

CHAPTER-V

Changing Trends and Innovations in Rural Governance

In the preceding chapter, little has been mentioned that during British rule right from the year 1842, the concept of local rule had been in the thought process of the officers of the British India Government. But it took years of hard study and to give it a complete shape both in structure and ideology of local self government to look after the welfare of the people and to bring a revolutionary change in their socio-economic and political life. Lord Ripon, who pioneered and experimented with the system of Local Self Governance, himself as Viceroy, had not been able to implement his own policies of decentralization of powers and development on the basis of the text of the Resolution that he managed to adopt in 1882. The conditions in the British Administration in India led the Viceroy Lord Curzon, who succeeded Lord Ripon, to change the policy of devolution of power arbitrarily much against the advocacy of the Britishers like Edmund Burke, Mountstuart Elphinstone and Charles Metcalf. Following the curtailment of the powers of local bodies by Curzon, there was no consistent effort to relegate the powers to local bodies on the part of the Indian National Congress.¹

During their rule, the British government took several steps for setting up of local administrative bodies. In this regard, mention may be made of the establishment of a Municipal Corporation in Madras as early as 1687 which had been the stepping stone in their attempt to lay the foundation of decentralization of powers for self governance and administration in the urban area. Lord Mayo, the Governor General in Council then got the approval of a resolution in 1870, for the decentralization of powers that aimed at bringing about greater administrative efficiency in meeting the demands of the people. By

¹ G. Palanithurai: *Empowering People for Prosperity: A Study in New Panchayati Raj System*, p 16.

the same year, Bengal *Chowkidari* Act, 1870 was passed and the traditional village *Panchayat* system in Bengal was revived. The act empowered the District Magistrates to set up *Panchayats* by nominating members in the villages. This was followed by an attempt to implement Lord Ripon's Resolution of 1882 which had helped to elevate the role of the rural local administration and the term "Self-Government" gained popularity among the people. In 1913 the Congress, at its 28th session held at Karachi in the month of December, adopted a resolution stating that "decentralization had remained largely on paper only"² In 1918, for strengthening the local bodies, the British India Government passed another resolution. The said Resolution of 1918 stated:

"The object of Local Self-Government is to train the people in the management of their own local affairs and the political education of this sort must, in the main, take precedence on considerations of departmental efficiency. It follows from this that Local Bodies should be as representative as possible of the people whose affairs they are called upon to administer, that their authority in the matter entrusted should be real and not nominal and that they should not be subjected to unnecessary control, should learn by making mistakes and profiting by them."³

The Montagu-Chelmsford Reforms of 1919 made Local Self Government a 'transferred subject' as a result, it became a subject under the domain of Indian Ministers in the provinces. It suggested for a complete popular control in local bodies and the largest possible independence for them from outside control.⁴

² Report of the Working Group on Panchayati Raj Institutions and Rural Governance: Government of India: Planning Commission and Ministry of Panchayati Raj, 2011, pp 1-2.

³ Internet Source: https://shodganga.inflibnet.ac.in/bitstream/10603/123586/808_chapter1.pdf.

⁴ Report of the Working Group on Panchayati Raj Institutions and Rural Governance; Government of India: Planning Commission and Ministry of Panchayati Raj, 2011, p 2.

The Indian National Congress, the only organization that had been spearheading the freedom movement on all India level also, could not make much progress in its demand for local self governance as it fully engrossed itself in its programme of *Satyagraha*. But, still we found the Congressmen did continue raising their voices in their meetings for the same. Under British administration, while classifying, the subjects of rural administration, governance and devolution of powers to them, have been earmarked for provincial administration. But, with India's achievement of independence, the thought of the Indian political leaders took different dimensions and their view was in favour of strong centre. Therefore, their strong intention was to forge unity among the people irrespective of their diversities in race, language, culture, religion etc. and to empower and involve them in the field of administration and developmental processes. The tragedy of partition of India into India Union and that of a separate Pakistan and the existence of princely states in different localities and regions strongly convinced them to think of decentralization and development. The partition experience in the last end of achieving their hard struggle for freedom, made them to think and resolve their decision in favour of strong centralization of powers. Thus we see a shift in the theoretical aspect of the concept of Local Self Rule or Self Governance due to obvious reasons. The concept of provincial administration from the perception of the colonial administrators and the local self-government from the perception of the builders of modern India are in whole totality different from the concept of *Panchayati Raj* System or Village Republic as envisioned by the Father of the Nation, Mahatma Gandhi.⁵ Gandhi's vision of *Panchayati Raj* System is that 'India's village republics must be economically and socially self sufficient without relying on the government'.⁶

On the issue of Local Self Government however, there were deliberations in the Constituent Assembly. As a result, it was finally given a place in the Directive Principles of the State Policy as it was insisted by Mahatma Gandhi that there was no meaning in

⁵ G. Palanithurai, *op, cit*, pp 16-17.

⁶ M.K.Gandhi: *My Idea of Village Swaraj*, Harijan, 26th July 1942.

seeing a constitution which did not say anything about the *Panchayats*. Though there was a vehement criticism against the constitutional *pandits* for not giving constitutional status to *Panchayati Raj* as it has given to Central government and State government, the implementation of the provisions of the constitution with regard to the establishment of *Panchayati Raj*, Nehru during his period actively supported the endeavors for the establishment of *Panchayati Raj* Institutions and for the effective functioning of the above institutions. It was easier for the Central government to implement its decisions in all the provinces as the same party (Indian National Congress) by then, had been ruling the Centre and the provinces. Structures have been created with variations in different provinces in the initial period through which rural development activities have been carried out.⁷

Panchayati Raj in the aftermath of Independence:

After India achieved independence, provinces enacted *Panchayat* Acts under entry 5 of List II of the Constitution as it was inserted Article 40 in the Constitution as the Directive Principles of State Policy. The said article reads “The States shall take steps to organize village *Panchayats* and endow them with such powers as may be necessary to enable them to function as units of self-government”. As a preliminary step, states undertook to renew the old concept of *Gram Panchayats* and *Gram Sabhas*, through enactment of legislations to ensure peoples’ involvement in their affairs at the grass roots.

This approach was reflected in the first plan document itself. Provincial governments had enacted laws to establish local body institutions with varied forms, from uni-tier to three tier system. Both federal government and the provincial government, being the same party i.e Indian National Congress, the policies enunciated by the Union

⁷ G. Palanithurai: *op. cit.*, p 17.

government for rural development had been implemented by the local body institutions very effectively and without any objection.

In 1952, the Community Development projects were inaugurated. The process of transformation was thus, initiated by the Central government in the rural areas with the help of the local self-government and the *Panchayats*. Yet, the whole nation was in the process of nation building by overcoming the communal feuds and other divisive tendencies, the federal government did not give much attention to the establishment and effective functioning of local body institutions. Therefore, what had been aimed at in the beginning when the constitution of India was in the process of taking its final shape, could not be achieved. This invited for setting up of a commission for further inquiry and to suggest ways and means by which rural administration and development of rural areas could be effectively made and progress in this regard, achieved.

