

CHAPTER-II

The Sixth Schedule and Its Role in Rural Governance

The Sixth Schedule of the Indian Constitution: A brief over view of Its Origin and Institutional Framework:

How the provision of Sixth Schedule has found place in the Constitution of India, has now been a long history to be narrated of. But for want of space and time, those various administrative policies chalked out and designed, the series of successive Acts passed, and the Rules and Regulations framed and issued by the British India Government during pre-independent India will not be discussed here in detail.

In the beginning of the British rule, the tribal inhabited region of the North Eastern part of India was designated as “Backward Tracts” By an Act called “the Government of India Act, 1919; these tracts were categorized into two. They were known as “Wholly Excluded Areas” and “Areas with Modified Exclusion”. Following the passing of an act, very popularly known as the Government of India Act, 1935, the hill areas of the then province of Assam were administered under two categories viz; Excluded Areas and Partially Excluded Areas, keeping thus the earlier versions with slightly different nomenclature. These terms were referred to the extent of authority granted to the Government of Assam in the affairs of the Tribal areas. The areas so declared came under the direct charge of Governor of Assam who was authorised to make regulations for the peace and governance of the areas. The regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question.¹ When India became independent, the framers of the Constitution, realized the need of having a separate political arrangement and a specialized

¹ The Government of India Act, 1935 (26 Geo. V & I Edw. VIII Ch 2) 2nd August 1935.

administrative structure for the tribes inhabiting in the hill areas of the erstwhile province of Assam. Therefore, a Sub-Committee, for the study of the area and of the people for necessary suggestions and recommendation on them, was formed. The main task of this Sub-Committee was to prepare a comprehensive report on the North East Frontier (Assam) Tribal and Excluded Areas. This Sub-Committee was advised to complete their work under the care and supervision of a Committee known as Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas. This Sub-Committee was headed by the then premier of Assam, Shri Gopinath Bordoloi. The Sub-Committee made extensive tours to the tribal inhabited areas of Assam, met the tribal leaders and public representatives, discussed with them to shape their future political structure, their place and position in the Constitution of India. Due to bad weather condition, difficulty in transport and communication and other related problems, the Sub-Committee, could not proceed to Tura in Garo Hills where the Committee members were supposed to meet few Garo leaders. However, they examined witnesses and representatives of the Garo Hills at Gauhati and paid a visit to certain Garo villages on and near the Goalpara road.² An extracted and relevant portion of the report of the Bordoloi Sub-Committee on the Garo Hills is reproduced here for information of all concerned:

“The Garo Hills which is the butt end of the range of hills which constitute the watershed for the Brahmaputra and the Surma Valleys. The Garo who inhabit these hills are people of Tibeto-Burmese origin and are similar to the Cachari. The area of the district is 3,152 square miles and it is inhabited by a population of 233,569 of which 198,474 or nearly 85% are tribals, mainly Garo. The Garo inhabit not only the district which bears their name but there are villages inhabited by them in Kamrup and Goalpara also and portions of the Mymensing district of Bengal joining the Garo Hills is inhabited by thousands of Garo.

² Bordoloi Sub-Committee Report on the North East Frontier (Assam) Tribal and Excluded Areas; Justice B.L. Hansaria's *Sixth Schedule to the Constitution*, pp 252-253.

The Garos are people with a matriarchal system like the Khasis. The tribal system of the Garos is highly democratic and the whole village with the *Nokma* as the head or chairman takes part in the council if any matter is in dispute. The district as a whole is backward with only about five literates in a hundred and lacking in communications. Christian missions have been active and there has been a certain amount of conversion but on the whole the Garos even while being able to produce a fair number of intelligent and literate people have yet to come up to the degree of the Khasis or the Lushais. Franchise is restricted to the *Nokma* but it is unlikely that there will be any great difficulty in working a franchise system based on adult franchise than in most other areas.

In the Garo Hills also the sole occupation is agriculture and though garden crops are grown round the huts, sometimes the method is largely that of *jhumming*. The people weave their own clothes but there is no important cottage industry. The area is however much more in contact with the plains on either side of it than areas like the Lushai Hills or the Naga Hills.

The Garos are keenly desirous of uniting all the villages inhabited by the Garos whether in the plains of Assam or in the Mymensingh district of Bengal under a common administration. The Bengal district of Mymensingh seemed to be the home of about 48,000 Garo, most of whom are on the fringe of the Garo Hills, and the question of rectification of the boundary to include this area in the Garo Hills district of Assam definitely deserved consideration. A similar examination is necessary in respect of other Garo villages in the Kamrup and Goalpara districts of Assam”³

The report on the various hill tribes of Assam, being placed for discussions, the Constitution makers were guided by the following considerations:

1. In the opinion of the members of the Committee, it was found necessary to allow the various ethnic communities living in the region to maintain

³ Bordoloi Sub-Committee Report on the North East Frontier (Assam) Tribal and Excluded Areas; Justice B.L. Hansaria’s *Sixth Schedule to the Constitution*, pp 293-294.

their uniqueness and diversities in terms of their customs, language, socio-economic and political cultures etc. so that they could maintain and preserve their identities;

2. The tribes inhabiting in the hills of North East being found exploited socially, economically and culturally by the more advance people of the plains, it is deemed fit to prevent such exploitations by measures that would suit to their traditional socio-political practices;
3. It was considered necessary to allow the tribal people of the hills to develop their traditional knowledge on village polity and govern themselves with their best practices.⁴

The draft provisions of the Sixth Schedule were accordingly, placed for discussion in the Constituent Assembly, there were few members who opposed and criticized against the proposed Schedule to be appended in the Constitution. Constituent Assembly members from Assam viz; Mr. Kuladhar Chaliha and Mr. Rohini Kumar Choudhury opposed and leveled criticisms against the proposed provisions of the Sixth Schedule. However, the members like Dr. B.R.Ambedkar, Rev. J.J.M.Nichols Roy and Mr. Jaipal Singh strongly defended in favour of the incorporation of the Sixth Schedule in the Constitution of India.⁵ Efforts of these leaders were not in vain, and the tribals of the North East India must salute them for their farsightedness, love and favour for being able to put in their skillfully crafted administrative ideas and in getting such provisions of the Sixth Schedule inserted in the Constitution of India. Therefore, the provisions of the Sixth Schedule in the Constitution of India had been finally found included because of the effort of those great statesmen and visionary political leaders.

⁴ Bordoloi Sub-Committee Report on the North East Frontier (Assam) Tribal and Excluded Areas. Part I, Para 6, Special Features; Also see Justice B.L. Hansaria's *Sixth Schedule to the Constitution*, pp 260-261; Also see M.N.Karna, L.S.Gassah & C.J.Thomas (Ed): *Power to People in Meghalaya*, p 4.

⁵ Constituent Assembly Debate Relating to the Sixth Schedule: Reproduced from the Constituent Assembly Debate dated 5th to 7th September, 1949, Lok Sabha Secretariat, Vol. 9, pp 1001-1082.

The Sixth Schedule provisions had been enshrined in the Constitution of India by the framers of the Constitution of India, with a deep thought and noble intention to protect, preserve and promote the ethno-cultural heritages and the socio-political institutions of the tribal people inhabiting in the Hill Districts of the North Eastern part of India. In the best possible way, the Constitution makers aimed at empowering the hill tribes to grow, develop in their own roots and at the same time retaining their age old and most valued customs, culture and traditions which richly adorned their life and by which they make their life so distinct and unique.

The Sixth Schedule to the Constitution of India gave the tribal people living under the jurisdiction as specified in it a wide range of powers and a host of functions. The District Councils are empowered to frame legislations on the subjects as enumerated in para 3, 4, 6, 7 and 10 of the Sixth Schedule. The subjects entail from land holding rights of the indigenous inhabitants of the place, succession of Clan chiefs and headmen, marriage and divorce, regulation of *jhum* cultivation, conservation of forest etc. The laws passed by the District Councils are to be submitted for the assent of the Governor of the concerned state. Upon the assent given by the Governor, the Acts are published in the Official Gazette.

Thus under the Sixth Schedule provisions of the Constitution, the first ever Autonomous District Councils were constituted in the tribal inhabited areas in the State of Assam. The list of Autonomous District Councils is mentioned in Para 20 of the Sixth Schedule in three different parts.

Part I [In the State of Assam]

1. North Cachar Hills District
2. Karbi Anglong District

Part II [In the State of Meghalaya]

1. Khasi Hills District
2. Jaintia Hills District

3. The Garo Hills District

Part II (A) [In the State of Tripura]

1. Tripura Tribal Areas District

Part III [In the State of Mizoram]

1. The Chakma District
2. The Mara District
3. The Lai District

Under Paragraph 3 of the Sixth Schedule of the Indian Constitution, the Autonomous District Councils have been empowered and authorised to legislate on the below mentioned subjects. By framing legislations suitable to their socio-cultural and political practices of the tribes inhabiting in the region specified by law, the Autonomous District Councils are expected to govern upon the tribe or tribes, for whom the Autonomous Council was created. The subjects allotted to the Autonomous District Councils under para 3 of the Sixth Schedule are the following:

- a) Apportionment and occupation of land not being a reserved forest, for residential, agriculture and grazing purposes;
- b) Management of unreserved forest;
- c) The use of streams, rivers and other forms of water courses for purpose of agriculture;
- d) Regulation of *Jhum* and other forms of shifting cultivation;
- e) Constitution of Village Committees, Town Committees etc;
- f) Village or Town administration, and maintenance and regulation of Rural Police, Public Health Services and Rural Sanitation;
- g) Matters relating to appointment and succession of traditional Village Chiefs and Headmen;
- h) Regulation and inheritance of and succession to property;
- i) Marriage and divorce;

j) Regulation of Social customs, traditions.⁶

Under the paragraph as mentioned above, all laws framed by the District Council are to be submitted to the Governor for his approval. Without his assent it shall have no effect. With regard to the “Reserved Forest” mentioned in this paragraph, it refers to any area which is a reserved forest under Assam Forest Regulation, 1891.

The District Councils and the Regional Councils are empowered to constitute Village Councils or Village Courts for the purpose of administration of justice within their respective Autonomous Districts and Autonomous Regions for the trial of suits and cases. The Village Council or the Village Court try cases triable by it. The High Court shall have and exercise jurisdiction over suits and cases specified by the Governor from time to time.

However, Para 5 stipulates for conferment of powers under the Code of Civil procedure 1908, the Code of Criminal procedure 1898 on the Regional Council and the District Council and on courts and officers for the trial of suits, cases and offences.

The Autonomous District Council, by virtue of the law provided under Sub Para 6 of Para 5 of the Sixth Schedule, is also empowered to set up and run primary schools, primary health centres, open markets, regulate ferry services, fisheries, cattle pounds, construct and manage rural roads, rural transport and waterways in the district. It is also empowered with the prior approval of Governor, for the regulation and control thereof, prescribe the language and the matter in which education shall be imparted in the primary schools in the district. Besides, the Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers, functions in relation to agriculture, animal husbandry, community projects, cooperative societies, social welfare, village planning or any other matter to which the executive power of the State extends.

⁶ Justice B.L.Hansaria’s Sixth Schedule to the Constitution, Universal Law Publishing Company, Pvt. Ltd. Delhi 110033. 3rd Edition, 2010, pp 613-614.

While Para 7 provides that a District Fund for each Autonomous Region or a Regional Fund shall be credited any money received by the respective council. The Governor may make rules for the management of these funds and the procedure to be followed in respect of payment of money into the Council Fund, the withdrawal of moneys therefrom, the custody of money therein and any other matter connected with or ancillary to the aforesaid matters. The accounts of the District Council and the Regional Council shall be kept as per the norms of the Comptroller and Auditor General of India with the approval of the President. The Comptroller and Auditor general shall have the accounts of the District and Regional Councils to be audited in such a manner as it may think fit, and the reports of the Comptroller and Auditor General relating to such accounts shall be submitted to the Governor who shall refer them to be laid before the Council.

Under Para 8 of the Sixth Schedule of the Constitution of India, the District Council and the Regional Council are empowered to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed by the Government of the State in assessing lands for the purposes of land revenue in the State. These Councils are also empowered to impose upon and collect taxes on lands and buildings and tolls on persons residing within their respective jurisdiction. In addition to the above mentioned taxes, the District Council shall also have the power to levy and collect all or any of the following taxes:

- (a) Taxes on professions, employments, trades and callings;
- (b) Taxes on animals, vehicles and boats;
- (c) Taxes on the on goods that were brought to a market for sale
- (d) Taxes on passengers and goods loaded, carried and transported in ferries;
- (e) Taxes for management of public dispensaries, schools, roads etc.⁷

Para 9 (i) provides that share between the District Councils and State government in respect of licenses or leases issued for mining purposes. (2) If any

⁷ L.S.Gassah: *Autonomous District Council*, Omsons Publications, New Delhi 110027, First Publication 1997, pp 18-19.

dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub paragraph 1 to the District Council and the decision of the Governor shall be final.

