LOCAL SELF GOVERNMENT IN INDIA: A STUDY OF AUTONOMOUS COUNCILS IN TRIBAL AREAS OF ASSAM AND ITS COMPLICATIONS

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ABSTRACT
The present paper deals with a unique system of Local self Governance institution in the states of north east India, Especially in Assam. The Sixth Schedule to the constitution of India indicates the formation of Autonomous District Councils by the Tribal Communities themselves. Several autonomous councils working in this regards to develop the tribal belt of the region. In this context an attempt has been made to point out role/challenges to autonomous councils in developing tribal areas of Assam. The central government has given varying degrees of autonomy to several autonomous administrative divisions of India within the state legislature. The sixth schedule of the Constitution of India is the base for the formation and functions of most of these autonomous councils. Hence they are faced so many challenges such as conflict of power, corruption, and disparity among autonomous bodies and local bodies etc. to autonomous councils in developing tribal areas in Assam. The most important organizational change in the administration is the grant of political autonomy and statehood in North East India. The process of structural setup of local self government goes back to the British Era when the Interim Government of India had appointed a sub-committee to the Constituent Assembly. The Legislations or law passed by the Autonomous councils come into force only after the assent of the Governor of the particular state. The paper discusses the problems of the different autonomous councils of Assam.

INTRODUCTION
Local self governance, in a very simple sense is a government formed by a group of free people to manage and regulate their own occurrence. It is a multi-dimensional organized social institution with a feeling of oneness. In political terms, it is related with the governance of a local area, constituting a political sub-division of a state or other major political organization. On the basis of performance of its function, it acts as the agent of the state for the realization of democratic values and benefit.

In this regard Laski said that people cannot realize the full benefit of democratic government unless they begin by the admission that all problems in their incidence require decision at the place. The concept and practice of local self governance in India is as old as its history. During ancient Indian’s they developed a highly efficient local self government. In the same manner, albeit in varying degree, evidences of self governance are to be seen in almost all the kingdoms of Indian sub-continent. In British India, Ripon took the initiative to give its due place in his scheme of governance, though not in democratic spirit. During the time of independence and in Independent India, Mahatma Gandhi promoted the cause of Local self Governance which now crystallized in the form of Panchayati raj. Panchayati raj was introduced in the country with great usefulness. In1959 Rajasthan and Andhra Pradesh were the first states to adopt the Panchayati Raj System in India.

The tribal areas and states of North East India are inhabited by fairly homogenous group of tribes with mutually exclusive tribal social system. There is a unique system of Local self Government institution in the states of north east India, Especially in Assam. The tribal of the North East India especially Assam have a clear cultural background and they live a life of their own, having a strong tap root in their respective culture and tradition. The Autonomous District Councils (ADCs) are designed to provide for a good amount of autonomy on the tribal population through their elected representatives. Under the Para 2 (1) & Para 6 (A) of Sixth Schedule of the Constitution of India. Their laws of inheritance, marriage and customs of tribal people are much different from the plains people of mainland India. It is the reason why

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internal autonomy was granted so that they may take their rightful place in the country.

**Historical Background:** India as a country of vast cultural and ethnic diversity. It was said that a uniform pattern of local administration that Panchayati raj may not be workable. For this purpose the Cabinet Mission Plan in 1946 indicated that an Advisory Committee be formed to suggest for the formation of a local self governance for the Minorities, Tribals and some Areas. The Constituent Assembly set up an Advisory Committee which appointed a sub-committee Known as the North East Frontier (Assam) Tribal and Excluded Areas Committee under the chairmanship of Gopinath Bordoloi. Thus Bordoloi Committee was formed and it was of wide conviction that the tribals of Assam are historically and culturally different from tribes of other parts of the country. It should be allowed to promote and regulate their own way of life according to their choice. B. R. Aambedkar compared these tribes to that of the Red Indians of America. And he was in favour of adopting a policy which best suited their will and genius. He encouraged towards formation of District Council. Which operates now as Autonomous District Council in north east states of Assam, Meghalaya Tripura and in limited form in Manipur.