As a result of discontentment on *Panchayati Raj* administration, Balwantray Mehta Committee was appointed by the Central Government to study and report on the progress and achievement, and the problems it had encountered during implementation of the community development projects. It was also aimed at finding out more viable options for working out national extension services with a view to bring economy and efficiency and among others, for the assessment of the extent to which the movement has succeeded in utilizing local initiatives and in creating institution to ensure continuity in the process of improving economic and social conditions in rural areas. This commission submitted its report in 1957. The report extensively studied and made exhaustive recommendation on different aspects and issues of local body institutions namely, power devolution, programme planning, coordination at the Centre and between the Centre and the states, administrative pattern, people's participation in community works, evaluation and methods of reporting. Training of personnel, farming, co-operation, rural industries, health, primary education, social education, *sarvodaya*, *saghan kshetra* and *gramdan* and measure for economy, efficiency and speed. Following this report, a number of acts had

been enacted in different provinces. The Balwantray Mehta team offered two broad directional thrusts: First it argued that there should be administrative decentralization for the effective implementation of the development programme; and that the decentralized administrative system should be under the control of elected bodies. The Committee put it that development cannot be achieved without responsibility and power.⁸

Community development is possible only when people themselves are actively involved in the development process. It can be real only when the community understands its problems, realizes its responsibilities, exercises the necessary powers through its chosen representatives and maintains a constant and intelligent vigilance on local administration. Against this background, the committee recommended an early establishment of statutory elective local bodies and devolution to them of the necessary resources, power and authority. Secondly the basic unit of democratic decentralization should be located at the block level. They contemplated just an advisory role for the district tier. Based on the recommendations of Balwantray Mehta study team, the National Development Council advised the provinces to work out and establish a structure suitable to local conditions.

The operational aspect of *Panchayati Raj* system in the provinces of India urged itself to evolve a variety of theories. There had been differences in the level of performances and achievements by the *Panchayat Raj* institutions operating in the provinces. Structures and administrative functions have been changed over the years to suit the operational situations. However it gained momentum in the administrative process. Till the demise of first Prime Minister of India, the *Panchayati Raj* institutions

⁸ Report and Recommendations of the Balwantray Mehta Committee on Panchayati Raj, 1957, Appendix C, p 322; Also see G. Palanithurai, Empowering People for Prosperity: A Study in New Panchayati Raj System, pp 18-19.

were on ascendency. After his demise there was stagnation. But in the 1970's there was a total decline.⁹

The non-functioning of *Panchayati Raj* Institution brought disrepute to the entire concept and its practice. There was a growing realization that it was lack of constitutional support that had led to the sad state of affairs. In most of the provinces, the governments postponed elections more than fifteen times continuously. As a result there is a total stagnation in developmental activities in the rural areas and rampant corruption in the offices while implementing the rural development schemes. Social scientists, political leaders and many intellectuals, therefore raised questions on this problem and came forward with their collective and strong individual recommendations to have a constitutional amendment which would make it obligatory for local elections to be held on time.¹⁰

This sad state of affairs necessitated the Union Government of India to review its policy of rural governance and to bring effectiveness in the system for successful implementation of developmental schemes. Therefore, in 1977 the Asoka Mehta Committee was appointed and the committee unequivocally reiterated that *Panchayati Raj* institutions should be given a Constitutional status by bringing in a constitutional amendment. It also evolved a model bill for the same purpose. Asoka Mehta Committee Report had been considered as an eye opener for the politicians and administrators. It was an elaborate document consisting of eleven chapters.¹¹

From the submission of report by Asoka Mehta Committee, there had been demands from political as well as certain social organizations operating from different localities and regions of India for the effective implementation of *Panchayati Raj* System through constitutional amendment. Under the strong pressure and initiative of a section of

⁹ George Mathew: *The Will is Missing*; The Hindu, dated 12th December 1991.

¹⁰ G. Palanithurai, *op. cit*, pp 19-20.

¹¹ G. Palanithurai, *op. cit*, p 20.

few dynamic leaders of India, this rural development scheme had been implemented and exercised on an experimental basis with distinct structures and the result yielded was positive.

A change in the scenario of rural development and the effectiveness of the system as a tool for transforming rural landscape as a result of the follow up of the Asoka Mehta Committee report could be seen in the states of West Bengal, Karnataka and Andhra Pradesh, all of which were then being ruled by non-Congress I governments. The efforts and experiments of these states were accepted and appreciated by academicians and researchers. The success of these states in experimenting the *Panchayati Raj* in their respective states therefore, led the social scientists, researchers and political leaders to adopt it as viable option for bringing a change and development among the rural masses. By the end of 1988 a Sub-committee of the Consultative Committee of Parliament under the chairmanship of P.K. Thungon made recommendations for strengthening the *Panchayati Raj* System. One of its important recommendations was that the *Panchayati Raj* bodies should be constitutionally recognized.¹²

Since the beginning of 1989, Rajiv Gandhi, the then Prime Minister of India, after knowing well that the existing structural arrangement of rural administration had failed to achieve the status of development that it should have been, started making all out efforts to make the system of rural governance in the country more effective through constitutional measures. He himself could witness the level of achievement brought about by the *Panchayati Raj* which had been successfully implemented in the Non Congress I ruled states like Karnakata, West Bengal and Andhra Pradesh.¹³

In order to strengthen his conviction, Rajiv Gandhi held discussions with intellectuals, social scientists and even convened conferences to discuss and explore possibilities on implementing *Panchayati Raj* System in India. These discussions and

¹² *Ibid op. cit.*, p 20.

¹³ *Ibid*, pp 20-21.

conferences had motivated him to bring an amendment bill in the Parliament to create an effective *Panchayati Raj* System in India. The political situation in India was however, not conducive to Rajiv Gandhi to easily get the approval of the Parliamentarians with regard to the bill. As a result the policy initiatives of Rajiv Gandhi were severely criticized terming it as mere policies to cover up his misdeeds. This idea of empowering people through constitutional amendment had been placed in various forums. Eminent citizens had signed to urge the Central government to introduce a suitable bill to create a third tier of government. During the preparation of the Asoka Mehta Committee report, near 63% of the respondents who reacted to the existing conditions favoured the idea of giving *Panchayati Raj* Institution, a constitutional mandate. Finally a bill was prepared and endorsed by the bodies of the Indian National Congress.¹⁴

64th Constitutional Amendment Bill:

Despite strong opposition from opposition political parties and other individual members of Parliament, the 64th Constitution Amendment (*Panchayati Raj*) Bill was introduced on 16th May, 1989. Popular national and regional leaders like E.M. S Namboodiripad, Jyothi Basu and others have written letters to the Prime Minister expressing their opposition that the powers of the State would be greatly reduced if the bill became an act. They objected the bill on the ground that it empowered the Governor to dismiss the elected local body institutions and created structure for local bodies without referring to the State Government. Even though there were good provisions in the bill for effective functioning of *Panchayati Raj*, the opposition leaders mobilized the people to resist the bill.¹⁵

The purpose of bringing the 64th Constitution Amendment was fourfold. Since *Panchayati Raj* is the subject in the State List of the Constitution's Seventh Schedule, the

¹⁴ G.Palanithurai, *op. cit*, p 21.

¹⁵ *Ibid*, pp 21-22.

States were having jurisdiction over the *Panchyati Raj* Institutions. Through this 64th Constitution Amendment, this entry was going to be introduced to the Concurrent List thereby empowering the Centre, to have a direct way in matters concerning the *Panchayats*. Secondly, the devolution of financial resources to the *Panchayats* shall no longer to be left to the discretion of the State Governments; but would be regulated through statutory awards by the Finance Commission. Thirdly, holding election to the *Panchayat* Institutions ceased to be the responsibility of the State Governments; these too would be governed by the Chief Election Commissioner. Fourthly, a uniform policy of reservation of seats for both women and Schedule Caste and Scheduled Tribes in *Panchayat* bodies at all levels and all over the country would be introduced.¹⁶

The policy so formulated by the said bill sought to be achieved decentralization of powers by bypassing the State Government. Without devolving powers to the State, powers are granted to *Panchayat* institutions under the direct supervision of the Centre. It is also a fact that the Provinces which are not in a position to get adequate powers for their development functions from the Centre, it was easy for them to take away the powers of the local body institutions. Hence the functioning of local body institutions is fully depending on the State Authorities. By empowering the *Panchayat* institutions, the provincial governments are made non-entities in the orbit of power structure.¹⁷ The Bill was vehemently opposed by all political parties on two grounds (a) first the Bill overlooked the State and was seen as an instrument of the Centre to deal with the *Panchyati Raj* Institutions. (b) It was imposing a uniform pattern throughout the country instead of permitting individual States to legislate the details depending upon local governments.¹⁸ Hence, from several quarters attacks have been made on the bill. The Bill was dubbed as an election gimmick to cover up the Bofors scandal. Finally, the said Bill was defeated.