Paragraph 10 (d) prescribes that no person who is not a member of the Scheduled Tribes resident in the district shall carry on wholesale or retail business in any commodity except under a license issued in that behalf by the District Council.⁸

Territorial Composition of District Councils: Under provision enshrined in the Sixth Schedule to the Constitution of India, the Governor is made the competent authority to determine the administrative areas of the Councils. He can create a new Autonomous District Council, increase or reduce the areas of any District Councils, integrate two or more Autonomous District Councils or parts of it to make it as one Autonomous District Council. Based on the report and recommendations of the Commission appointed under sub-para (1) of paragraph 14 of the Sixth Schedule, the Governor has the power to define the boundaries of any District Council and change the nomenclature of any Autonomous District Council.

Composition of District Councils and Regional Council: The Autonomous District Councils wherever exist, constituted by not more than thirty members, elected by the people from different territorial constituencies. There is provision for nomination by the Governor of the State on the advice of the Chief Executive Member of the District Council. Both the elected and the nominated member of the Autonomous District Councils remain in office for a term of five years. Normally, the nomination of a member to the Autonomous District Council is from the Minority communities and unrepresented communities living within the jurisdiction of the Autonomous District Council.

For the purpose of election, the entire area of each of the Autonomous District Councils is divided into different constituencies depending on the total number of

⁸ Justice B.L.Hansaria's *Sixth Schedule to the Constitution*, Universal Law Publishing Company, Pvt. Ltd. Delhi 110033. 3rd Edition, 2010, pp 87.

seats fixed. The constituencies so made, are equal to one another in terms of population. However, the voters' strength of the member of constituencies in each District Council varies from one another.

Though the normal tenure of the Autonomous District Council is five years, the Governor may by notification, extend the term of office of the members for another six months during which elections are to be held.

Rules also disqualify a person from contesting the elections to the District Council. No paid employees of the Central/State Government and the District Councils and the Regional Councils are eligible for membership of the Councils. Also persons of unsound mind and proved guilty of corrupt or illegal practices cannot seek election. An alien or non-citizens are not entitled to membership. A person convicted for his criminal offence by the court and imprisoned not less than two years disqualifies to be member of the Council. A person failing to lodge a return of election expenses is not entitled to the election of the District Council.

Rules framed under the Sixth Schedule to the Constitution prescribe the disqualifications that a person to be qualified for his election to the District Council must be a citizen of India, he must not be less than 25 years of age and he must be entitled to vote for the election to the District Council. Members should also belong to the Schedule tribe of the District. No person shall be a member of two or more District Councils; he must resign all except one seat.

Those, who are registered, have the right to vote. The elector must be a citizen of India and must have resided in the constituency for not less than 180 days before the date of registration. He must not be less than 21 years (Now 18 years) and also a man unsound mind. He should be a member of the Schedule Tribe of the district. Non-tribal voters, who are permanent residents of the autonomous district and have also, resided in the district for not less than 12 years on the qualifying date have the right of cast their votes.

There is an Electoral Roll for each constituency for election to the District Councils. As is provided in the Rules, the Electoral Roll of the State Legislative Assembly, concerning the constituency, is also the Electoral Roll of the constituency for electing the members of the District Council. Briefly, elections to the District Councils are held in accordance with the Election Law and procedure for the conduct of elections as laid down in the rules framed under the provisions of the Sixth Schedule to the Constitution.

There is also a provision in the Rules about the decision of election disputes. Any candidate or elector may file an election petition on any ground within 60 days after the election result to the authority-Governor. The Governor may appoint a Commissioner to hear and report on the election petition to him. The Governor's decision thus becomes final.

In case of the sessions of the District Council, the Council normally meets in every four months in a year. But the quorum to constitute a meeting of the District Council remains six members of one third of the total number of members of the Council.

Chairman: To conduct and co-ordinate the various sessions and preside over the formal meetings of the Autonomous District Councils, provisions of the posts of a Chairman and a Deputy Chairman, are laid down in the Constitution and two out of the total elected members of a District Council, are elected for these posts respectively to be the Chairman and the Deputy Chairman by an election conducted by the Deputy Commissioner or any Government Officer authorized by the State Election Commissioner. Under normal circumstance, the term of office of both the posts is five years.⁹

Normally, election for the post of the Chairman is held first and is conducted by the Deputy Commissioner of a concerned District. Once the chairman is elected, he or she presides over the meeting to elect the Deputy Chairman from among the elected

⁹ L.S.Gassah: *op. cit*, p 59.

members of the District Council. Both the Chairman and the Deputy Chairman of the District Council remain in office so long as they command and enjoy the confidence of the majority members of the District Council. They also can resign from their respective posts at any time, in writing. The resignation letter is to be submitted to the Chairman by the Deputy Chairman if he tenders his resignation and to the Deputy Chairman by the Chairman alternately. There is also a provision laid down in the Constitution that the Chairman can also be removed from the post at any time by a resolution of the majority members of the District Council.¹⁰

On analysis it is seen that the powers and functions exercised by the Chairman and the Deputy Chairman resemble to those of the functions performed and executed by the Speaker and the Deputy Speaker of the State Legislature. It is the duty and responsibility of the Chairman to call for meetings of the Council. He also conducts and presides over the sessions of the Council. However, in the event of a 'No Confidence Motion' brought against the Chairman, he or she does not preside over the meeting. The Chairman conducts and regulates the proceedings of the Council's meeting and his decision is taken as final in conducting the meeting. To assist the Chairman in his official works, the concerned State Government deposes a Secretary to the Council. Thus the office of the Chairman of the Autonomous District Council is of great honour, prestige and authority, similar to the office of the Speaker of the State Legislature.¹¹

Executive Committee: For purposes of carrying out its various executive functions, the Autonomous District Councils constitute its own Executive Committee which usually consists of the Chief Executive Member along with few other Executive Members. A leader of a political party winning maximum seats in the Council's election is usually elected from among themselves for the post of the Chief Executive Member. The other members of the Executive Committee are appointed by the

¹⁰ *Ibid*, pp 59-60.

¹¹ *Ibid*, p 60.

Governor of the State from among the members of the District Council on advice and recommendation of the Chief Executive Member.¹²

The Executive Committee is responsible for execution of all the executive functions of the Autonomous District Council. The Executive Committee is headed by the Chief Executive Member who is assisted by the Secretary of the Council. Thus, the Executive Committee is like a cabinet and the C.E.M and E.Ms are similar to the Chief Minister and the Cabinet Ministers respectively of the Council of Ministers of a State Government. The Autonomous District Council follows the model of a Parliamentary system of governance under which the Prime Minister plays a pivotal role in the case of Union Government, while in the case of the Autonomous District Council, it is the Chief Executive Member who takes the place of the Prime Minister and plays his or her role in leading the Executive Council. The Autonomous District Council is therefore may rightly be called a miniature government at the district level. In the event of removal of the existing Executive Committee of the Autonomous District Council, the Chief Executive Member must be elected by the District Council within 48 hours from the time of removal of the Executive Committee. On failure, the Governor by exercising the powers conferred upon him, can appoint any member of the District Council to the post of the Chief Executive Member to lead the Executive Committee.¹³

For execution of its various activities, the Autonomous District Council frames legislations concerning the subjects given to it by the Constitution. Portfolios are distributed by the Chief Executive Member to each Executive Member to look after certain specified subjects. The District Council prepares the annual financial budget and get it passed in the Council. As per allocation of funds for various sectors of economy, different developmental activities are carried out by the District Council authorities. For all executive orders, policies, scheme implementations etc. the Executive Committee is therefore, responsible. The Executive Committee is collectively responsible to the Council. This means in the event of resignation of the

¹² L.S.Gassah: *op. cit.*, pp 60-61.

¹³ *Ibid*, p 61.

Chief Executive Member, the Council's Executive Committee shall stand automatically dissolved.¹⁴

Powers and Functions of District Councils and Regional Councils:

The District Council and Regional Council have been given with extensive powers and functions, such as a) Legislative b) Executive c) Judicial and d) Financial.

a) Legislative Powers/Functions:

Under Para 3 of the Sixth Schedule provision, the District Councils are vested with wide ranging powers to make laws. These powers authorized concern to the allotment, occupation and use of land within the jurisdiction of an Autonomous District Council. The lands being referred here are to those parts of land other than Government reserved forests for the purposes of grazing animals, agriculture, and for other residential and non-residential purposes. Besides these, the appointment and succession of chiefs or headmen, inheritance of property, management of unreserved forests, regulation of shifting cultivation, establishment of Village Councils and Town Committee, administration of village police, public health and sanitation, marriage, divorce and maintenance and regulation of social customs etc. are the subjects dealt by the Autonomous District Councils. But there is a provision that the District Council shall not refuse the grant of license to a money lender or trader, who has been carrying on business in the district since before the assent of the governor. If any law passed by the Autonomous District Council, contradicts to the provisions of the Sixth Schedule, the Governor of the concerned State has power send it back for the reconsideration of the Council. Thus under Sixth Schedule provision of the Indian Constitution, the

¹⁴ L.S.Gassah: *op cit*, pp 61-62.

Governor of the State where Autonomous Council exist, also acts as the head of the Autonomous District Council.¹⁵

b) Executive Functions:

Under Para 6 of the Sixth Schedule, the District Council wherever it exists, has been charged with the enormous executive powers which include construction or management of primary schools, markets, dispensaries; regulation of cattle pounds, ferries, fisheries; construction of rural roads and waterways; prescription of the language to be imparted in primary schools within the jurisdiction of the Autonomous District Council.¹⁶

c) Judicial Functions:

As specified in para 4 of the Sixth Schedule, the Autonomous District Council has the authority to establish its own courts at different levels such as District Council Court at its headquarters; Subordinate Courts at the Sub-Divisions and the Village Courts at the villages. These courts try suits and cases of minor nature. These courts can not grant death sentences or transportation for life or life imprisonment to the person convicted. The court can try cases arising out of some criminal offences only if both the parties to a dispute belonged to a tribal community. The District Council Court and the Regional Council Courts serve as Courts of appeal for the Sub-Divisional and the Village Council Courts.¹⁷

d) Financial Functions:

Paragraph 7 of the Sixth Schedule provisions authorizes the District Council and the Regional Council with the responsibility to constitute the Council's funds by way of framing necessary rules for their management. The rules so framed are to be approved by the Governor of the State. For raising its own fund, the District Council has been invested with powers to collect land revenues from the land owners. It has

¹⁵ Justice B.L.Hansaria's *Sixth Schedule to the Constitution*, Universal Law Publishing Company, Pvt. Ltd. Delhi 110033. 3rd Edition, 2010, pp 47; L.S.Gassah: *op cit*. p 62.

¹⁶ L.S.Gassah: *op cit*, pp 62-63.

¹⁷ *Ibid*, p 63.

powers to impose taxes on shops, the goods brought into markets for sale, tolls on forest etc. The District Council also collects taxes on professions, trade, callings, employments, animals, vehicles, and huts, tolls on passengers, and goods carried in ferries and maintenance of schools, dispensaries or roads. The Autonomous District Council also receives shares of royalty on the licenses or leases for the extraction of minerals from the State Government. The tax levied on motor vehicles, is however assigned to the State Government to be collected on behalf of the District Council. The Council also derives the income from grant-in-aid, loans and advances, etc. given by the State Government.¹⁸ The accounts of the District Council fund and that of the Regional Council are to be kept in the form prescribed by the Comptroller and Auditor General of India who is required to cause accounts of these Councils to be audited. A report on the annual income and expenditure of the Autonomous District Councils is to be submitted to the Governor who places it before the District Council.¹⁹

Most of the Acts of the Parliament and the State legislatures are made non-applicable to the Autonomous District Councils because of the distinct ethno-cultural and socio-political set ups that the people of the region generally practice. From the viewpoints of all these, we can say that the District Council enjoys some degree of autonomy in preservation, regulation and maintenance of the life of the people living within their respective jurisdictions.

District Council and Regional Council in practice:

The District Councils and the Regional Council exercise and perform wide ranging powers and functions which include Legislative, Executive, Judicial and Financial powers. The District Councils and the Regional Councils, basically designed to work for the promotion of interests of the tribal people. Since the tribal communities continued to remain backward in every aspects of their life, the Autonomous District Councils are expected to work for raising the status of the tribal

¹⁸ L.S.Gassah: *op cit*, pp 63-64.

