could not utilize the judicial administrative experiences of the Deputy Commissioner's Court in the district, in the trial of cases and disputes of civil and criminal nature. In the ADCs areas of Assam, there were traditional Village Panchayat (local-self government in the rural areas) in all the villages of the district. These village Panchayats were constituted with the village elders generally presided over by the Mauzadars (tax collector in the villages) or the village headman who had been authorized to hear disputes concerning tribal laws and customs and also cases of petty civil and criminal nature. These Panchayats still decided petty cases in their respective villages according to their customs and traditions. The village authorities of these traditional Panchayat such as Mauzadars and Gaonburas (village headman) were authorized to perform the functions and duties of the village courts (Souvenir, 1999, p.37). As the cases before these courts were of petty nature, almost all the disputes were settled at the village levels. Most of

the cases that came up to the Subordinate Autonomous Council Court also eventually ended up in compromise (Souvenir, 1999, p.38).

The Autonomy of the ADCs

The Governor of the state is the head of the ADCs. He may suspend any act or resolution of the ADCs which is contrary to the provisions of the Sixth Schedule of the Indian Constitution or likely to endanger the safety of the country or prejudicial to public order [Para 15 (1), Sixth Schedule]. Thus, he may take such steps as he thinks necessary including the suspension of the ADCs. He may assume to himself all or some of the functions and powers of the ADCs for a period of six months. He may dissolve the ADCs on the recommendation of the inquiry commission to be appointed under paragraph 14 of the Sixth schedule of the Indian Constitution on ground of mismanagement of the ADCs (Para 14 and 16 (1), Sixth Schedule) .But, experiences have shown that such an inquiry commission was often recommended by the state Council of Ministers rather than the Governor of the state. This eventually leads to constitutional impropriety. On the relationship between the ADCs and the state government, the constitution of India has not provided a proper co-ordination of the ADCs administration with the administration at the state level. The state government has no constitutional authority to assess and review, guide and advise the ADCs. The administrative experience and guidance of the officers of the state government are not utilized by the ADCs in their everyday operation. There have also been reports of state undue interference in the working of the ADCs. The relationship between the ADCs and the state government is cordial when the same political party rule both in the ADCs and in the state but when the ruling party in the ADCs is different from the state then there have been obstructions from the state government in different forms which is evident between the Autonomous State Demand committee (ASDC) party in the N.C. Hills ADC (NICHADC) of Assam and the congress party in the state of Assam in 2007. Although the ASDC party was victorious in the tenth NCHADC election, they could not run the administration for long since they could not have a proper communication and assistance from the state government which was run by the congress party. Finally, members of the ASDC party along with some BJP (Bhartiya Janata Party) defected to congress party and formed a congress government in the NCHAC (interview with Mr. L. Hmar].

Conclusion

To sum up, six decades experiment with the ADCs since its inception in 1952 prove to be tragic. ADCs fail to fulfill the hopes and desires of the tribal people of North East India. It has only strengthened identity politics. Social and economic development has been ignored. The birth of the ADCs was hailed with anticipations and aspirations as it was thought to be harbinger of political and constitutional advancement for granting autonomy to the ethnic minorities in compact areas of North East India. But the hopes was largely belied and frustrated, by every indicator of development such as per capita income, health status, education. housing, poverty level. The ADCs areas remain poor and backward. Thus, unless the above problems are rectified, tribal development will always be a far of dream in spite of the existence of ADCs in North East India.

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