¹⁶ G. Palanithurai, *op. cit*, p 22.

¹⁷ G. Palanithurai, *op. cit*, p 22.

¹⁸ G. Palanithurai, *op. cit*, pp 22-23.

When the National Front came to power, the Coalition Government constituted and run under its leadership, introduced the 73rd Constitution Amendment Bill in 1990. However, it was never taken up for a discussion. Thereupon, the Congress I succeeded the National Front Government and the ruling party referred the bill to the Joint Committee of the Parliament. Considering the recommendations of the Joint Committee, suitable modifications were made in the earlier Bill and it was introduced in the Parliament as 73rd Amendment Bill.

The Constitution 73rd Amendment Bill:

Though the said bill had faced strong opposition in the beginning, it was finally passed without much opposition on 22nd and 23rd December 1992 as 73rd Constitutional Amendment. When sent for State Governments' ratification, more than seventeen Provincial Governments accepted and approved the Bill as part of Constitutional requirements. Following this historic Parliamentary legislation, the act came into operation. Of the changes effected, the *Panchayati Raj* Bill (73rd Constitutional Amendment Bill) is a landmark in the Constitutional History of India. Because this is a beginning in the exercise of changing option from scientific State management of development of people's management of development through a new institution called *Panchayati Raj* Institution. It not only a change of instrument merely altering the existing structure. It is a new institution with a different strength. It has to act vibrantly to share the burden of the Federal Government and State Government. More particularly it is going to create a feeling among the people that the government is not far away from the people; it is always with the people and by the people.

The new bill contains provisions for holding periodic elections, constitution of *Gram Sabha*, provision for constitution of Election Commission to conduct periodical elections, provision for a Finance Commission to regulate fiscal matters for *Panchayati*

Raj Institution, reservation of seats for women, Scheduled Castes and Scheduled Tribes, and a total of 19 subjects which had been earmarked for *Panchayat Raj* Institutions.¹⁹

There was a complete unanimity over the powers granted to the *Panchayati Raj* Institution. Opposition emanates from the point that the power has not flown from the Centre to the Local Bodies through the provincial authorities. Normally power has to devolve from the Centre to the State and to Local Bodies. Though adequate provisions of power have been given to local bodies, the direct link between the Centre and the Local Bodies created suspicion among the political parties and especially regional political parties. It is also equally true that when power is given to State Authority to decide the fate of *Panchayati Raj* Institution, the State Authorities barring a few, were reluctant to decentralize powers from them to local bodies.

The process of centralization has been a syndrome even in the relationship between the State and *Panchayati Raj* Institutions. In this context it was justified that there is a logic behind the direct control of the Central Government over the *Panchayati Raj* Institutions.

While implementing the system, the power should flow only through the State. The existence of State would seem meaningless if the Central Government does not involve and utilize the state machinery to control over *Panchayati Raj* Institutions. All the three governments should function in co-operation with one another for a peaceful transformation and development of the society. But there should be a clear-cut demarcation in terms of the powers and functions of *Panchayati Raj* Institution with the State and the Centre. Moreover the advocacy of uniform structure of *Panchayati Raj* Institutions, does not sound well in the context of the nature of poor and heterogenous society. Multiplicity of nationalities, linguistic groups and religious groups with various ramifications and differences need variations in the structure of the *Panchayati Raj*

¹⁹ G. Palanithurai, *op. cit*, pp 23-24.

Institutions. Against this background one may find logic in the position expressed by opposition parties, opinion makers and intellectuals. The Select Committee pruned the Bill and brought it out as an acceptable one to all. Hence all political parties consented to pass the Bill with minor dissent voice. But this Bill is given to the provincial governments to fix the structure of the *Panchayati Raj* Institution.²⁰

In spite of the fact that the Union Government which had codified the key aspects of *Panchayati Raj* Institution, much has been left to the discretion of the State Government to legislate on the subjects allocated to it. There is doubt that most of states would not realize the importance of the Bill and give effect to the Bill in the State. This Bill has been viewed from different perspectives. Critics like George Mathew who had been the strong advocate of *Panchayati Raj* Institution, agreed that the power of creating a structure of *Panchayati Raj* Institution, has been given to the State. Likewise, *Panchayati Raj* Institution has been defined as self-government to look after all the functions of a government.

But later in the text it was found that the *Panchayati Raj* has been defined as an institution meant for development functions. With it, certain powers and functions were also vested with the State Government. In the context of changing political scenario one can observe and authentically say that the government at the Centre and the States mostly engaged in stabilizing their own party positions by maintaining law and order situation in the country since the political parties began to thrive on non issues through continuous mobilization of people for political task. As a result, developmental functions receive poor attention²¹ and progress comes slow.

The problems projected before the State and the Central governments are heavy and the existing structure needs more power and capacity to tackle the same. The increasing centralizing tendency brought tones of issues and out of which the syndrome of

²⁰ G. Palanithurai, *op. cit*, p 24.

²¹ G. Palanithurai, *op. cit*, p 25.

corruption was the solid outcome to solve the two major problems namely the heavy pressure on the Centre and the State the socio-economic problems of the rural poor, the extreme decentralization of powers from the Centre to the State and State to *Panchayati Raj* Institutions is needed.

Moreover, the rural masses have to be given power and resources to tackle the crisis without the interference of the government bureaucracy. Realization has come to policy makers and planners in the last five to ten years. The outcome of the realization is the *Panchayati Raj* Bill. This Bill does not give powers to the people directly. It creates an opportunity to the people to take up the mantle of deciding their destiny. People have to be prepared to take up the task and assert their power.

This is because of the dominating behavior of the members of Parliament and members of State Legislative Assemblies. They are not friendly with the parallel governing institutions with adequate powers, and moreover they are indifferent too, towards *Panchayati Raj* Institution. No one like to see another centre of power emerging as a challenge nor would they like to see their existing powers being diluted. MPs are hostile to State Assemblies. MLAs are hostile to members of *Panchayati Raj* Institution. Against this background one would look at the Bill.

Since the power is vested with the State Assembly to create a suitable structure, there is no need to say that *Panchayati Raj* Institution would come with adequate powers. It would be possible only when the people forcefully articulate the need of such institution otherwise this bill will only be a paper tiger.

Need of a Prosperity Movement:

Rural areas are packed with varied types of problems. They have challenges which are of different facets that demand multi-dimensional approaches to cope and face with. People have lost their hopes and their grip over their destiny. They have been trained to receive the benefits from the government. They never look at their contribution to the

government. Rural people have lost their confidence of winning their socio-economic problems and they developed a dependency syndrome in which they rely on the government for each and every set of their prosperity. The villages are becoming centers of exploitation economically and environmentally. They are not participants of any of the political and economic activities of the society. This is because of the absence of grassroot level governing institutions. Democratic institutions at the State and National level are being gradually drifted away from the main path of democracy. The political parties though mass based, have not established contact with grassroot institutions. Hence they pull the crowd by highlighting certain sensational events and issues rather than taking up concrete social, economic and political issues of the society. They are drawn into some non-issues to be engaged in and lost rather than involving them in the actual field work that could lead to their progress.