¹⁹ Justice B.L.Hansaria: *Sixth Schedule to the Constitution* (3rd Edition, 2010), pp 80-81.

people and bring change and development in the field of education, culture, socio-political, economy, agriculture, rural development etc. However, the District Councils have been unable to perform well and bring good and positive results as expected by the people. As a result, the District Councils have been facing severe criticisms from different quarters. Under the above context, this study has examined how far the District Councils as per the rules framed or the provisions under the Sixth Schedule have actually performed to bring about socio-economic changes in the tribal society of the North East.

Firstly, one fourth of the strength of the District Council is nominated by the minister in charge of Tribal/District Council Affairs on the advice of the Chief Executive Member, though this power is vested in the Governor, as a constitutional head. The purpose is to give representation to minority or unrepresented tribes. It has been observed that the power to nominate a person to the Council is often violated by the political leaders and they used the same as a political tool to suit their situations. The Minister in-charge of Tribal Affairs or District Council Affairs often nominated persons, who would support the party in power. As a result, sometimes a majority is reduced to minority and *vice-versa*. It thus violates the provision of the minority representation enshrined in the Sixth Schedule to the Constitution.²⁰

Secondly, the District Councils establish courts, control and regulate criminal justice system and adjudicate various cases of civil and criminal nature. But some District Councils have not been able to set up courts at all levels. The Council courts are manned by two or three judicial officers appointed by the Council while the work load is more and as a result, trial of cases delay. Besides, many District Councils have not yet codified the customary laws²¹ of the tribes inhabiting under its jurisdiction because of which judiciary has to face problem in interpretation of the customary laws. However, the District Councils have been playing an important part in the process of adjudication and regulation of tribal laws among the tribes of the region.

²⁰ L.S.Gassah, *op. cit*, p 64.

²¹ *Ibid*, p 65.

Thirdly, The District Councils are invested with powers to appoint and regulate its own service cadres. For the same purpose, they have formulated their own Service Rules. Despite the rules framed by the Councils, the elected members of the Council often found violating the appointment rules and indulged in unhealthy practice of pushing in their own people without verifying the vacancy position. As a result, the staff membership has increased in a most haphazard manner and has no relevance to the necessity. Some of the staff members are not qualified. Most of the appointments are made for various posts with a view to extending political patronage without any case or consideration for the rules, necessity, and availability of funds or qualifications of persons. Thus the offices of the existing Autonomous District Councils have become the den of nepotism and favouritism.²²

Fourthly, the funds for both the District Councils and the Regional Councils are controlled, managed and regulated by the Autonomous District Councils by framing appropriate legislations to this effect. The funds contain all receipts realized by the Councils and also include liquid assets, surplus revenues, customary receipts, cash balance and bank balance. There are also provisions in regard to the location and custody of money in Treasury, payments to the funds, withdrawal of money from the funds, procedure for payment of claims, contingency charges, record of contingent expenditure and miscellaneous payments. The responsibility of managing and control of funds of the Autonomous District Councils and that of the Regional Councils are vested with the District Council Member in-charge of Finance.

But it has been found from various reports and records maintained by the Councils that financial irregularities committed by the Councils are glaring. The grant-in-aids are often violated by using development funds for non-development purpose like payment of salaries to its staff. Even the basic rules of financial propriety as contained in the finance rules are not observed. The Councils are overstaffed. Hence the expenditure on the staff establishment and political executive is unduly heavy. Despite getting sizeable grants from government, the Councils' staff, sometimes go

²² *Ibid*, p 65.

without salary for months. The amount incurred by the members of the Executive Committee and the officers on travelling allowances is sometimes excessive and completely unwarranted and undesirable. There is no uniformity in the payment of salaries to the elected officials. The funds provided by the government are always overspent. Thus the Councils are often unable to balance their receipts and expenditures. Thus the leaders try to confuse the autonomy granted in the Sixth Schedule with a license to mismanage public money as they feel like.

Fifthly, by the powers conferred upon it under sub para 3 of paragraph 8 of the Sixth Schedule provision, the District Councils have been empowered to levy tax on variety of subjects entrusted to it. But in reality, the Autonomous District Councils fail to realize the tax. Because of inefficiency of the collecting staff and faulty system of collection, the revenue or income from taxes on various subjects is not sufficient even to meet up the Councils internal expenditure. Moreover, the Autonomous District Councils do not bother about to explore all the possibilities that may be available at its disposal to raise its revenues by exploiting the financial resources. Not only this but taxes which are imposed, are also not collected in time. Consequently, arrears are accumulating. Fourth, there is hardly any regulation framed by the District Council to levy a tax on the maintenance of schools, roads, dispensaries and goods carried in ferries.²³

Sixthly, the Regional Council is not given autonomy for collection of certain taxes within its jurisdiction. It also does not have share in the royalties collected from extraction of minerals within their jurisdiction. As a result, the Regional Council suffers in everything due to lack of finance. This problem needs to be properly addressed through proper legislations.²⁴

Seventhly, the Regional Council is devoid of any power to manage primary schools and to fix the medium of instruction in the educational institutions established in their locality. The power of the autonomous organs as a result, suffer considerably

²³ L.S.Gassah, *op cit*, pp 66-67.

²⁴ *Ibid*, p 67.

owing to its exclusion from this important provision. So, the minor tribes of the Regional Council areas have no freedom to read and write in their own dialect and language which is against Civil Rights or Right to Language or Dialects. It is therefore, necessary that a provision is inserted in the Sixth Schedule by an amendment to remedy this situation.²⁵

Eighthly, the State does not have power to review and assess the working of these Councils except to approve their legislations by the Governor and to sanction loans and grants for development schemes. The Autonomous District Councils lack expert officials and technical experts to man and supervise the affairs of the Council. It serves the interests of only few people and miserably failed to address and redress the grievances of the tribes to whom it were created.²⁶

Legislative Constraints of the Autonomous District Councils:

Para 12 A of the Sixth Schedule:

The basic objective behind formulation and insertion of the provisions of the Sixth Schedule provisions in the Constitution of India by its founding fathers was to provide maximum autonomy to the tribal people living in a Scheduled Area or a Tribal Area with least interference in their life; and to give them opportunities to continue practising their age old self-governing institution along with the protection and preservation of their rich cultures, customs and traditions. Yet, the ADCs have been presently facing hurdles in their functioning especially in legislative domain, because of the insertion of a new para brought in by the Constitution 22nd Amendment, known as the Assam Reorganisation (Meghalaya) Act, 1969. This was the Para 12A of the Sixth Schedule. Later, this para has been substituted by the North Eastern Areas (Reorganisation) Act, 1971.

²⁵ *Ibid.* p 67

²⁶ *Ibid* p 68.

The Sixth Schedule empowers the District Councils and the Regional Councils to make laws for their areas with respect to the subjects as mentioned in para 3 from Sub No. (a) to (j). However, it is mentioned in the same para that the legislation passed by the District Councils and the Regional Councils should not deter, oppose or prevent the acquisition of any land by the State Government for public purposes. Though District Councils are formed with the lands which are acquired, possessed and owned by the tribal chiefs and the tribal communities as a whole since time immemorial, their inherent powers of land acquisition, utilization and management have now been usurped by the Government; and the District Councils have no power at all with regard to the administration of land. In the state of Meghalaya, the land administration and management is governed by the Meghalaya Land and Revenue Regulation (Application and Amendment) Act, 1972 which is a modified version of the Assam Land and Revenue Regulation Act, 1886 and the Meghalaya Transfer of Land (Regulation) Act, 1971.

Paragraph 12A, after being substituted by the North Eastern Areas (Reorganisation) Act, 1971 states that if any law or regulation legislated by the District or Regional Council under provisions given in paragraphs 3, 8 and 10 contradicts to the legislations enacted by the Meghalaya Legislature, then the laws so far enacted by the District or Regional Council, shall stand invalid and the legislation enacted by the State Legislature shall be treated as valid.²⁷ Thus this clause gives over-riding power to the State Government laws over the laws made by the District Councils in Meghalaya. By this clause, the laws passed by the District Councils in Meghalaya on the subjects entrusted to the District Council shall not be valid if the State Government passed a law disapproving it. In such a situation, the law passed by the State Government shall prevail upon the law passed by the District Council.

Former Chief Justice of the Gauhati High Court, Justice S.K.Dutta, who headed the Commission of Inquiry on Autonomous Districts Councils Administration after a careful study on the functioning of the Autonomous District Councils in

²⁷ Copy of the North Eastern Areas (Reorganisation) Act, 1971.

Meghalaya, remarked on this vexed issue. In the report submitted to the State Government he remarked “The insertion of Paragraph 12A in the Sixth Schedule, has lowered the status of the District Councils in Meghalaya and presently their status has been reduced to that of a Municipal Board. It is due to this fact, the District Council, can function only if it maintains cordial relationship with the State Government”²⁸ Therefore, the type of autonomy given under the Sixth Schedule, is no longer autonomous in character because of the inclusion of this paragraph.

The Autonomous District Councils are not without any shortcomings. In the first place, it is seen that the Autonomous District Councils, envisage for a single tier district level administration. It does not stress much on the village level administration. As per provisions of the Sixth Schedule, the Autonomous District Council can be dissolved by the Governor of the state. It has no mandatory provision for immediate reconstitution. In such a situation, the progress and development of the people and the area will be at stake. Another thing is the revenues due to the District Council go to the Consolidated Fund of the state government. For finance, the ADCs are dependent on the State government without whose help, they can neither survive nor can they carry out developmental works in the Council area. Therefore, this speaks well that the ADCs are not really autonomous in character. For all these reasons, the Bhuria Committee Report on the functioning of the Autonomous Council, 1995 says “No real autonomy has been conferred on the ADCs”²⁹

In view of the legislative constraints and recurrent financial crises faced by the Autonomous District Councils (ADCs) of the North East, the leaders of these autonomous councils formed a united forum to pressurize the Union Government to amend the existing provisions of the Sixth Schedule of the Constitution and to provide more funds for the councils for development purposes. The Forum of Councils under Sixth Schedule (FoCUSS) as the name of the forum, resolved to move the Central

²⁸ M.N.Karna, L.S.Gassah & C.J.Thomas (Ed): *Power to People in Meghalaya*, p 11.

²⁹ Report of the Committee of Members of Parliament and Experts Constituted to make Recommendations on Law Concerning Extension of Provisions of the Constitution (Seventy Third Amendment) Act, 1992 to Scheduled Areas; Ministry of Rural Development, Government of India, January 1995, p 7.

Government for devolution of more funds for the Autonomous District Councils of the North East. Very recently FoCUSS in its third general council meeting held at Shillong in the month of October 2019, expressed concern over the weak financial position of the ADCs and resolved to urge the Centre to take corrective steps. The forum consists of all the ten ADCs of the region including the Khasi Hills, Jaintia Hills, Garo Hills, Bodoland, Dima Hasao, Karbi Anglong, Chakma, Lal, Mara and Tripura tribal district councils. The general council meeting was convened to discuss the proposed amendment to the Sixth Schedule of the Constitution. FoCUSS Chairman PN Syiem disclosed that all the ADCs of the region have been facing huge financial crisis. Although Article 275 has set provisions for providing financial assistance to the state governments, the ADCs do not always get their share. He further said that there is no proviso stating that a certain amount should be set aside for the Councils; the ADCs depend on the State governments for release of funds, which had led to the present crisis. FoCUSS sent proposal for amendment of Article 275 so that there is proviso which would define a specific amount that the respective Councils would get from the Centre. The forum discussed revenue sharing from GST collections which is presently shared between the State and the Central Government.³⁰

The creation of the Autonomous District Councils for the protection, preservation and promotion of the tribal communities and to ensure their *in situ life*, is of course good. The tribal people inhabiting within the territories of the Autonomous District Councils of the various States of the North East India should be grateful to the founding fathers of the Constitution of India for having inserted these protective scheme and to promote their age old traditional cultures. One positive advantage of the Autonomous District Councils is that it exercises Legislative, Judicial and Executive powers with some regulatory authority. It is also armed with the powers to levy taxes and to share royalties of minerals extracted from the territorial jurisdiction of the respective Autonomous District Councils.

³⁰ The Assam Tribune, Vol.81, No. 270, Guwahati, Saturday, dated 5th October 2019, p 10.

Since its enactment for the first time in 1952, the Sixth Schedule to the Constitution of India has undergone many changes effected through series of Constitutional Amendments, Government legislations, Court's orders and other notifications issued by the government from time to time.