The Bordoloi Committee approved that the District Council should have legislative power over the occupation and land, other than land comprising the nature of cultivation of land should be left to the tribe themselves. Financial powers should be allocated to the council. It was remarkable about the Bordoloi report that the manner and the political skill through which it sought to reconcile the hill people’s demand for political autonomy with Government of Assam.

The close of the Second World War and its impending departure, the British Government made a departure from its earlier policy of least interference in the personal administration of the hill areas. British govt. tried to consider the means for establishing and developing local government among the hill people. They tried to secure advancement by peaceful and progressive administration, the growth of democratic spirit among tribal. In consultation with the local officers made a number of recommendations.

**The Sixth Schedule of the Indian Constitution:** Articles 244(2) and 275(1) to the constitution of India contain provisions for the administration of the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.

The autonomous district can be subdivided into autonomous regions. It is based on if there are different scheduled tribes in it. The Governor had the power to include any area in the list of autonomous areas, create new autonomous districts. The Governor can also unite two or more autonomous districts or parts thereof so as to form one autonomous district and define the boundaries of any autonomous district and he could exclude any area from the list of autonomous district. The Sixth Schedule approves for the formation of Autonomous District Councils by the tribal communities themselves. The strength of the District Council was fixed at a maximum of 24 members. On the basis of adult franchise for a period of five years members are to be directly elected. The Governor was powered to nominate certain number of persons. The numbers appointed by the Governor shall hold office during the pleasure of the Governor. Each district council will have a chairman and a deputy chairman. This act extended the legislative power of the District Council to allotment, occupation or use of land for agriculture and non agriculture purposes, other than categorized as reserved forests, management of unclassified forest, and the use of canal or water courses for the purpose of agriculture, control of Jhumming or other shifting cultivation. The council has also power for appointment of chief or headmen, their successor, inheritance of marriage and all other social customs. The District Councils earn their income from land revenue, forest administration of justice etc.

**Autonomous councils of Assam**

In Assam there are several autonomous councils. Which are mentioned bellow

- Bodoland Territorial Council.
- Karbi Anglong Autonomous Council.
- Missing Autonomous Council.
- Rabha Hasong Autonomous Council.
- Tiwa Autonomous Council.
- Deori Autonomous Council.
- Thengal Kachari Autonomous Council.
- Sonowal Kachari Autonomous Council.

**Power and functions of Autonomous councils:** These Councils have given the power to enact legislations for the welfare and development of the tribal people of the North East India. The autonomous councils also be described as a ‘State in mine nature’ because they have all the paraphernalia of a government like Legislature, Executive and Judiciary. The autonomous councils or ADCs have full freedom to legislate and execute on matters like Land Revenue, Primary Education, and Customary Laws etc. It is assigned to it under the Sixth Schedule of the Constitution of India.

**Legislative Powers/Functions**

These Councils have empowered to make laws for allotment of land, use of land for 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-tribals within the autonomous district. (Para 3, Sixth Schedule) All the laws and rules passed by the ADCs have to be assent by the Governor of the state.

**Executive Powers/Functions**

The ADCs or autonomous district councils have been empowered with the executive power to construct or manage primary schools, dispensaries, markets, cattle, ponds, roads and water ways, land revenue, forest, primary education, taxes, administration of villages and towns, etc. (Para 6 & 8, Sixth Schedule)

**Judicial Powers/Functions**

ADCs have been given the power to establish 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. Autonomous District Council courts are courts of appeal in respect of all suits and cases tried by the village court sand the Subordinate District Council Court. 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).

**Problems**

**Misuse of power:** From the study it is known that, the power of nominations in the ADCs have been misused on several occasions. The purpose is to give representation to minority or unrepresented tribes in the district. The nomination power is generally vested in the hands of the Governor of the state. But it is experienced that, on some cases the nomination power is misused for narrow party gains. Often such persons are nominated who would support the party in power in the ADC.