But through the establishment of *Panchayati Raj* Institution with adequate powers at the grassroot level, the people would be mobilized for constructive works of the villages and thereby the individual energy would be transformed into a social energy as M. K. Gandhi converted the unutilized individual energy into a social energy to fight against the British.

After achievement of independence, there has not been any effort or a movement involving the mass people for achieving certain level of prosperity among the Indian people. It is true that the mass illiteracy, poverty, insanitation, unemployment etc. could be tackled only through an organized movement by the people with the help and organized effort of the government and its various agencies. Democratic values have been eroded in the course of forty years due to the reason that the people have not been trained adequately in the art of democratic governance at the grass root level institutions. *Panchayati Raj* Institutions are model parliaments in the rural landscape. They are not only taking decisions to solve the socio-economic problems, but also a training ground for

the people in the art of decision making, which will help the people to have more trained legislators for democratic governance.

Ethnic eruptions in India and the demand of self governance within the framework of Indian Constitution demonstrate the fact that the human collectiveness are in need of organizational powers. Democratic decentralization of powers to grassroot institutions would reduce tension at higher level both at the Centre and State. It helps integrating the various human segments and unity could be preserved. Thus *Panchayati Raj* Institutions would maintain unity and integration of India.²²

Yet another political problem being faced by all political parties is that they have not established grassroot level organizations for their activities. Some of the Political parties have established organizations upto *Tuluk* level since politics revolves around *Tuluk* and above their to elect a member to Legislative Assembly or to Parliament. As such there is no legitimate decision making body below the district level. By making the PRI to function effectively, awareness could be created among the rural mass about politics.

Since the bill came into operation, the state authorities have to take appropriate step to create a suitable structure of PRI for the respective states. Knowing fully the frame of mind of the state authorities, the people have to be careful and unless the people demand, the *Panchayati* Institutions will be an institution will only a fiasco. But one thing is clear, that there should be an institution for which election would be held periodically and that institution would function within the powers assigned to it.

It is evident from the activities of the Central government that it was felt deeply that power should be devolved to the grass root organizations to tackle the crisis in the rural areas after it realized that forty years of centralized and organized planning for development have not yielded to the level of expressions of the people and more over the

²² G. Palanithurai, *op. cit*, pp 26-28.

centralized planning has increased the work load of the Central government and it increased the amount of pressure on the central govt.

Jawaharlal Nehru the architect of modern India, had given adequate attention to village *Panchayati Raj* Institution (PRI), though there was no constitutional status. In the formative period, the *Panchayati* institutions had grown and helped the federal and state govt. to implement the rural development programmes. After the demise of Pandit Jawaharlal Nehru, the *Panchayati Raj* intuitions began to decline and in the meanwhile there was a cry for decentralization and state autonomy. Since the concept of state autonomy and decentralization was aired, the centralization process was quickly initiated.

It was felt repeatedly the grass root institutions have to be strengthened and rejuvenated to cope with the present day requirements. Committees had been appointed and committees have submitted voluminous reports. But it took near about decades to give shape to the recommendations of the committee. Finally R Gandhi in his framework of new polity and administration to be tuned of changes in the Globe, he introduced the bill empowering the grass root institutions as one of the steps to restructure polity. Initially it was totally opposed and the bill was defeated as a sequence of Bofors scandal at the time of the introduction of the bill. The major objections raised by the opposition parties have been removed from the bill and it was introduced during the period of P. V. Narasimha Rao and passed without much opposition. The functioning of the *Panchayati Raj* would be watched carefully. But it is all the more important to see the creation of a suitable structure of *Panchayati Raj* Institution. To create a suitable structure for effective functioning of *Panchayati Raj* Institution, people have to be organized. Otherwise it would also an institution without vibrancy eating away the public money.

The Trends of Rural Governance in the Hill Districts of North East India: A Case study of the GHADC:

Many changes have been brought about in the field of rural governance and administration either in terms of its structure, character and in the system of functioning. These changes have been effected in view of the need to cope up with the changing world, the changing circumstances and to meet up the challenges of the situations. However, amidst these administrative changes and innovations aiming at a quick transformation of the rural masses and of the rural landscape, one thing is certain that the ripple effect of these changes, is not abrupt; rather it is very slow and gradual.

When we look at the simple tribal way of rural setting and administrative devices, perceptively innovated and skillfully engineered by and evolved amongst themselves through different phases of history, one can rightly infer that they want changes and development in their life but want to retain and continue most of the features of old system of administration and ways of life. This characteristic is also well discernible in the life of the tribal people of the North East India.

There had been strong evidences that helped us to know, assert and finally conclude that there were self governing institutions among the rural Indians since Vedic times which had evolved out and taken shape into various dimensions throughout the different historical periods. Yet, it continues retaining its earlier characteristics of popular and democratically elected system of administration and governance.

Amongst the tribal people of the North East India, the institution of self-government is as old as the tribes themselves, inherent in them since the dim past. Though a recently arranged device under the Sixth Schedule of Constitution of India, the District Councils, created for administration of the tribal people and their inhabited areas, have a strong historical antiquities and bases of the very concept of the tribal self-governing institution. It is a fact the existence and style of functioning of the District Councils

everywhere have been put to criticisms for reasons of it not being able to deliver goods as expected to the tribal people to whom it were meant and created. At the time when the just created state of Meghalaya was being upgraded into a Full Fledged State, the then Home Minister of India suggested to the leaders of the political parties who were at the helm of affairs of politics to do away with the District Council as the State would be largely under the political control of the tribal people themselves and their elected representatives.²³ However, the suggestion was not acceptable to the tribal leaders of Meghalaya and as a result, the District Councils continued to be in existence in the State till date.

In course of its existence over the years, the GHADC too underwent some changes in its composition, powers and functions. In the beginning the Garo Hills Autonomous District Council has a total membership strength of 24, out of which 18 members were elected from the territorial constituencies on the basis of adult suffrage while six members were nominated by the Governor of Assam. Later, the seats for elected members had been raised from 18 to 22. As a result, the nominated members in the Council had been reduced to two. In 1969, the number of members of the GHADC was again raised from 24 to 30. The Garo Hills Autonomous District Council (GHADC) brought an amendment to Rule 6 (1) of the Assam Autonomous Districts (Constitution of District Councils) Rule, 1951, by Sixth Amendment Act, 1977, and fixed the number of elected members at 29, leaving only one seat for a nomination by the Governor.²⁴ This fixation still stands valid till today. Very recently, certain militant outfits especially the ANVC based in Garo Hills, urged upon the Hon'ble Government of India, for an increase in the number of seats of the GHADC upto 40 seats. However, they reviewed their demand later, and their original demand for a total seats of 40, has been reduced to 34

²³ L.S.Gassah: *Autonomous District Councils*, pp 323-324.

²⁴ Kshirode Marak's: *Critical Assessment of the Garo Hills Autonomous District Council* published in *Power to Power to People in Meghalaya*, p 143.

only.²⁵ With regard to the administration over its transferred subjects from the state government of Assam, concerning the Primary Education and the Local Transport services, it failed miserably. In the beginning, the Lower Primary Schools were also looked after and managed by the GHADC. But owing to difficulty in managing it, these two subjects were later transferred back to the State Government. The GHADC also managed and run the Motor Transport service from Tura to many important places of Garo Hills. The Council buses regularly ply on some important routes of Garo Hills. Due to financial mismanagement, it had to stop its operation very soon and the same had to be surrendered to the State Government. The Council's Transport Department is now no longer with the GHADC and this service is now being managed and run by the Meghalaya Transport Corporation, under the State Transport Department.