With political modernization and development and the emergence of new institutions in the administrative arena, many changes could be seen in the structure and functioning of the District Councils. These changes are no exception to the GHADC. At the same time new developments have affected the power and functions of the traditional chiefs and the institutions as well. The immediate effect one can notice is that the powers and functions of the traditional chiefs have been to a large extent restricted, taken away and put the same under the complete control and supervision of the District Councils. This is indeed another blow which was actually taken over by during the British regime from the traditional chiefs. The traditional village functionaries have become subservient to the newly introduced posts and offices and almost in all matters, the aged old customary practices of the people and their heads have to bow down before the newly emerging elites. It is sad to say that the scheme of self government designed and empowered to the hill tribes did not bring any improvement in their power and positions nor did it help in improving their well being. On the contrary, the new power structure has radically reduced the powers and positions of the traditional chiefs. On many occasions, there have been tussles between the traditional elite represented by the village Chiefs and headmen and the modern political elite of popularly elected representatives. It is noticed that on one pretext or another, the Chief or headmen might be suspended or even dismissed by the District Council on charges malpractices, insubordination and on other flimsy ground. The traditional chiefs are now treated by the District Councils as its subordinate officials and placed them under its control. It has reduced their status to that of its servants or employees.³¹

³¹ L.S.Gassah:*op. cit*, pp 209-212.

The Garo Hills Autonomous District Council (GHADC):

Along with the rest of India, the Garos also took part in the First General Election in 1937, and following it, two Garo representatives namely, Shri Jobang D Marak and Shri Benjamin Ch. Momin were sent to the Assam Legislative Assembly, Shillong. Shri Benjamin Ch. Momin was also appointed as the Parliamentary Secretary.

On the 15th October 1951, the Governor of Assam published the Rules called the Assam Autonomous Districts (Constitution of District Council) Rules, 1951 for constituting the Autonomous District Councils in the state of Assam. In accordance with these Rules, the first General election to the Garo Hills Autonomous District Council was held on 18th January 1952 in constituencies. The elections were held on the basis of adult suffrage and 6 candidates were nominated to the Council by the State Government. However, now the Garo Hills Autonomous District Council has 29 elected members and only one member is nominated by the Governor of the State.

The First Garo Hills Autonomous District Council was formally inaugurated by the then Chief Minister of Assam, Shri Bishnuram Medhi on the 14th April 1952 at Tura, the headquarters of the District.³²

The Garo Hills Autonomous District Council is composed of 30 members. The powers and jurisdiction of the GHADC includes, Executive, Legislative and Judiciary.

The Executive Committee:

The overall administration of the District Council is vested in the Executive Committee headed by the Chief Executive Member whose term is for a period of 5 years. The Executive Committee exercises similar powers and functions of the Cabinet at the State or at the Centre within the jurisdiction of its own. The Executive Council is constituted with the Chief Executive Member who is elected by the Members of the District Council from among themselves to lead the Council. Other

³² M. S. Sangma, “*Working of the Garo Hills Autonomous District Council*” in M.N.Karna, L.S. Gassah and C.J.Thomas (ed.): *Power to the people in Meghalaya*, pp 130 -137.

Executive Members of the Council are appointed by the Governor of the State on the recommendation of the Chief executive Member. The total strength of the Executive Committee, however, may vary from time to time. The Executive Committee is to carry on the day to day administration of the District in accordance with the laws framed by the Legislative body.

The Executive Committee appoints a Secretary who is the overall in-charge of the administration of the Council office. He is responsible for supervision of the administration of the District Council office and is accountable to the Executive Committee. The Garo Hills Autonomous District Council has appointed in the past, the Secretary from among its own officers and also from the State cadre.

Besides the Secretary, there are other senior and junior officers of the District Council, such as the Judicial Officer, Land and revenue Settlement Officer, Secretary to the Legislative Branch, Chief Forest Officer, Accounts Officer, Engineer for Civil Works, Taxation Officers, Rural Development Officer, deputy Inspector of Schools etc., and their assistants.

The Legislative Body:

The 29 members of the Garo Hills Autonomous District Council are elected by the people on the basis of adult suffrage and one member is nominated. Under Paragraph 11 of the Sixth Schedule of the Constitution of India, the Legislative wing of the Garo Hills Autonomous District Council had been enacting Rules and Regulations in accordance with the subjects specified in the Sixth Schedule and published in the Official Gazette of the State Government for running the day to day administration.

It is observed that during the period under review, the GHADC had enacted and framed as many as 36 different Acts, Rules and Regulations³³ concerning various issues and subjects for the purposes of administration and regulation of its people and

³³ The GHADC Acts, Rules and Regulation with Amendment. Second Edition, July 2007.

their land as per the subjects specified to itself under Paragraph 3 of the Sixth Schedule.

These Acts, Rules and Regulations are amended and the new ones are introduced from time to time. Debates are in both English and Garo languages. Other languages like Bengali are also used sometimes. Bills are passed by the majority votes, present and voting. There are also a Chairman and Deputy Chairman who conduct the proceedings of the House.

The Judiciary:

The Garo Hills Autonomous District Council has a judiciary wing consisting of the village court at the village levels, the Subordinate District Council Court having Appellate jurisdiction to try cases involving between tribal and tribal in accordance with the Garo custom and usages. The Act was passed by the Garo Hills District Council to this effect in 1953.

The Village Court:

According to the Garo Hills District Council (Administration of Justice) Rules, 1953, each Village Court consists of the *Laskar* who is the ex-officio President of the Village Court and two members of the Village Council elected by the Village Council and three members of the Village Council appointed from amongst themselves who sit as Bench. It has also a Secretary appointed by the District Council who keeps records of all cases. From its inception, the Village Courts numbering 55 in all had been trying various kinds of cases excluding the Criminal Cases involving between the tribal and the tribal and having the Power to line up to Rs. 50 only.

The Subordinate District Council Court:

The Subordinate District Council Court has its headquarter at Tura. It has both Original and Appellate jurisdiction. It tries cases of both civil and criminal nature. The parties to a dispute should belong to Scheduled Tribes and be the resident within its jurisdiction. Only then it can try the cases and suits.

The District Council Court:

The District Council Court acts as court of appeal for all cases tried and disposed of by the Subordinate District Council Court and the Village Court. It is presided over by a Judicial Officer who also exercises original jurisdiction to try cases involving members of the Scheduled Tribes only.

Many of the civil cases, such as the Succession to *Nokmaship*, Divorce, Inheritance, Inter-*Nokma* boundary disputes have been settled by this Court.

For better administrative convenience and proper functioning of the GHADC, the subjects empowered into it, are being supervised and managed by various administrative branches. In addition to Executive, Legislative and Judicial departments, presently, the GHADC has the following administrative branches dealing with the various subjects of the Council. These are: a) Revenue Branch b) Taxation Branch c) Civil Works Branch d) Rural Development Branch e) Water Works Branch f) Printing Press Branch f) Rural Administration Branch g) Forest Branch h) General Administrative Branch i) Water Works and Public Health Branch j) Transport Branch.

Revenue Branch consists of three settlement branches. Each of these branches, is manned by one officer as the Assistant Settlement Officer and field and office staff. The branches are Land Records, Land Reform and Land Settlement including settlements of land in the B and A *Mahal* and Rehabilitation areas. It levies and collects land revenues, local rates and revenues on fisheries and ferries. The Land Record Branch look after all settlement works in the plain areas confined by *Mouza* No. V to IX. The Land Reform Branch, on the other hand, deals with settlement of lands in the *Nokma A'kings* covered by the Hill *Mouzas* numbering from I to IV. This *Mouzas* altogether covers a total area of about 7697 sq. kilometers. The resettlement works at Tura town and settlement of lands in the B *Mahal* areas are looked after by the Resettlement Branch.³⁴

³⁴ GHADC, Golden Jubilee Souvenir, 1952-2002, p 13.

Taxation Branch is headed by one Superintendent of Taxes and one Superintendent of Trade Licensing and a number of Enforcement Inspectors of the branch. This branch assesses and collects taxes, issues trade licenses and collects license fees and fines.³⁵

In the Civil Works Branch, there is one Council Engineer, One Assistant Engineer, 3 (Three) Overseers of Grade I category, 2 (Two) Overseers of Grade II category and 2 (Two) numbers of Grade III categories. All these officers are appointed by the GHADC. This branch looks after the works related to the construction of buildings, construction of village roads, bunds, Dong, wells and also execute works under Rural Development schemes approved by the State Government. The grants in aid under this scheme is sponsored by the state Government.³⁶

RESOURCES AND MEN POWER OF GHADC:

Resources of the GHADC:

Resources available for development from Central Government, State Government and locally generated resources for the last 10 years.³⁷

I: Central Government:

- I) Grant in Aid for special schemes like Eleventh Finance Commission Award & Twelve Finance Commission Award & Construction of Council buildings through Civil Works Branch;
- II) Grant in Aid for Council Owned Plan Schemes through Rural Development Branch.

³⁵ *Ibid*, p 14.

³⁶ GHADC, Golden Jubilee Souvenir, 1952-2002, p 28.

³⁷ Information on GHADC, Tura, prepared by the GHADC for presentation for the Expert Committee Meeting on Planning For Sixth Schedule Areas: Venue Tura Circuit House, Date 20th November 2006, Time 9:00 a.m.

II: State Government:

- I) Grant in Aid for Rural Road Communication, through Civil Works Branch.
- II) Grant in Aid for Forest Protection Schemes and other developmental Works and Plantation Schemes through Forest Branch.
- III) Government Grant for maintenance of Enforcement Staff under T.N.T Regulation through Taxation Branch.
- IV) Grant in Aid for Survey and Maintenance through Land Reform Branch.

III: Locally/Self Generated Resources:

- I) Forest Branch:
 - i) Share of royalty on major and minor minerals.
 - ii) Sale of Timbers and other minor forest produces.
- II) Taxation Branch:
 - i) Share on Motor Vehicle Tax.
 - ii) Professional Tax.
 - iii) Taxes from Cycle, Cart & Bullock Cart.
- III) Land and Revenue Branch:
 - i) Land Revenue Tax.
 - ii) Revenue from Hats, Fisheries, Cattle pound & Ferry Ghats.
 - iii) Settlement Premium.
- IV) Rural Administration Branch: House Tax.
- V) Water Works Branch: Water Tax and new connection charges.

The Staff Position in the Council:

Officers of the GHADC:

1. One Secretary, Executive Committee
2. One Deputy Secretary, Executive Committee
3. One Senior Assistant Settlement Officer
4. One Revenue Officer
5. One Chief Forest Officer

6. Two Deputy Chief Forest Officer
7. One Forest Settlement Officer
8. One Accounts Officer
9. One Assistant Accounts Officer
10. One Internal Audit Officer
11. One Assistant Rural Administrative Officer
12. One Superintendent of Taxes
13. One Superintendent of Trade Licensing
14. One Council Engineer
15. One Assistant Engineer
16. One Assistant Director, Council Press
17. Two Assistant Settlement Officers
18. Three Judicial Officers

Total number of Officers in the GHADC is 22.

Staff of the GHADC:³⁸

1. Superintendent (General Branch)	1
2. Superintendent (Member Hostel)	1
3. Special Assistant	1
4. Head Assistant	1
5. Supervisory Assistant	3
6. Computer Supervisor	1
7. Nazir	1
8. Foreman	2
9. UD Assistants	23
10. LD Assistants	67
11. Forest Rangers	8

³⁸ Information on GHADC, Tura, prepared by the GHADC for presentation for the Expert Committee Meeting on Planning For Sixth Schedule Areas: Venue Tura Circuit House, Date 20th November 2006, Time 9:00 a.m.

12. Deputy Rangers	6
13. Forester I	20
14. Forester II	30
15. Forest Guards	75
16. Range Assistants	5
17. Gateman	29
18. Accountant	1
19. Cashier	2
20. Cash Assistant	1
21. Other Staff	386
22. Village Court Secretary	89
23. Stenographer	1
	Total 755
Total No. of Elected Members	29
Total No. of Nominated member	1
Total No. Officers	22
Total No. of Staff	755
Total No. of Deputed Officer	1
Total No. of <i>Sardars</i>	316
Total No. of <i>Dakor</i> s	89

Thus the total number of employees under the GHADC is 1213 by November 2006. This figure has however, been increased to 2149 by September 2018 according to Mr. James Pangsang K. Sangma, the Minister of District Councils Affairs, Government of Meghalaya, who disclosed it on the floor of the Assembly to a query raised by P.T.Sawkmie of Congress. The GHADC therefore, has been the ADC under the state having the highest number of employees. In terms of the number of

employees, GHADC is followed by the JHADC with 1417 employees while the KHADC has only 524 employees under it.³⁹

Critical Assessment on the functioning of the GHADC:

The purpose behind inclusion of the provision of the Sixth Schedule under the Constitution of India was to provide the tribal people of North East India with a simple administrative set up which could safeguard their customs and ways of life and could secure for them maximum autonomy in the management of their own affairs. The scheme under the Constitution of India, was conceived by the framers of the Constitution to be an instrument of socio-economic development and self management of hill tribal communities inhabiting in the district. The self management was expected to satisfy ethnic aspirations of the tribal communities.⁴⁰ B.R Ambedkar, Chairman of the Drafting Committee said that the Policy towards the Sixth Schedule was similar to the US Government Policy towards the Red Indians. The Hills People of Assam were not hinduised and therefore, had a culture very different from the rest of Assam.⁴¹ Therefore, the real purpose of attaching the Sixth Schedule to the Constitution of India was to create opportunities for the tribal for the preservation of their traditional laws and customs which were completely different from the so-called main stream and which, it is feared that they might be wiped out by the sheer number of the plains people, if not protected.