**Political Patronage and Favoritism:** The ADCs have framed service rules to manage and regulate the service of their employees. These councilsCs make appointment to teachers and other staff and increase the number of schools without providing adequate infrastructure to the schools. In several autonomous councils, most appointments for various posts were made with a view to extending political patronage without considering for the qualification of persons. There are some teachers who are not qualified enough to teach in the primary schools. In several autonomous councils misuse of government funds for schools development was also evident since there had been no expert inspecting officers. And in the appointment of various posts, favoritism and political influence played a vital role. Such situation led to the decline in the standard of living and the quality of education.

**Lake of Good Initiative:** Under the Sixth Schedule of the Constitution of India, the Autonomous District Councils are empowered to make laws 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. (Ray, 1999, p.260) In several autonomous councils areas, land revenue collection could not be made since the control over land remained with the village chief and Headmen. Revenue from the grazing lands in the karbi hills and some other hills went to the village chief instead of the ADCs. (Chauhe,1999, p.109). In the hill areas, food scarcity caused by irregular collection of land revenue because of ethnic conflicts and deplorable communication made the collection of revenue small and complicated in several autonomous councils areas of Assam state. (Bhuyan, 2008, p.169)

**Loopholes and leakages in the process of collection of the taxes:** The study reveals that tax is an important source of the ADCs’ internal income. The Autonomous District Councils have framed some 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, he ADCs neither enforced the regulation strictly nor realized the amount efficiently so collection of taxes was not done regularly and properly. No attempt is 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 is alleged that taxes collected by the official hardly reached the coffers of ADCs of Assam in its entirety. Thus, there is an allegation of siphoning of tax amount by the concerned officials.

**Inadequate as well as Unworkable Funds:** Funds for carrying out developmental activities as provided according to the present system are found to be inadequate as well as unworkable. In some ADCs’ adequate money 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 inadequately. It has been being observed that the funds given as grants-in-aids by the state governments are far from being sufficient to meet the actual requirements of the ADCs.

**Interest to the neo-middle rich class:** It is observed that the ADCs served the interest of mainly the neo-middle rich class or classes of rich traders, contractors, bureaucrats. Those educated who had emerged from within the tribal society of North East India due to enlarging money economy on developmental activities. These emerging socio-economic structures in the tribal areas did not allow the benefits of the ADCs to flow towards the weaker section of the tribes. (Prasad, 1997, p.68) Again the elected members of the ADCs and the office bearers who were normally from the elite group of the tribal society so they have vested interest in preserving the exploitative structure, so they were not likely to do anything that would strengthen the position of the poor in their areas.

**Lake of proper Coordination:** 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 legal authority to guide and advise the ADCs. The administrative guidance of the officers of the state government are not utilized by the ADCs in their everyday work. The relationship between the ADCs and the state government is cooperative when the same political party rule both in the ADCs and at the state. But when the ruling party in the ADCs is different from the state then there is contradiction from the state government in different forms.

**Ineffectve Governmental Laws:** It may further be observed that forest is another main source of the ADCs’ income. Huge income received by ADCs comes from the forest resources and hence a reduction in the income from forest source results in tremendous financial hardship for the people. Most of the tribal villagers depend on forests for crops cultivation and for other livelihood. The large forests are the source of sustenance for the poor section of the tribal people of North East India. But jhum cultivation, extension of jhumming areas, cutting of timber, such factors contribute to the decline in revenue collected by the ADCs. But, in these areas, forest conservation laws are generally not so effective. Along with it there is serious problem of deforestation in these ADCs areas.

**CONCLUSION**

In conclusion it can be said that 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 held
with anticipations and aspirations as it was thought to be sign of political and constitutional advancement for granting autonomy to the ethnic minorities in areas of North East India. But the hopes was largely destroyed and frustrated, by every aspect of development such as per capita income, health status, education, housing, poverty level. The ADCs areas remain poor and backward. If the above problems are not rectified, tribal development will always be a distant dream in spite of the existence of ADCs in North East India.

References


Wikipedia internet.

i Singh Hoshiar (1997)Local Government: India, Britain, France and America, Allahabad, Kitab Mahal,p1

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