The movement of the Garo NGOs to remove the Non Tribal voters from the GHADC electoral Roll:

There is no doubt that the Garos and the Garo Hills have benefited a little from the GHADC. Yet, it had to confront with many problems in the course of its existence and functioning. The Council had to work within the constraints of the Rules framed under the Sixth Schedule. The presence of the Non-Tribal members nominated by the Governor of Assam apart from the elected members, in the GHADC, has been an eyesore to the Garos, who argued that the GHADC is meant for the tribal people, and their presence in the Council is in no way, necessary. This act of the Governor from the very beginning, 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 policies culminating in the passing of the Language Bill in 1960, had resulted in the demand for a separate State and simultaneously

²⁵ Memorandum of the ANVC, submitted to Dr. Manmohan Singh, The Hon'ble Prime Minister of India, New Delhi, dated Cheram, the 28th September 2009.

for the amendment of the Sixth Schedule with wider powers for the District Governments.²⁶ Besides, there are certain constituencies specially in the plain belts of the Garo Hills, which have been made open seats where persons belonging to Non-Tribal communities can contest in the GHADC elections. This provides opportunity for them to take part in the administration and functioning of the GHADC. Through this Constitutional provision, persons belonging to Non-Tribal communities could get themselves elected to the GHADC. Persons like Md. Akkramoz Zaman and Shri Harabhandu Mukherjee during 1952-1957 term; Md. Akkramoz Zaman, Shri Jagabandu Barman and Khelaram Barman during the second term (1957-1964); Md. Akkramoz Zaman, Shri Jagabandhu Barman and Khelaram Barman during 1964-1972; Shri Dhabal Ch. Barman, Shri Samsul Huda and Shri Mon Bahadur Newar (Nomintaed) represented during 1972-1978; Shri Dhabal Ch. Barman and Shri Samsul Huda during 1978-1983; Shri Dhabal Ch. Barman, Smt. Reboti Barman and Shri Safiar Rahman Hazarika during 1983-1989; Shri Gulam Mahedi, Smt Reboti Barman and Shri Safiar Rahman Hazarika during 1989-1994; Shri Raghunandan Modak, Shri Mozidur Rahman and Shri Wahedur Rahman during 1999-2004 have been elected to the GHADC. Only during GHADC's 8th term, there had been a complete absence of the Non-Tribal member as no member had been represented from the Non-Tribal communities in the Council.²⁷

For some years in the past, there had been an attempt on the part of certain NGOs from Garo Hills led by the GSU and the Federation of Khasi Jaintia and Garo People (FKJGP) to remove the names of the Non-Tribal voters from the GHADC electoral Roll. The move needs to be properly examined to ascertain the constitutional validity in effecting a change in this regard.

²⁶ Milton S. Sangma: *A glimpse of the working of the Garo Hills Autonomous District Council*, published in the Souvenir of the GHADC Golden Jubilee (1952-2003), p 36.

²⁷ List of members, elected and nominated of the GHADC, published in the GHADC Golden Jubilee Souvenir, 1952-2003, pp 80-88.

As we know, elections of general nature that call for public representation in a body to be constituted for the general administration and welfare of the people and which involve a struggle for power, a person or persons fulfilling certain specified qualifications and criteria is or are constitutionally allowed to take part in the elections.

In general, all the political parties, either National or Regional, are freely allowed to participate in such elections. A person not belonging to Scheduled Tribe shall not be entitled to vote unless he is a permanent, or resident within the territorial limits of the said Autonomous Council; and for the purpose of this rule, a person shall be deemed to be permanently resident within the territorial limits of an Autonomous District if he has taken up his fixed or permanent habitation with his family or made his permanent home in that district and resided continually therein for a period of not less than twelve years on the qualifying date. Therefore, we see today that many Non-Tribals have been enlisted as voters in the Council's Electoral Rolls and as a result, they have been actively taking part in the District Council's elections; and thus, they have been playing an influencing role in the District Council's administration in their own favour.²⁸

As found mention in chapter II, section 128 of the Assam and Meghalaya Autonomous District (Constitution of the District Councils) Rules, 1951 (Relevant Rules as Required for Holding Election to Garo Hills District Council), the qualification for the electors is stated as follows.

Every person who is

- a) a citizen of India and ordinarily resident in a constituency for not less than 180 days during the qualifying period;
- b) not below the age of twenty one on the qualifying date;

²⁸ M.N.Karna, L.S.Gassah & C.J.Thomas (Ed): *Power to People in Meghalaya*, pp 22-23.

c) not of unsound mind and does not stand so declared by a competent court, or such other authority as may be empowered by the Governor in this behalf;

d) for the time being not disqualified from voting under the provisions of any law relating to corrupt or illegal practices and other offences in connection with elections, shall be entitled to vote at any election to the District Council of any autonomous district, provided that a person not belonging to a Scheduled Tribe specified in item I of Part I Assam, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, shall not be entitled to vote unless he is permanently resident within the territorial limits of the said autonomous district.²⁹ As the Election Rule allows participation of an Indian citizen who has been residing or had been a resident within the constituency for not less than 12 years, Non-Tribal people also have been taking part in the GHADC elections as per provision given in the Constitution. The demand and claim of the Garo Hills based NGOs too stand justified and it can neither be simply rejected nor can it be totally condemned as they too, have the right to speak out their aspirations of what and how the GHADC should have been; and the very institution which was actually and specifically meant for safeguarding and promoting the interests of the tribal people. Their demand for separate electoral roll for District Council's election is also well justified as the electoral roll prepared for the elections to the Legislative Assembly of Meghalaya is being used for the District Council's election³⁰ against which the Garo Hills based NGOs have been raising strong objection. Therefore, a separate Electoral Roll specifically for GHADC's electoral purposes may be prepared to solve this vexed issue.

²⁹ The Assam and Meghalaya Autonomous District (Constitution of the District Councils) Rules, 1951 (Relevant Rules as Required for Holding Election to Garo Hills District Council), p vii.

³⁰ *Ibid*, p viii.

The Demand of the Garo NGOs for adoption and Implementation of the Inner Line Permit:

The Inner Line Permit (ILP) is an official travel document issued by the Government of India to allow inward travel of an Indian citizen into a protected/restricted area for a limited period. This permit system was introduced under the Bengal Eastern Frontier Regulation, 1873 during British regime.³¹ Presently, this regulation is still in operation in the three states of Mizoram, Nagaland and Arunachal Pradesh. Certain Garo NGOs including the popular and the most active and powerful NGO, the Garo Students' Union (GSU) demanded for the implementation of the Inner Line Permit (ILP) in Garo Hills. The demand is to check the recurrent flow of the illegal migrants from neighbouring Bangladesh and from those of the States of Assam and other States of North East of India. By bringing ILP into operation in Garo Hills Districts, these NGOs are of the opinion that other people whom they designated as "Outsiders" from other States of India particularly Assam and its neighbouring Bangladesh could well be filtered and detected and thereby saving Garo Hills from overpopulation by other Non-Garo migrants and non-indigenous people. However, the demand had not yet been considered by the State Government of Meghalaya and the Union Government of India as well. Certain sections of the people of the State also feel that this might stop the flow of traders, businessmen, industrialists, tourists, scholars, researchers etc. into Garo Hills. As a result, the development process in all fields might take place at a snail's pace.