The Garo Hills Autonomous District Council with its headquarters at Tura had a good beginning and it started with a great spirit and hope to execute the provisions contained in the Sixth Schedule and to bring development to the people. To begin its work, the Office Secretariat – cum - Legislative Assembly Hall was constructed and the

³⁹ The Shillong Times (Garo Hills Edition) dated 18th September 2018.

⁴⁰ Report of the Committee of Members of Parliament and Experts Constituted to make Recommendations on Law Concerning Extension of Provisions of the Constitution (Seventy Third Amendment) Act, 1992 to Scheduled Areas: Ministry of Rural Development, Government of India, January 1995, p 10.

⁴¹ M.S.Sangma: *A Glimpse of the Working of the Garo Hills Autonomous District Council*, an article published in the GHADC's Golden Jubilee Souvenir (1952-2002), p 35.

Official Bungalows for the Executive Members and the Officers, were also constructed with a beautiful Park at the centre. Besides concrete buildings, market stalls and sheds at different localities at Tura and in the rural market areas were constructed by the Civil Works Department. The Rural Development Branch undertook the works of construction of roads, culverts, ring wells etc. Transport Department started in a big way by running buses on important routes of the District. The Department was looked after by the transport staff. The buses also carried mails of the Postal Department to and from the District. In accordance with the Provision of the Sixth Schedule, all the Lower Primary Schools were transferred to the District Council in 1961. Before the District Council came into being, the total number of LP Schools in Garo Hills District was only 277 with an enrollment of 7667 pupils and 634 teachers. But with the transfer of all the L P Schools to the District Council, the number rose to 886 with 39,000 pupils in 1965. Besides these Schools, the Garo Hills District Council also opened more than 200 LP Schools on its own. The medium of the LP School was in mother tongue and Garo, Bengali, Assamese and Nepali languages are the medium of LP Schools.⁴² Later, for being unable to deal with the subject, all Primary Schools were transferred to the State Government which is still looking after them.

In the matters of Legislation, a variety of Acts, Rules and Regulations as mentioned before were passed to preserve their economic well-being. These Acts, Rules and Regulations were amended from time to time to keep pace with the change of time and situation.

Land and Revenue Administration:

It will be in the fitness of things to have a quick look at the land tenure, land holding and land administration system in the Garo Hills before the constitution of the Autonomous District Council. During British rule, *Mouzadari* system was introduced in the Garo Hills as part of land and revenue administration. The first Cadastral survey of the plain *Mouzas* of the *Zamindari* Estates was conducted in 1906-08 when the

⁴² *Ibid*, p 36.

lands were classified and assessed to land revenue. The lands were classified into three types and the taxes assessed on each, were different:

Basti was a first class land which was assessed at Re 1 per *bigha*. The second class land was called *Rupit*, which was assessed at 8 to 10 *annas* per *bigha*. *Faringati* which was assessed at 4 *annas* per *bigha*, was the third class land.

The lands were settled on annual lease. For effecting permanent settlement, survey was undertaken in the plain *mouzas* which was completed in March 1927. By then the settlement was made for 10 years and the revenue assessment on land was as follows:

Basti: Re 1 per *bigha*;

Rupit: 12 *annas* (10 *annas* in some villages on *mouza* no. IV) per *bigha*;

Faringati: 8 *annas* per *bigha*.

Different rates were fixed and assessed for the Tura Town land, which may be shown below:

First class trade site in the bazaar: Rs 10 per *bigha*;

Second class trade site at the adjoining: Rs 5 per *bigha*;

Other town lands: Rs 3 per *bigha*.

This term of settlement was in forced in Garo Hills till 31st March 1953.

The hill areas under *mouza* No. I to IV comprise the lands which are held by the Garo clans under their traditional chief called *Nokma*. These community held lands are called *A'king*. The *Nokma* distributes land to his subjects on most temporary basis for *jhum* cultivation and for settlement purposes. The *jhum* is exchanged for that pays only a nominal fee which is called *Awil* or *A'kimil* or *Ha'kimil*. But, this practice of taking nominal fee by the *A'king Nokma*, is now being replaced with selling plots of land for settlement purpose at an exorbitant rate which the poor people can never afford to pay. Besides, certain selfish *A'king Nokmas* allow permission to settle down in his *A'king* only for the members of his own clan or the wife's clan and not for other people belonging to other clans or *Ma'chongs*. This trend of distributing land only to

the members of his wife's clan or the *Nokma's* clan for settlement purposes within the *A'king* has featured following the rapid growth of population in Garo Hills which results in high demand for land for domestic and commercial purposes.

With regard to administration and assessment of revenue and other forms of taxes, the Council's Taxation Branch is the overall authority. It is reported that the revenue receipts from all sources i.e Forest, Taxation, Revenue receipts from sale of Hats, Fisheries, Ferry Ghats, Grazing Tax, Land Revenue, House Tax, Printing Press, Water Tax, Shares of Royalties accrued from Coal, Minor minerals and M.V Taxes for the year 2002-2003 was estimated to be Rs 15,08,24,847/- while the GHADC's total annual expenditure during that year was Rs 19,71,19,922/-. The deficit, thus being Rs 4,62,95,075/-.⁴³ During 2018-2019, the total revenue collected by the GHADC from land and other sources was 4,41,14, 123/- Crores, which is no small an amount.⁴⁴

TABLE: III

**OFFICE OF THE GARO HILLS AUTONOMOUS DISTRICT COUNCIL, TURA
LAND AND REVENUE DEPARTMENT**

No. GHADC-Rev/MISC-II/2099/658

Dated Tura the 11th June 2019

The annual collected revenue of Land & Revenue Department from all sources for the year 2018-2019 is shown in the Table below:

SL. No	REVENUE SOURCES	AMOUNT
1.	Land Revenue	70,18,912/-
2.	Haats	3,41,43,355/-
3.	House rent and Council's shares on land acquisition	16,13,050/-
4.	Fisheries	1,85,020/-
5.	Ferries	5,72,786/-
6.	Cattle Market	1,76,000/-
7.	Cattle Pound	11,400/-
8.	Sand Market	2,56,600/-
9.	Stone Market	32,000/-
10.	Bricks Market	1,05,000/-
GRAND TOTAL		4,41,14,123/-

⁴³ GHADC, Golden Jubilee Souvenir, 1952-2002, p 29.

⁴⁴ Information provided by the Superintendent of Taxes, GHADC, Tura; Dated 11th June 2019.

(Rupees Four Crore Forty One Lakhs Fourteen Thousand One Hundred and Twenty Three only)

Source: Information provided by the Superintendent of Taxes, GHADC, Tura;
Dated 11 June 2019.

TABLE: IV

**OFFICE OF THE GARO HILLS AUTONOMOUS DISTRICT COUNCIL, TURA
TAXATION DEPARTMENT**

Statement of Revenue Collection & Deposits for the month of April 2018 to January 2019 of
Taxation Department.

Month	TNT Deposit	Professional Tax/ Contractor/ Business	P. Tax for Employees	Cattle Tax	Cattle Tax Receipt Book	NOC/ Exemption	Misc. Deposits TNT Licensee Book fee, Application form	M.V Tax	Total Amount
April 2018	3607380	2478350	7773054	40,000	500	37,000	124850		14061134
May 2018	3333650	508800	5414560			29700		45084912	5,43,71,622
June 2018	2092340	1389800	2226235	84000	1500	12100			58,05,975
July 2018	673400	826660	925923			9800	10000		24,45,783
Aug 2018	873220	415550	445176			20200	19950		17,74,096
Sept. 2018	463050	265400	768015			2200	9850	22643710	2,40,39,025
Oct. 2018	1629810	570650	1102522			5600	20000	10000000	1,31,39,332
Nov. 2018	601250	346300	1052021			3000	5000		19,85,971
Dec. 2018	229950	138950	954592	273500	1000			104258840	10,57,91,182
Jan. 2019	515550	68100	244018				15000		8,42,668
Feb. 2019	433050	128850	1081468			800			16,59,168
March 2019	652350	115400	13922244		1500	3000			1,46,94,494
April 2019	1581950	1303200	14901455		250	8400	60000		1,78,55,255
TOTAL	1,66,86,950	85,56,010	5,08,11,283	3,97,500	4,750	1,31,800	2,79,650	18,19,87,642	25,88,55,405

Grand total of Collection and Deposits of the Taxation Department for the month of April 2018 to January 2019 is Rs 25,88,55,405/- (Rupees twenty five crore, eighty eight lakh, fifty five thousand, four hundred and five only)

[Source: Superintendent of Taxes, GHADC, Tura, Date 31st May 2019]

The GHADC earns substantial revenue from the forest resources in terms of royalty on timbers and minor minerals which was apportioned between the State Government and the GHADC in the ratio of 40:60 in the beginning; 40 being collection charges of the State Government and 60, the share of the GHADC. But this share had been modified by the orders of the Governor of Meghalaya dated 14th February, 1995. The share was revised and later fixed at 25:75 ratio; 25% being the State Government's share and 75% goes to GHADC. In the beginning, the GHADC earns revenue from the transit passes of its timbers and minor forest produces from the Unclassed Forest, which is preserved, protected, managed and administered by the GHADC under its relevant Acts. But, it was stopped by the State Government with effect from 23rd April 1995 under the Meghalaya Forests (Removal of timbers) (Regulation) Act, 1981. This Act seriously and very badly affected the GHADC in its administration over the Unclassed forest under its management. It also hampered and reduced earning of revenue of the GHADC from the forests and other forest products.⁴⁵

Financial Administration:

Constitutionally, the GHADC has its own sources of revenue and finance to manage the affairs of the Council. It is empowered to levy upon and collect variety of taxes. Besides earning revenue from its own sources, the GHADC receives financial aids from both the State and the Union Governments. But, the grants-in-aid which it has been receiving from the State and the Union Governments, form the bulk of the Council's finance. Without the financial help of the aforementioned governments, it can not stand on its own feet and execute its various functions. Government's annual grants-in-aid therefore, is being regularly received by the GHADC. The flow of finance for administration and management of Council's affairs is appeared to be regular and without any problem. The manner, how this finance is utilized by the

⁴⁵ *Critical Assessment of the Garo Hills Autonomous District Council*, an article by Shri Kshirode Marak; Also in *Power to People in Meghalaya* edited by M.N.Karna, L.S. Gassah and C.J.Thomas, pp 148-149.

authorities who are manning the GHADC is a matter that raises many questions. It is also the need of the hour to strongly deal with the situation and the system of irresponsible and reckless misuse of Council's fund by the public representatives. The Council is overstaffed which is also creating financial burden to the GHADC. Corruption and misutilisation of fund among the Council's authorities have been the common practice, which is causing irreparable loss to the GHADC. Very recently, it has been reported in one of the leading newspaper dailies of Garo Hills that the GHADC employees had threatened indefinite strike from November 12, 2019 to register their protest against GHADC's failure to pay Council's employees salary which has been running into arrears for the last 23 months. One of the main causes for pushing the GHADC into such state of affairs is alleged to have been because of the innumerable illegal appointments that plagued the successive executive committees.⁴⁶ The successive elected MDCs and the officers in the GHADC have been indulging in corrupt practices, that led the Council to drain the resources. The result is that, it has not been in a position to pay the salaries of its own employees. Misappropriation and mismanagement of Council's fund commenced right from the days when the movement for a separate Hill State under the banner of the Garo National Council (GNC), which was an associate member organization of the All Parties Hills Leaders' Conference (APHLC), had started.⁴⁷ By now, the corruption has become more common and the amount of misappropriation of public fund by the Council Authorities has been spiraling over the years. This trend of misappropriation of the Council's development fund has been possible to be unearthed through RTI petitions filed against the erring MDCs and the Council's officers, for an information on the utilization of the developmental funds sanctioned both by the State and the Union Governments. One RTI activist named Nilberth Ch. Marak very recently had filed a PIL in the Meghalaya High Court against the current Chairman, GHADC Mr. Denang T. Sangma, accusing him of misappropriation of Central Government funds meant for development works in his Williamnagar Constituency. A total of 46 projects was

⁴⁶ The Shillong Times, (Garo Hills Edition) Tura, Wednesday, the 6th November 2019.