Demand for More Power Autonomy to the GHADC:

In matters of receiving fund from the concerned State Government, there had been a long delay in the process and sometimes the fund allocations and the various grants in aid to the District Councils end up in the paper process. There had been instances of diversion and misappropriation the Centrally sponsored funds meant for the ADCs as a

³¹ Copy of Bengal Eastern Frontier Regulation, 1873.

result, such funds hardly reach to them. Finding that the present set up of the Garo Hills District Council under the State of Meghalaya, could not fulfill the aspirations and wishes of the Garos and after fully knowing that the concerned State Government too exercises maximum restraints upon the autonomous functioning of the Garo Hills Autonomous District Council (GHADC), a section of the firebrand youths of the Garo Hills set out to demand for more power autonomy to the existing GHADC from the Union Government of India. The demand of this group of firebrand youth in the beginning, was for a Garoland Separate State and later on for a Greater Garoland State to be carved out from the States of Meghalaya and Assam. After struggling for about 14 years, they realized the fruitless labour of their movement and of the hardships they faced to continue with their goal and at the closing end of their existence, they opted for the so called Territorial Council, instead of the Garoland State which is expected to be in line with that of the erstwhile Bodoland Territorial Council of the Bodos in the State of Assam. Thus, the demand of this youth group, which was quite reasonable, yet so challenging, based on historical, linguistic, economic and cultural affinities of the people inhabiting in the areas under the proposed Garoland Separate State Demand, and which was also driven by emotional upheaval against the corruptions of the public representatives and of the concerned Government officers in the State. However, the struggle slowly subsided and it finally ended up with the demand for devolution of more Central Funds from the Union Government to the GHADC and to effect a change of the name of the District Council to that of the Garo Hills Territorial Council.³² Thus the wastage of resources of the Garo Hills in terms of its people, energy, money etc. during 15-20 years of armed struggle, all have gone in vain and what has remained now with the people themselves, is only its history of extortion, killings and kidnappings of the innocent people and the helpless children of those who had been eliminated by the gun totting rebels. All these have been the worthy left overs of the infamous armed movement of the Garo outfits, the memories

³² See memoranda submitted by the GNC, the ANVC, the GSU, the GSMC on different dates to the Union Government of India.

of which shall always remain fresh with the family members of those whose bread earning fathers or mothers had been separated from them for good.

Codification of Garo Customary Laws: The attempt that failed. It's probable consequences:

Several years had passed from now since the inception of the demand by certain Garo NGOs for codification of Garo Customary Laws, which is still lying pending till date. Few years back, the bill in this regard had been passed by the GHADC in one of its sessions, sent it for Governor's assent. But, it failed to get Governor's nod. The bill has been finally sent back to the GHADC for reconsideration due to public outcry and strong objections raised by several Garo Hills based NGOs and the political parties on the controversial definition of the term "Garo" In the bill,

- i) The term "Garo" refers to a people or tribe who call themselves "*A'chik*" or "*Mande*" and who are born of Garo parents and follow the system of matrilliny and kinship and other custom and traditions irrespective of their places of settlements.
- ii) A person born of a Garo mother and a non-Garo father is also recognized as a *Gar/A'chik* provided Garo matrilineal system; kinship and other custom and traditions are followed by him.
- iii) 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*.
- iv) 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 custom and traditions.

- v) 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*.

The National People's Party (NPP) criticized citing reasons that the bill directly favoured Dr. Mukul Sangma, the then incumbent Chief Minister of the State of Meghalaya, who was born from the wedlock between a Garo father and a non-Garo mother. The objection raised was that, the customary law codification attempt and the bill has assumed political colour that directly favour a person born from a non-Garo mother to be recognized as bonafied Garo.

The question of determining a person's originality, ancestry and legal status may be interpreted by taking into consideration the customary practices of the tribe to which he or she belonged. It is true that Dr. Mukul M. Sangma's father is a Garo while his mother is a Muslim. Under Garo custom, there is no practice of taking his father's title as the Garos being the followers of matrilineal order and lineage, the children take only the mother's title. In case a Garo man marries a non-Garo woman, immediately after her marriage or before marriage, she should be brought under the fold of a Garo society through fulfilling *Deragata* ceremony. He or she should take the title and surname of his or her adopted family or *Ma'chong* with whom she had been associated. Once a non-Garo man or woman has been brought into the fold of a Garo family, he or she should be able to speak Garo language, should live according to Garo custom and traditions and under the environment of a matrilineal Garo society. In the case of Mukul's mother, she continues writing her surname *Begum*, the title which is generally found among the women belonging to

Muslim community.³³ This shows that she had not yet fully been Garoised and brought under the fold of Garo family and the Garo society.

Issues Confronting the GHADC:

GHADC: A bankrupt and a dead horse: The noticeable change that can be pointed out is the ways and the manners that the resources available at their command are being utilized. The new generation elected representatives to the 30 Members Garo Hills Autonomous District Council (GHADC) have been more spendthrift than those of the earlier members. They viewed the elected posts as an opportunity to reserve and occupy

³³ As evident from the Electoral Roll of Roshanara Begum entered in Sl. No. 359. 58 Ampatigiri LAC, 1983, Polling Station No. 14, Ampatigiri.

NOTE: For about two decades, the Garo Hills and its people had the bitter experiences of the activities of its locally formed militant outfits that emerged out or outgrown mostly from its earlier group, succeeding one after another due to defection of individual cadres from the parent organization. They formed their own outfit by deserting from their earlier organization and became its self declared Commander, Chairman etc. There has been not much ideological difference among these factions of militant outfits. All that made them to leave their original group was based on money matters and of the differences in sharing of their ill gotten booty; the leaders always getting the lion's share of the extorted money through intimidation, kidnapping and killing while those followers merely served them and earned nothing than the wrath of the public. Beginning with the A'chik Matgrik Liberation Army (ALMA), the A'chik National Volunteers' Council (ANVC), the Garo National Liberation Army (GNLA), the ANVC-B etc. are the outfits to be mentioned for historical purpose only, who claimed themselves to have been organized for the protection of the Garo people and for the Garo Hills and who declared themselves that they had sacrificed their lives for the cause of the Garo people. Their declared objective was the creation of a separate Garoland State by integrating the Garo inhabited areas of Assam and the Khasi Hills, which are lying adjacent to the existing Garo Hills Autonomous District Council. The ANVC, the second militant outfit of the Garo Hills in its first ever memorandum submitted on the 5th May 1999, to the Hon'ble Prime Minister of India, Shri Atal Behari Vajpayee, strongly urged for the creation of the Garoland separate State. This was followed by the second memorandum to the successor of Mr. Vajpayee, Dr. Manmohan Singh, which was submitted to him on the 1st February 2006. Mere submissions of the copies of memoranda proved to of no use and as a result, the demand met its natural death on the half way. The ANVC cadres lined up themselves for a surrender in ceremony for a huge loss and a zero gain. Neither they could strengthen the Garo Hills District Autonomous District Council nor did they achieve their goal of Greater Garoland State. The GHADC continues with its old version, the same structure, the same problem of financial bankruptcy and zero innovations etc. However, the movement for a separate Garoland State is being continued by the Garoland State Movement Committee (GSMC) till date

some of the key areas wherefrom they could earn more and extra income for themselves. They became more opportunists in their minds and too materialistic in actions. As a result, the constitution of the Executive Body of the GHADC is often changed which adversely affect the smooth functioning of the Council. This is because the elected MDCs look for more opportunities to earn income from various sources. If they do not find any opportunity to fulfill their evil intention and designs, they immediately cut short of their loyalty to their own party and shift to other political party that would provide them favour and opportunities. Therefore, the Executive Council remain unstable due to floor crossing and shifting of loyalty from ones' own party to another once the members got elected to the office. The result is that the developmental activities being carried out move at a snail's pace and very often, had to be at halt for some months and years. Due to change of guard, there had been negligence and an abandonment of some of the projects started by the preceding GHADC Executive Body.