⁴⁷ Interview with Shri Lucksley Ch. Momin, Former Chairman, GHADC, Chitoktak, Tura. Date 20th July 2019.

taken up and sanctioned for implementation in Wiliamnagar Constituency, the total project cost of which was worth Rs 3 Crore, 35 lakhs 40,339/-. The fund was accordingly released. But, only 18 projects were partially done while 15 other projects were not done even after all the money sanctioned for the projects, have been completely withdrawn. The projects were part of the Central Government's One Time release of funds amounting to Rs 100.71 Crores to the GHADC.⁴⁸ Relating to the same case of alleged misappropriation of GHADC's developmental funds, the same activist filed a corruption case in the Meghalaya Lokayukta, Shillong against former Deputy Chief Executive Member Mr. Augustine Marak, who represents Silkigre Constituency under South Garo Hills district. The case relates to the implementation of the projects under Special Plan Assistance (SPA) of 2015-16 for which the Central Government had released over 100 Crore rupees to the GHADC. Out of this fund, a construction of a Shopping Complex in the village of Karukol worth Rs 95 lakhs was undertaken. The money had been withdrawn, yet there was no work. The contractor under whose name the work order was issued and executed, informed the probe team into the scam that he had received a mere Rs 95,000/- (*Ninety five thousand*) for construction of a water hole ringwell. MDC Mr. Augustine Marak also admitted before the investigators that many of the projects had been diverted to other areas. Though admitted as such, he however, failed to provide any evidence including documents substantiating his claims.⁴⁹ Another sitting MDC of the GHADC Mr. Ismail Marak, who represents Asanang Constituency, is also being probed by the *Lokayukta* for a similar charge of corruption.⁵⁰ This is a indeed a sad state of affairs of the GHADC which has been causing great damages to the institution which is actually meant for protection, preservation and development of the indigenous tribe inhabiting the region through their own democratically elected representatives. The system of constituting the council's body by popular electoral process, is being taken by the elected representatives as an opportunity to promote their own personal interests. With the exception of very few dedicated and responsible people, majority of the elected

⁴⁸ The Shillong Times (Garo Hills Edition), Tura, Saturday, dated 16th November 2019, pp 1 & 7.

⁴⁹ The Shillong Times (Garo Hills Edition), Tura, Wednesday, the 13th November 2019.

⁵⁰ The Shillong Times (Garo Hills Edition), Tura, Friday, the 18th October 2019.

representatives to the GHADC and its employees, have taken the system as means of accumulating wealth for himself and his family. What is more important once a person gets elected to the council, is the concrete steps to be taken for reforming the entire system that had spoilt the noble institution. Co-operative action from both the elected representatives and the officers of the GHADC, with a modified and strict system of office administration and management can only solve the ongoing Council's problem.

TABLE: V

Resources in Figures for the last 10 years of Garo Hills Autonomous District Council, Tura

Funds received from the Central Government:

1. Civil Works Branch	Rs 13,06,08,000/-
2. Rural Development Branch	Rs 12,29,76,000/-

Grand Total **Rs 25,35,84,000/-**

(Rupees twenty five crore thirty five lakh eighty four thousand) only

Funds received from the State Government:

3. Forest Branch	Rs 2,43,27,971/-
4. Civil Works Branch	Rs 17,47,00,000/-
5. Land Reform Branch	Rs 19,25,000/-

Grand Total **Rs 20,09,52,971/-**

(Rupees twenty crore nine lakh fifty two thousand nine hundred seventy one only)

Locally/Self Generated Resources:

6. Taxation Branch	Rs 11,84,97,005/-
7. Rural Administration Branch	Rs 20,90,650/-
8. Land & Revenue	Rs 10,89,02,352/-
9. Relief and Rehabilitation Branch	Rs 2,31,378/-
10. Civil Works Branch	Rs 2,73,169/-
11. Water Works Branch	Rs 37,43,409/-
12. Forest Branch	Rs 39,10,59,938/-

Grand Total **Rs 62,47,97,361/-**

(Rupees sixty two crore forty seven lakh ninety seven thousand three hundred sixty one only)

Source: Information on GHADC, Tura for Exert Committee Meeting on Planning for Sixth Schedule Areas: Dated 20.11.2006.

TABLE: VI**OFFICE OF THE GARO HILLS AUTONOMOUS DISTRICT COUNCIL: TURA
(CIVIL WORKS DEPARTMENT)**STATEMENT OF RECEIPT AND EXPENDITURE OF GOVT. GRANT IN AID UNDER
THIRTEENTH FINANCE COMMISSION AWARD (13TH F.C.A) YEAR WISE.

YEAR OF SANCTION	AMOUNT RECEIVED	BALANCE
2010-2011	6,74,40,000	NIL
2010-2011 (2011-2012)	6,22,80,000	NIL
2011-2012	7,91,60,000	NIL
2011-2012	84,64,70,000	NIL
2011-2012	65,60,000	NIL
2012-2013	8,29,32,400	NIL
2013-2014	3,01,56,000	26,18,338/-
2012-2013	8,29,32,400	9,50,000/-
GRAND TOTAL	49.79.30,800/-	35,68,338/-

*Rupees Forty Nine Crore Seventy Nine Lakhs Thirty Thousand Eight Hundred Only.***Source:** Executive Engineer, Civil Works Department, GHADC, Tura. Dated the 20th August
2019**TABLE: VII****OFFICE OF THE GARO HILLS AUTONOMOUS DISTRICT COUNCIL: TURA
(CIVIL WORKS DEPARTMENT)**STATEMENT OF RECEIPT AND EXPENDITURE OF GOVT. GRANT IN AID UNDER
ROAD CONSTRUCTION, I.B'S REPAIRS ETC. YEARWISE

YEAR OF SANCTION	AMOUNT	BALANCE AMOUNT
2010-2011	11,06,000/-	NIL
2011-2012	12,16,800/-	NIL
2012-2013	13,39,200/-	NIL
2013-2014	14,58,000/-	NIL
2014-2015	14,27,000/-	NIL

2015-2016	17,15,200/-	NIL
2017-2018	16,00,000/-	NIL
GRAND TOTAL	98,62,200/-	NIL

Source: Executive Engineer, Civil Works Department, GHADC, Tura. Dated the 20th August 2019

Administration of Justice:

With regard to the working of the Judiciary branch, it has been able to dispose of many civil suits like the question of succession to *Nokmaship*, Inheritance, Divorce, Elopement, inter-*Nokmaship* boundary disputes and other petty cases of theft, quarrels etc. Yet many things are yet to be streamlined and strengthened in this field. Though, The Garo Hills Autonomous District Council (Administration of Justice) Rules, 1953 had been framed by the GHADC, its contents and provisions have not been executed in letter and spirit. In most of the villages, the Village Courts have never been constituted. According to Dr. M.S.Sangma, in the entire Garo Hills, there had been a report of having only 55 number of Village Courts being constituted so far, which tried various kinds of cases excluding the criminal cases involving between the tribal and the non-tribal communities.⁵¹ But according to Chandra Bahadur Chetry, Rtd. Secretary, Executive Committee, GHADC, the number of Village Court in the three districts of Garo Hills was 60.⁵² This difference might be due to the establishment of new Village Courts elsewhere in the district of Garo Hills over the years.

With regard to the issues of disputes for *Nokmaship* of *A'king* under Garo Hills Autonomous District Council (GHADC) an instant case may be referred here to know the working of the GHADC's judiciary.

The case relates to the dispute over the *Nokmaship* of Chisimari *A'king* No. IV 51 (2) that lies under the then East undivided Garo Hills District. Nose R. Marak was the *Nokma* of Chisimari *A'king* No. IV 51 B (2). She was the wife of Late Hasindro

⁵¹ M. S. Sangma: *Working of the Garo Hills Autonomous District Council*, published in *Power to People in Meghalaya* edited by M.N.Karna, L.S.Gassah and C.J.Thomas, p 133.

⁵² GHADC, Golden Jubilee Souvenir, 1952-2002, p 29.

Sangma. She has been living in the Chisimari village, Post Office Rongrong, P.S Mendipathar, then falling under the district of East Garo Hills, which is presently under the newly created North Garo Hills district, Resubelpara. According to Garo custom, Smt. Nose R. Marak inherited her parent's property including their *A'king*, the Chisimari *A'king* No. IV-51 B (2) sometime in the past. Smt. Nose R. Marak and her husband were therefore accordingly registered as the *Nokma Me'chik* and the *Nokma* respectively, and the proprietor of the said *A'king* as well. However, dispute arose with regard to the *Nokmaship* of the Chisimari *A'king* IV B (2) in which Smt. Sakche R. Marak, wife of Shri Pollendro D. Sangma filed a petition before the Hon'ble Executive Member in-charge of Land and Revenue Department, GHADC, Tura in 2008 for cancellation of the duly registered *Nokmaship* of Ms Nose R. Marak from the Genealogical Tree of the *A'king Nokmas* of the Chisimari *A'king*. The order accordingly was passed on 18th February 1999 by the Hon'ble EM, i/c Land and Revenue wherein Smt. Sakche R. Marak and her husband Pollendro D. Sangma were registered as *Nokmas* of Chisimari *A'king*. The order prescribed for correction of the names of the *Nokmas* in the Genealogical Tree of the *Chisimari A'king* No. IV 51 (2). Against the said order of the Hon'ble EM, i/c Land and Revenue, GHADC, Smt. Nose R. Marak filed a review petition in the court of Chief Executive Member, GHADC, Tura. Thereupon, the CEM passed an order stating that the earlier order passed by the learned E.M i/c Land and Revenue, GHADC was very much ex-parte in nature as it violated the election code of conduct. During passing of the said order, the EM i/c Land and Revenue, GHADC, was himself an MDC and the time of the order was at the fag end of the term of the member himself. The court observed that passing of the order during electoral process had been a violation of the election code of conduct and therefore, the order did not hold legal sanctity as the election to the Garo Hills Autonomous District Council (GHADC) was held in the early part of March 1999. Further, the court's view was that the said *A'king* has been continuously in constant possession of Rangsa clan which is reflected in the entry of GT available in the office. The existing *Nokma* Smt. Nose R. Marak has been looking after the *A'king* affairs of the said *A'king* and doing the routine works as usual in all *A'king* matters and

performing and functioning in running administration of *A'king* of the *Nokma* family within the *A'king* land without any problem since the time when *Nokma* was recognised by the authority. In this matter the then Chief Executive Member, GHADC, Tura has decreed in favour of Nose R. Marak on 29 June 2011 in Misc. Appeal No. 17 A.C of 2008. The court stated that the *Nokma* of Chisimari IV 51 (2) *A'king* Land since the year 1923 continuously becoming *Nokma* without any breach. The present *Nokma* Smt. Nose R. Marak is the direct blood relationship with the *Nokma* family, maintained and recorded by the Land and Revenue section of the GHADC, Tura and that it was on record that Smt. Nose R. Marak had been registered as *Nokma* of the said *A'king*. It was mentioned in the record that the *A'king* Land had been continuously in the physical constant possession of the *Rangsa* Clan as reflected in the Genealogical Tree (GT) of the said *Rangsa* family. The court further stated that the registration of Sakche R. Marak, who was once a maid servant of Nose's parents and as such it was stated objectionable, questionable and not in accordance with practice, usages and customs of the Garos because Sakche herself belonged to *Chidimit Rangsa* clan which was not regarded as pure *Rangsa*.⁵³

On matters of adjudication of justice, in certain cases of succession to the post of *Nokmanship*, an heir and the rightful person to the post is denied without any valid reason and thereby he/she is reduced to the status of an ordinary man or woman. It has been a fact that in many instances, the *Nokmas* who were economically poor, face problem to regularly attend the court for hearing in the event of any litigation filed against them or in connection with succession problem. In such cases, as law provides, an *ex-parte* decision was made by the court and the verdict is in favour of the regular attendant. This same standard, also applies to other cases such as divorce, inter personal land boundary dispute, criminal cases etc. Justice therefore, hardly reaches to those poor and underprivileged in its true sense. It may surprise many that money

⁵³ Miscellaneous Appeal Case No. 17 A/C of 2008. In the matter of Smt. Nose R. Marak w/o Late Hosindro Sangma, Vill Chisimari, P.O: Rongrong, PS Mendipathar, East Garo Hills Versus Shri Polendro D. Sangma, H/o Smt Sakche R. Marak, Vill Chisimari, P.O: Rongrong, PS Mendipathar, East Garo Hills; Copy of the GHADC Revenue No. 38 A.C of 2014. Nature of the Case: *Nokmanship* Dispute at Chisimari *A'king*.

power has been playing a role even to change the draft statement of the verdict to be pronounced the very next day. These instances are happening in the courts of the Executive Members holding the charge of Land Revenue Affairs. Thus, justice is being meted out in favour of the one who can influence the EM, judges of the Revenue Court and the CEM by paying bribe. The reason is that judiciary has not been separated from the executive till date in the GHADC as a result, the Hon'ble EMs in charge of Land Revenue and the Chief Executive Member (CEM) or the Deputy Chief Executive Member, by whom the cases are being dealt with, are often manipulated and the facts diluted. The CEM, Deputy CEM or the EMs are actually not competent to try cases as that of the trained judicial officers having law degree and they lack knowledge and expertise on judicial matters to deal complicated cases. And as a result, much of the pronouncements of the verdict are giving scope for further appealing in the High Court. Besides, certain litigations are delayed for about 10 to 15 years and even after such long years, some cases could not be disposed of. That shows the inefficiency and incompetence of the court, which needs to be reviewed and steps taken for improvement. Therefore, to avoid influence and interference of the executive authorities on the independent functioning of the judiciary and to ensure impartiality on the court's decisions, judiciary should be separated from the executive. A legislation should also be framed to desist the lay men and the elected Executive Members, the CEM and the Deputy CEM to take up the trial of cases and this work must be completely given to the trained judicial officers having requisite degrees in law with specialization and expertise in practical application of Garo Customary Laws etc.

Dealing with the Customary Practices:

For regulating the traditions and customary practices among the Garos, the Garo Hills District Autonomous Council during its prime stage, had enacted the Garo Hills Autonomous (Social Customs and Practices) Act, 1954. This was followed by the passing of The Garo Hills Autonomous District (Social Customs and Usages)

Validating Act, 1958⁵⁴ for the same purpose. It is a fact that in the Garo society, traditions and customary practices are greatly valued and highly respected and these practices are binding on the people in many aspects of their social, economic and political life such as marriage, divorce, transfer of property, succession to *Nokmaship* etc. With conversion of majority of the *Achik* people into Christianity, however, the Garos have been now following the marriage practices and laws as per the Christian Marriage Act and accordingly the marriage couples are being ordained by licensed Pastors, priests etc. In Garo Hills and in any Garo inhabited areas and among the majority Garo people wherever they live, their marriage is now being governed by the Indian Christian Marriage Act, 1872 (Act XV of 1872).

The Indian Christian Marriage Act of 1872 had been enacted by the Parliament of India on July 18, 1872, to regulate the legal marriage of Indian Christians. The act applies throughout India with the exception of the territories and states such as Cochin, Manipur, Jammu and Kashmir. The Act legitimizes a marriage if atleast one of the parties belongs to a Christian. An ordained minister of any Church in India, a clergyman of the Church of Scotland, a marriage registrar or a special licensee may marry an aspiring couple under the Act. The marriage performer issues a marriage certificate after the marriage is ordained. The Registrar of Marriage, who is appointed by the Government of India, maintains the record of the marriage certificates of the ordained couples. As stipulated by the Indian Marriage Acts, the minimum marriageable age for the groom is 21 years while for that of the bride is 18 years.⁵⁵

The traditional system of marriage ordination among the Garos is called *Do'sia*, which is a combination of the two Garo words *Do'o* and *Sia*. *Do'o* means a poultry, *Sia* means die or kill. Therefore, *Do'sia* literally means killing a pair of poultry. *Do'sia* is ordained by a Garo *Kamal* (priest) and the couple is solemnized by killing a pair of poultry, a cock and a hen.

⁵⁴ The Garo Hills Autonomous District Council: Acts, Rules and Regulations with Amendments, First Edition, December 1968.

⁵⁵ The Indian Christian Marriage Act of 1872. (15 of 1872) With State Amendments. Universal Law Publishing Company, Pvt. Ltd, New Delhi.

The traditional marriage ordination system generally existed among the Garos and which was exercised and ordained by a *Kamal* is now disappearing very fast. It is also not encouraged, welcomed or appreciated by the Garos themselves now. It is a fact that a marriage couple already ordained by a *Kamal* in a traditional way, is not recognized by the Christian Churches and the couple will be again asked to get themselves married according to Christian marriage tradition and laws. Some Christian denominations, simply baptised them as being the tradition in the Christian Churches to bring them under the fold of Christianity and no second time marriage is ordained.

One thing which is heartening to note is the fact that though the Garo Hills Christian Marriage Act, 1954 had been passed by the GHADC, yet no law has been passed to record or recognize the marriage of the Non-Christian Garos according to the customary practices. This is a sign of utter negligence, a complete disregard towards, on the part of the Council authorities, which should rather come forward, with proper and protective measures for regulating the traditional practices of their own people.⁵⁶

Though attempt is being made by the Council authorities, till date, the GHADC has not been able to codify the Garo Customary Laws. In this regard, GHADC took step on 26th September 2003. A meeting was convened on that day by Mr. Ebelson A. Sangma, Chief Executive Member, GHADC. A seven member Committee was constituted with Dr. Milton S. Sangma, a well known writer, historian and a senior researcher on the History of the Garos, as its convenor. Other members of the Committee were Mr. Nepol Chisim, Mr. David Ch. Sangma, Mrs. Lepmoni Ch. Sangma, Mrs Brucellish Koksi Sangma, Dr. Julius L. R. Marak and Mr Hewingson A. Sangma. The committee was given one year time to complete the assignment.⁵⁷

⁵⁶ *Critical Assessment of the Garo Hills Autonomous District Council*, an article by Kshirode Marak, former Secretary of the Executive Committee, GHADC published in "Power to People in Meghalaya" edited by M.N.Karna, L.S.Gassah and C.J.Thomas (Regency Publications, New Delhi, 1997)

⁵⁷ *Mikaoa*, 30th Issue, 2015-2016, p 9, Published by the Garo Graduates Union. Headquarters Tura, West Garo Hills, Meghalaya.

The Committee started to function from 1st November 2003. Questionnaires were prepared and circulated to the *Nokmas*, *Sardars*, *Laskars* and other Garo leaders. The committee also visited various places of Garo Hills on different dates. They visited Baghmara on 26th June 2004; Kharkutta on 10th July 2004; Williamnagar on 25th August 2004 and Dadenggre on 28th August 2004. Then a seminar was held in the District Library, Tura on 27th October 2004 where Garo leaders from Assam also took part. A final report was submitted by the committee to GHADC in July 2005. After lapse of several years GHADC took steps for codification of Garo Customary laws. A bill was prepared which titled “Codification of Garo Customary Laws, 2009 and kept with them. Since it was not made public, the Garo Graduates Union (GGU) in its 42nd Annual General Conference held on 24th November 2012 had discussion on this subject and passed a resolution urging the concerned authorities to take necessary action.⁵⁸

For the first time ever, the Bill in this regard was introduced by the GHADC Executive Committee in its session held on 23rd August 2014. It was summarily rejected by all, as it was not circulated to the public before it is discussed in the GHADC executive session.⁵⁹ However, after much effort, the Council managed to clear it and the bill was passed and later sent for Governor’s approval. But, due to strong claims and counter claims, by the National People’s Party (NPP) led opposition political parties, the Garo Hills based NGOs etc. the bill was sent back to the Council by the Governor for reconsideration.

The basic controversial question that surfaces in the draft Codification of Garo Customary Laws Bill, 2009 was with regard to the definition of the term “Garo” or “Who is a Garo?” The very draft Bill that was passed by GHADC defined the word Garo in its chapter 1, para 3 and in sections (i) to (v). Section (i) of para 3 says “ The term Garo refers to a people or tribe who called themselves *Achik* or *Mande* and who are born of Garo parents and follow the system of matriliney and kinship and other custom and traditions irrespective of their places of settlements. Section (ii) defines

⁵⁸ *Ibid*, p 9.

⁵⁹ *Ibid*, p 9.

the word Garo as a person born of a Garo mother and a Non-Garo father who is to be recognised as a Garo or *A'chik* provided Garo matrilineal system, kinship and other customs and traditions are followed by him. Section (iii) of the same para says "The Non-Garo father may be recognized as a Garo provided he adopts any other sub-clan or *Ma'chong* other than his wife's *Ma'chong* and fully identifies himself with the Garos and is accepted as such by the adopting *Ma'chong*" Section (iv) states "A person who is born of a Non-Garo mother and a Garo father is recognized as a member of the Garo tribe provided he follows the Garo customs and traditions" Section (v) or the last section says "The non-Garo mother may be recognized as a Garo if she adopts any Garo sub-clan or *Ma'chong* other than her husband's *Ma'chong* and fully identifies herself with the people by adopting all their custom and traditions and is recognized as such by the adopting sub clan or *Ma'chong*" When the bill was sent for Governor's approval, it was referred back for reconsideration to the GHADC.

In the absence of a clear-cut definition of the term, controversies cropped up and it lingers on as the Garo people themselves could not find befitting definition for the word "Garo" for final approval; and as a result, few diehard Garos, came forward moving the apex court to questioning the veracity of the word "Garo as a human being" A glaring instance of sort, in this regard, may be brought here for a reference. The story runs as follows:

The allegation filed by Mr. Tennydard M. Marak of Nokgil A'we, Wiliamnagar was that Dr. Mukul M. Sangma, then Chief Minister of Meghalaya, was not a Garo according to the Garo Customary practices and on the just and adopted principles of matrilineal descend. The Garos trace their descend from the mother's side and take surname or title from their mother. Dr. Mukul M. Sangma's father was a Garo by the name Binoy Bhusan Marak of Ampati village, Police Station Mahendraganj, Garo Hills. He married a Muslim lady by the name Rousanara Begum, a resident of Nagaon in Assam. Dr. Mukul M. Sangma and his brother Zenith M. Sangma were their sibling and they took Manda Sangma as their title which is not the accepted norm to be taken according to the Garo customary practices. They are born of a

Muslim mother and therefore, they are Muslim by birth and they are not the Garos. Therefore, being Muslims, their Scheduled Tribe status, claimed based on their Garo origin, is not constitutionally valid. Their ST status therefore, does not come under the purview of the *Reserved Seat* meant for the genuine ST candidates of the State for their studies and for contesting in the Assembly elections in the State, and in no way and under no circumstances, be enjoyed non-STs.⁶⁰ This problem is of course, due to the incompetence of the GHADC to make proper legislation on the customary practices of the Garos and because of the failure of the GHADC Court for interpretation of the facts based on the natural and prevailing customary usages of the Garos.

A digression from the usual customary practices among the Garos is also commonly seen in the case of taking their surname. Among the Garo members of modern generation, it is seen that certain Garo family started taking their lineage from their father which is opposite to the customary practice of the Garo people. Taking father's *Machong* by their children is definitely not in accordance with Garo customary laws.⁶¹ Garo women, getting married to General Caste Non-Garos have been facing problem in this regard. They are bound to yield to their husbands' wishes and the children born out of their wedlock, are taking the father's title. When their children had passed Class XII examination and struggle to get seat in the technical courses under reserved category meant for the ST candidates of the State, they realize their mistakes and approach the court for an affidavit citing that her child is a Garo ST and based on that ground, her child should get seat under the reserved category for higher studies or a government job under reserved quota. Such controversies, would

⁶⁰ *In Search of Justice: A Representation Before the Hon'ble President of India Seeking Justice and Remedial Measures* submitted by Tennydard M. Marak in 2013; Also a Copy of *Memorandum of Appeal for Imposition of President's Rule under Article 356 of the Constitution of India in the State of Meghalaya* by Tennydard M. Marak, Dated 24th September 2014; Also *Forced Assimilation: A serious Threat to the Indigenous Tribal People in Meghalaya, A memorandum of Appeal before Shri Narendra Modi, The Hon'ble Prime Minister of India* submitted by Tennydard M. Marak, dated 13th October 2014; *We, the People: A Representation Before the National Commission for Scheduled Tribes*, New Delhi by Tennydard M. Marak, Dated 20th March 2018]

⁶¹ *Codification of Garo Customary Laws*, an article by Dr. Sanderson Ch. Sangma, former President of Garo Graduates' Union, Tura, published on *Mikaoa*, 2015-2016, p 11.

not have cropped up, had there been a clear-cut codification of Garo customary laws in the GHADC.