With regard to the corrupt practices of the fund allocated for developmental purposes, one of the many such cases might be cited here. One Nikseng A. Sangma, the contractor under whose name various contracts were taken up in the Asanang GHADC Constituency in West Garo Hills, has stated before the media that he was completely unaware of any contract work in his name from the GHADC. The clarification comes in the wake of the first *Lokayukta* case filed against Asanang MDC Ismail Marak and two contractors, Nikseng and Kubon Sangma, for misappropriation of funds in the name of ghost contracts under the Excluded Areas grant to the GHADC for 2017-18. The case seeking investigation was filed by one Nilbath Ch. Marak. "I want to state that I have never applied for any contract under GHADC. I was asked for my photo and my professional tax papers by the MDC which I gave. I have no idea as to what happened

after and only came to know about the misappropriation when the news came out in the media” clarified Nikseng.³⁴

Nikseng added that he had no clue as to where the works were executed and had not seen the tender papers or even applied for it. Neither have I seen the work orders, so there is no question of me even working on any of the projects under the scheme” he added.

The contractor came to know about all these manipulations only when he came to the office of the GHADC for renewal of his contract registration under the Civil Works Department.³⁵ The contractor has filed an FIR at Tura Police Station on May 6 2019, over the allegations. In the FIR, he has further stated that the name in which the contract was taken out was not even his. The name that appears on the work order is one Nikseng Ch. Sangma whereas I am Nikseng A. Sangma. Someone has forced the documentation and withdrawn money by falsely signing the documents. “Even the signature used to receive the work order is not mine” he added. Questioning into the case is currently on with investigating agencies looking at all aspects of how the money has been utilized.³⁶

Another GHADC scam that came to the fore was against the former Deputy Chief Executive Member of the GHADC Mr. Augustine Marak, who represented GHADC’s Silkgre Constituency under South Garo Hills District. RTI activists, Mr. Wilnath Marak and Mr. Nilbath Marak filed corruption cases with the State’s Lokayukta, alleging misappropriation of central funds to the tune of Rs 3 crores which was allotted for his constituency for development purposes.³⁷ The RTI activists had sought a probe over the

³⁴ The Assam Tribune, Guwahati, Monday, May 20, 2019, p 10.

³⁵ The Shillong Times, Tura, Thursday, May 23, 2019: p 10.

³⁶ The Assam Tribune, Guwahati, Monday, May 20, 2019, p 10.

³⁷ The Shillong Times, dated 18th October 2019, p 1.

involvement of the MDC and a group of GHADC officials who allegedly assisted in misappropriating the funds.³⁸

Too much of dependence on the State Government for Finance:

Like other existing Autonomous District Councils of the different States of North East, the Garo Hills Autonomous District Council also is solely dependent on the State Government for finance. This has reduced the nature of autonomy and of their independent functioning. Due to insufficiency and lack of fund, it has to solely depend on the State Government for carrying out developmental works for the people. One of the chief sources of finance of the GHADC is the royalty accruing each year from the State Government on shared basis. It receives royalty from the extraction and export of such minerals as coal, limestone, boulders, sand etc. There had been always a complaint that the total amount which the GHADC was supposed to be received from the State Government annually, was not being regularly paid by the State Government. Of course the GHADC has resources such as Water, Mineral, Forest etc. Yet due to improper, unplanned and unregulated system of management of all the available resources, it failed to earn revenue as it could have been earned and received. It has been a tradition in the ADC and State Government relations that if the political parties that run the ADC and the State Government are from the rival political parties, there is sure that the relationship be strained, which hampers the independent functioning of the ADC. This issue may be properly addressed and differences, shorted out in the interest of the general well being of the people.

³⁸ The Shillong Times, dated 18th October 2019, p 10.

Demand for Direct Funding from the Centre:

Being under acute need of fund for management of the offices of the Autonomous District Council, the GHADC along with other two Autonomous Councils viz; the KHADC and the JHADC, has been demanding for more and regular fund from the State and the Central Governments. As the GHADC has not been receiving its due shares and the other funds released for the Council for various developmental purposes, sanctioned by the Central Government, regularly and on time, on many occasions, it approached the Union Government of India for a change of the existing system through the services of the State Government in favour of direct funding without State Government's interference. The financial condition of the other two District Councils of the State also is same and therefore, they also have been demanding for a change of the system for a direct funding. However, the demand still remains on paper only and not much progress and favour is seen on the demand till date. As a result, the condition of the GHADC and those of the KHADC and JHADC has been turning from bad to worst now with their rural developmental works not being able to be implemented and the unpaid salaries of the employees, running in arrears for months and years.

Demand of the GHADC to ease Legislative Constraints:

Since its inception, the District Councils have undergone many changes in terms of its compositions, structure and functions. These changes are brought about by Constitutional Amendments, new Legislations, Court's orders, Rules and Regulations issued by the District Councils from time to time. These changes are made in view of the problems faced while functioning; and due to removal of certain existing provisions and insertion of new provisions into the existing Acts. Yet, the District Councils continue to face challenges on its way. As a result, its smooth functioning is at stake and failed to solve even common problems and issues concerning the well being of the people. And as such, the style of functioning of these ADCs, its efficacies and relevance as an agent of

self- governance and administration in the rural area, are being criticized from all quarters. Its existence is therefore, being questioned by many for reason of it, being unable to fulfill the aspirations and expectations for which these have been conceptualized and created.

In pursuance of the provisions of the Article 339 (1) of the Constitution of India, a Commission known as the Scheduled Areas and Scheduled Tribes Commission (SASTC) was appointed by the President of India by an order published in the Government of India, Ministry of Tribal Affairs notification No. 17014/8/93-TD dated 18th July 2002 with the following members.

i)	Shri Dileep Singh Bhuria	Chairman
ii)	Smt. Chokila Iyer	Vice –Chairperson
iii)	Prof. Mei jin Lung Kamson	Member
iv)	Dr. Bhupinder Singh	Member
v)	Shri Kuwarsingh Fulji Valvi	Member
vi)	Dr. Babubhai Doljibhai Damore	Member
vii)	Prof. Diwakar Minz	Member
viii)	Shri S.K. Paul	Member
ix)	Dr. P.K.Patel	Member
x)	Shri Ram Sewak Palkera	Member
xi)	Shri P.S Negi	Member Secretary

Smt. Chokila Iyer was made Vice Chairperson of the Commission. However, Shri Ram Sewak Palkera, member, resigned from its membership on 7th of November 2003. The terms of reference of the Commission were as follows:

1. Keeping in view the various provisions of the Constitution and taking an overview of the Tribal scenario in the country, the Commission shall adumbrate a

perspective and a vision for the future and formulate an outline of a viable comprehensive tribal policy.

2. It shall examine the Constitutional Provisions in so far as they relate to the Scheduled Tribes, with a view to Constitutional, Legal, Financial and Administrative devices for promotion of Tribal interests and recommend measures for adequate and appropriate operation of the Fifth and Sixth Schedule of the Constitution.
3. The Commission shall review the functioning of policies, programmes and schemes being followed as per the recommendations of the Dhebar Commission and/or being implemented otherwise and suggest formulations in this regard as may be called for.
4. It shall examine the development strategies followed so far and in particular, it shall scrutinize the Tribal Sub-Plan integrated approach covering facets like-
 - a) plan and no-plan sectors e.g agriculture and allied sectors, forest, education, health, employment, role of financial and cooperative institutions, displacement of Tribals,
 - b) protective measures of a legal and administrative nature as in the fields of land alienation, money-lending, excise etc.
 - c) financial and budgetary arrangements and make such suggestions for modifications and innovations as it may consider necessary.
5. It shall examine the socio-political and administrative set up, particularly with reference to Part IX of the Constitution with regard to *Panchayati Raj* and the provisions of the *Panchayats (Extension to the Scheduled Areas) Act, (PESA) 1996*, and suggest measures to make it effective for self governance and socio economic advancement of the people.