Another scintillating fact is the marriage between a Garo boy and a Garo girl under prohibited degree called *Ma'dong* marriage. Under Garo customary practice, marriage between persons belonging to same motherhood, is strictly prohibited. But presently, a trend has been going on where we see many instances of such marriages among the people of the present generation.

Administration and Management of Forest:

The Garo Hills Autonomous District Council now comprises five administrative districts, has a total geographical area of 8167 sq. kms and out of this, nearly 5112 sq. km is under the cover of the forests. There are two types of forests in Garo Hills as far as management of forest is concerned. These are State Reserved Forests and the Unclassed Forests. The State Forests comprise of an area of 268.92 sq. km while that of the Unclassed forests cover 4,843.3 sq. km.⁶² The State Reserved Forests are administered and managed by the State Government of Meghalaya while those of the Unclassed forests are scattered all over the Garo Hills and is managed by the GHADC. These Unclassed forests lie within 1404 number of *A'kings*. In accordance with the powers conferred upon it by the provisions under Sixth Schedule, the GHADC has enacted two acts namely the Garo Hills District (Forest) Act, 1958 and the Garo Hills District (Awil Fees) Act, 1960 for management and control of Unclassed forest areas of the Autonomous District Council of Garo Hills. The details of the District Council forest areas may be shown here.

1) Number of <i>A'kings</i> within the GHADC	1404
2) Total area of the <i>A'kings</i>	7383.0 sq. km
3) Private forest areas within <i>A'kings</i>	4843.3 sq.km
4) Areas under Roads, paths etc.	336.8 sq. km

⁶² J.Syamala Rao, IAS (P): *Forest Management Under the Garo Hills Autonomous District Council*. (Unpublished)

- 5) Degraded forests under the *A'kings* within coal/lime etc. mining and residences and agricultural purposes after reclamation 96.87 sq. km

Range-wise division of private forest areas:⁶³

1) Phulbari Range	1,210.0 sq. km
2) Mendipathar Range	612.0 sq. km
3) Kharkutta Range	445.3 sq. km
4) Williamnagar Range	635.0 sq. km
5) Songsak Range	414.0 sq. km
6) Baghmara Range	507.0 sq. km
7) Mahendraganj Range	615.0 sq. km
8) Tura Range	405.0 sq. km
Total	4,843.3 sq. km

Jhum Regulation:

Jhum cultivation in Garo Hills has been an age old practice of the Garo people inhabiting in it and therefore, it has continued to be the most popular method of agriculture for them. As a result, *jhum* goes on unhindered causing large scale deforestation in the Garo Hill. As per Central Government survey, about 50-60 sq. km of forest is cleared for the purpose of *jhumming* annually.⁶⁴ *Jhum* cultivation has been adversely affecting the ecology and environment of the Garo Hills. Its negative effects are i) Loss of vegetation ii) Erosion iii) Change of climate and rainfall pattern iv) Loss of water resources v) Disturbance in the abode of micro biological organisms leading to their destruction vi) Destruction of wild food resources vii) Growing scarcity of housing materials and fire woods.⁶⁵

⁶³ J.Syamala Rao, IAS (P): *Forest Management Under the Garo Hills Autonomous District Council*. (Unpublished), p 3.

⁶⁴ J.Syamala Rao, IAS (P): *Forest Management Under the Garo Hills Autonomous District Council*. (Unpublished), p 15.

⁶⁵ L.S.Gassah: *Garo Hills Land and the People*, Omsons Publications, Gauhati, New Delhi.1984, p 67;

With regard to controlling and regulation of Jhum in the Garo Hills, it was reported in the news daily The Shillong Times, dated 10th May 2019 that in spite of the GHADC Jhum Regulation Act, 1954, there found to be still 2538 out of the total 2882 registered villages under the GHADC, that continue to practice the slash and burn method of jhumming in Garo Hills. This was disclosed in a high level district meeting at Tura chaired by West Garo Hills Deputy Commissioner, Ram Singh. The result from the shifting cultivation and the ever rising expansion of plantation areas have been acute water shortage even in areas where streams and rivers once flowed free and abundantly. According to the GHADC Jhum Regulation Act, 1954 certain areas are allotted for jhumming while it was prohibited from extending to areas in the radius of 400 meters from any water source of catchment area, village or community forests.⁶⁶

Despite these rules and regulations, there has been no check on the expansion of *jhum* cultivation which has now reached even catchment areas on the foothills of Nokrek National Biosphere Reserve from where the Simsang and Ganol rivers sustain their water table. The implications from these are being felt on the soil of Garo Hills the impact of which is compaction, loss of soil structure, nutrient degradation and soil salinity coupled with loss of fertile land due to soil erosion. In many places, particularly the upper reaches of the Ganol and Simsang rivers, there has been an increase in pollution and sedimentation in streams and rivers which is clogging the watersways and causing declines in fish and other species.⁶⁷ The reasons for continue practice of *Jhum* in Garo Hills are i) *Jhum* is so much ingrained in their culture that it is very difficult to stop this centuries old tradition. Even there are some festivals associated with *Jhumming* like *A'galmaka* which is performed after burning and before sowing the seeds in the *jhum* field; ii) Lack of alternative means of livelihood for the people living in Garo Hills and the inability of the GHADC to provide for alternative livelihood; iii) Lack of funds with the GHADC to undertake schemes which would make the *jhum* cultivators to adopt settled cultivations like that of horticulture, vegetable gardening, plantation agriculture etc.

⁶⁶ The Shillong Times, Garo Hills Edition, dated 10th May 2019.

⁶⁷ *Ibid.*

Appointment of S.K.Dutta Inquiry Commission:

Under paragraph 14 of the Sixth Schedule of the Constitution of India, it is provided for appointment of a Commission to inquire into the working of the Autonomous District Councils and regions and submit a report to the Governor. In pursuance of this provision, a Commission was appointed by the Governor of Meghalaya in 1982.⁶⁸ The Commission was headed by Shri S.K.Dutta, a retired Chief Justice of the Gauhati High Court, as its chairman. The other members of the Commission were Shri Irwin Koksi Sangma, Shri D.S.Shallam and Dr. B.R. Kharlukhi. However, two of its members viz. Shri D.S.Shallam and Dr. B.R.Kharlukhi resigned very soon. As a result, the Commission was reconstituted on 9th June, 1983 with the following members:

1. Shri S.K.Dutta, Retired Chief Justice.
2. Shri R.T.Rymbai, IAS (Retd)
3. Shri D.S.Khongdup, IAS (Retd)
4. Shri Larsing Khyriem.
5. Shri Kshirode Marak.

This time, Shri Kshirode Marak too resigned on 2nd September, 1983 and in his place Shri Helsingforce A. Marak was appointed on 8th December, 1983. The terms of reference of the commission were “To enquire into and report on the administration of the Autonomous District of the Khasi Hills, Jaintia Hills and Garo Hills generally and in particular on the following matters.

1. The provisions available under the Sixth Schedule to the existing Autonomous District Councils and the facilities available in terms of education, medical and communication in the Councils;
2. The need for bringing new or special provisions in matters of administration in respect of such districts; and

⁶⁸ Department of District Council Affairs, Government of Meghalaya Notification No. DCA.66/81/pt(A)/58 dated 16th September, 1982.

3. The administration and the nature of implementation of laws, rules and regulations made by the District and Regional Councils.⁶⁹

The Commission after visiting the three District Councils of the State and after detail study of the performances of the various departments of the three Autonomous District Councils, submitted its report at the end of the year 1984. However, no action was found to be taken on the recommendations of the Inquiry Commission headed by Justice S.K.Dutta.

The GHADC's financial position was found to be not sound. There was a huge difference between the demand and the actual receipt. During 1993-94, the Demand was Rs 60,61,000 in respect of Land Revenue but the Actual Receipt was only Rs 20,17,807 and on account of Forest, the Actual Receipt was Rs 1,25,67,618 against the Demand budgeted of Rs 2,00,00,000. The actual total Revenue Receipt of all kinds was Rs 471,74, 547 against the total Demand of Rs 684,86,200 in 1993-94 as shown in the Budget. In order to improve the fund position it is necessary to streamline the administrative machinery and maximum care should be taken in the field of resource mobilization and economic utilization of all the available revenues received by the council in a year.⁷⁰

For the District Councils in the State of Meghalaya, being unable to deliver goods to the people and since it is not being performed as per the expectations of the people, the Dutta Commission Report on the functioning of the District Councils in the State of Meghalaya remarked:

“There has always been a sense of frustration among the members of the public that the District Councils which were established to provide the tribal people with an opportunity to manage their own affairs according to their own genius have

⁶⁹ *Critical Assessment of the Garo Hills Autonomous District Council: An article by Shri Kshirode Marak, Former Executive Secretary, GHADC; Also see Power to People in Meghalaya, Edited by M.N.Karna, L.S.Gassah & C.J.Thomas, pp 152-153.*

⁷⁰ *Ibid.*

not been acting according to the spirit of their conception and may be considered not only as redundant but also an unnecessary and expensive institution with the establishment of a Hill State”⁷¹

Despite some benefits that the Garo Hills Autonomous District Council has bestowed on the people, it had to confront with a number of limitations in the course of its functioning. Though the Garo Hills District Council started functioning from 1952, the Council was faced with reality of having to work within the constraints of the Rules framed under the Sixth Schedule. One glaring feature was the presence of the non-tribal members nominated by the Governor of Assam apart from the elected members. This Act of the Governor was taken by the tribals as an attempt to submerge the tribal interests. This kind of attitude of the Governor of Assam along with other serious issues culminated in the passing of the Language Bill in 1960 resulted in the demand for a separate State and simultaneously for the amendment of the Sixth Schedule with wider powers for the District authorities.⁷²

Human weakness like greed for money and other personal and political benefits also mellowed down the enthusiasm and enchantment with which it was started. The funds allotted for running the Council have been diverted to meet the selfish ends of those who manned the Council without going to the actual fields for which it was sanctioned. The power struggle for chair and wooing the members and the electorate ate away the developmental funds. The Council’s Secretariat is overstaffed and the corruptions among the Executive Members and the MDCs have been percolated to the officers. The Forest Department, after a good start, had to be closed down due to mismanagement. The LP schools had to be surrendered to the State Government due to misappropriation of funds sanctioned for the development and due to its own financial resources. Transfer of land and license for trading was given by the members in authority surreptitiously to the non-tribals for their own gains or due to pressure. Land revenues, taxes and tolls were not collected properly. No land

⁷¹ ”Dutta Commission Report: District Councils will die a natural death”, The Shillong Times (Shillong), 13th September 1989.

⁷² Golden Jubilee (1952-2002: Garo Hills District Autonomous Council Souvenir, p 36.

settlements were done for several years resulting in heavy loss of Income by the Council.⁷³ The District Council also could not augment its own resources to finance itself. It has therefore to depend heavily for financial assistance from the State Government which released late after having received them from the Centre.

The Judiciary branch also met the same fate. Though it was intended to settle the cases speedier, other bureaucratic processes delayed the processes. One loophole in the branch was that it opened a scope for appeals to the High Court which deprived people from getting justice. Its other defect was that it could try cases between the tribal and tribal only and as such, it has no authority to try cases of theft, robbery, adultery, etc committed by the non-tribals.⁷⁴

Besides, the Council has not produced enough trained manpower. As a result, no project involving technical personnel could be taken up by the Council.⁷⁵ The people also became too dependent on the Government for their development and there is still public lack of awareness and vigilance to put the District Council in its rails. Besides, there is a lack of political will among the politicians in order to fulfill the goal set in the Sixth Schedule.⁷⁶

However, despite the weaknesses mentioned above, the District Council is not without strength and opportunities. The District Council has become part and parcel of the political life of the people of Garo Hills and its existence is firmly rooted. It has become now an important platform for voicing and exercising their political ambition and aspiration and thus a good training ground for political workers and leadership. It has also carried the administration near to the people thereby involving people's participation in the development processes as envisaged in the 73rd Amendment of Indian Constitution. The experiences of the District Council may be thus a pointer to the newly started *Panchayati Raj*.

⁷³ *Ibid*, pp 36-37.

⁷⁴ Golden Jubilee (1952-2002): Garo Hills District Autonomous Council Souvenir, p 37.

⁷⁵ *Ibid*, p 37.

⁷⁶ Interview with Shri Lucksley Ch. Momin, Former Chairman, GHADC. Spring Hills (Chitoktak), Tura, West Garo Hills, Meghalaya. Date 20th July 2019.