6. Any other matter connected with the administration of the Scheduled Areas and of the works concerning the welfare of the members of the Scheduled Tribe communities.³⁹

To study about the problems, status and functioning of the Autonomous District Councils in the State of Meghalaya, the SAST Commission, led by its Chairman Shri Dileep Singh Bhuria visited the leaders and the Officiating Staffs of the three District Councils of the state. The Committee had a discussion with the leaders of the Garo, Khasi and Jaintia Hills Autonomous District Councils from May 22-24, 2003. They had an interaction with the Chief Minister and the Governor of the State of Meghalaya also.

In a communication addressed to the Ministry of Home Affairs relating to proposals for amendment of the Sixth Schedule of the Constitution, the leaders of the District Council had explained the position by saying that the ADCs administered demarcated areas in accordance with the powers mentioned in the Sixth Schedule. They compared the powers and functions of the ADCs *vis-a-vis* the State Government with the division of powers between the State Government and the Central Government. They were not happy at being treated, in practice, as a government department by the State Government (evident from their actions and attitude), although they were a Constitutional entity as per the Sixth Schedule of the Constitution. They cited the case of primary education, a subject which had been taken over from them by the Government through an Act of the State legislature on the basis of reports of three separate Commissions appointed under Para 14 of the Sixth Schedule to inquire and review management of primary education in the District Councils.

The other issues raised were as follows:

- (1) The North-East Re-organisation Act 1971 had eroded the powers of ADCs.

³⁹ Report of the Scheduled Areas and Scheduled Tribes Commission, Government of India, Volume I, 2002-2004, p 1-2.

(2) Para 12A of the 6th Schedule has marginalized the functions and autonomy of the ADCs. For instance, in 1980 the KHADC passed a Khasi Hills Autonomous District Council Inheritance of Self-Acquired Property bill. But this was not assented to by the Governor. On the other hand, the State Government legislated the Meghalaya Succession to Self-acquired Property (Khasi and Jaintia Special Provision) Act 1986. KHADC had been demanding scrapping of the Act.

(3) In Meghalaya, there was a traditional four-tier political system with the *Dorbar Dong* at the bottom for a small zone in a village, the *Dorbar Shnong* at the second tier for a village, the *Dorbar Raid* at the third tier for a group of at least two adjacent villages and a *Dorbar Hima* or the Khasi State at the top. To the question as to whether the three lower bodies were elected or traditionally constituted, it was mentioned that, generally, the Chief or the *Syiem Hima* is appointed for life by the KHADC from amongst the members of certain clans, while the lower tiers subsume more democratic attributes in as much as the heads might be elected. Hence, the socio-political system in Meghalaya was somewhat complex, combining degrees of traditionality with elective system in the lower tiers that elect members to ADCs. The ADCs averred that although these bodies had their own funds generated through rent, toll etc. from shops and markets, the funds were used more for administrative purposes, leaving little for their development work. But the ADCs did not interfere in their administration.

(4) The ADCs were facing acute financial crunch having no funds to undertake development projects and meet their administrative requirements. However, on going through the paper entitled "*A Brief Report of District Councils in Meghalaya*" handed over to us, it seems that the funds received by the three ADCs were as follows:

The Commission was of the view that the amounts received by the ADCs in Meghalaya were not insubstantial. The manner in which they were utilized was not indicated. In another paper of KHADC signed "*For Secretary Executive Committee KHADC*" dated 23.5.2003, para 3 mentioned that "Autonomous District Councils have their limited sources of revenues from royalty on minerals, forests, taxes on professions, trade etc. annually. The income is around Rs. two crores". However, their shares had not been forthcoming from the State Government for several years and proper accounts were not made available to the ADCs. "That had been a matter which they felt should be looked into by the State Government and the respective shares should be transferred to the ADCs every year" the Commission observed. The complaint of the ADCs was that they were not in a position to undertake programmes in the different development sectors like education, health, water supply, sanitation and agriculture etc. without availability of such funds.⁴⁰

Meeting with Garo Hills Autonomous District Council:

On 23rd May 2003, the Committee proceeded to Tura, and there they met the Garo Hills Autonomous District Council, representatives of various organizations and the Deputy Commissioner, Shri S. Jagannathan. The Chief Executive Member referred to two main issues. Firstly, there were inadequate financial flows from the State Government to the GHADC. Secondly, Para 12-A of the Sixth Schedule needed to be amended. The other points raised were as follows:

- (i) The literacy percentage in the district was low and in rural areas it was even lower. The female literacy would be about 7 to 8 per cent. It needed to be

⁴⁰ Report of the Scheduled Areas and Scheduled Tribes Commission, Government of India, Volume I, 2002-2004, pp 625-632.

improved. There was hardly any impact of the Government's schemes of education like *Sarva Shiksha Abhiyan*, adult literacy etc.

(ii) Women were engaged in rural areas in producing ginger, turmeric abundantly, but marketing was a big problem. Ginger was being sold at a throw-away price of Rs. 5/- per Kg.

(iii) Social welfare schemes for women were urgently needed.

(iv) Sanctions and allotments from the State Government were being received very late.

(v) The Tura Mothers Union represented that in rural areas, there were no doctors, medicines, mobile dispensaries etc. Even at Tura, the district headquarters hospital, the patients had to buy medicines from outside. Blood tests were not being done.

(vi) The drinking water supply position was very bad. The people were being neglected badly.

(vii) Power failures were frequent. Many villages had not been electrified.

(viii) Roads were in a bad condition.

(ix) For construction of working women's hostel, an NGO had received Rs. 20 lakhs, but Rs. 3 lakhs were still to be received from the State Government.⁴¹

⁴¹ Report of the Scheduled Areas and Scheduled Tribes Commission, Government of India, Volume I, 2002-2004, pp 639-640.

Recommendations of the Scheduled Areas and Scheduled Tribes Commission (SASTC):

1. The Commission noted the differing perceptions of the Autonomous District councils (ADCs) and the State Government of Meghalaya of the role of each other. Whereas the former felt that, as Constitutional entities, they were not getting their due particularly in the matter of finances, the latter were of the view that the ADCs were emerging as parallel government. While we appreciate that there are areas of over-lap as well as gray areas, we feel that a better working relationship between the district level and state level authorities is a prior requirement and should be worked out outside the ambit of the legal frame. In co-existence active cooperation is needed.

2. Since, in Meghalaya, the people's bodies below the district level are products of composite interplay of traditional and elective forces, the complexity of which only the protagonists can fully understand, it is incumbent on the part of the leadership to steer the traditional-modern society wisely.

3. It was understood that a good number of village councils needed to be constituted as per the traditional practice. Steps may be taken therefore.

4. While signs of better quality of life were evident in Shillong and some urban pockets, the rural areas being in the grip of illiteracy, health, hygiene, income etc. required massive attention on the part of the State Government.

5. The State being more or less free from the scourge of insurgency, it is incumbent that all reasonable grounds of genuine grievances and complaints should be dealt with appropriately. Redressal should be fair and prompt.

6. One particular grievance related to transfer to and utilization by military and para military organizations of tribal land. If, at all, land requirement is unavoidable, the requisition should be limited to the minimum and, in any event,

retention of land that has become surplus should be ruled out. This single measure combined with accelerated positive development may nip insurgency in the bud.

7. It appeared that the ADCs were not putting in adequate effort to generate resources. At the same time funds in the shape of royalties etc. were due from the State Government to them. Both need to take action in the matter.

8. One problem is related to para 12(a) of the Sixth Schedule which allows paramountcy in legislation to the State Government over the legislation of the ADCs in regard to subjects allotted to the ADCs in the Sixth Schedule. This is a matter which requires accommodation and resolution between two constitutional authorities.⁴²

⁴² Report of the Scheduled Areas and Scheduled Tribes Commission, Government of India, Volume I, 2002-2004, pp 639-640.