

## CHAPTER-VII

### Conclusion

The study as we had all throughout the different chapters, convinces us that the tribal people exist in the North Eastern parts of India from the dim and distant past and have been living since the earliest and unfathomable historical periods. These tribes led an independent life before they were subjugated and brought under the administrative umbrella designed and formulated by the pre-British governing authorities. The British formulated, followed and applied the policy of isolated scheme of administration over these tribes by such regulations as Inner Line Regulation, Backward Areas Tract, Excluded and Partially Excluded Areas Act etc. Of the number of tribes inhabiting in the region, Garos are one of the earliest tribes to have been living in the region now popularly called the North East India. Their abode is the region lying on the Southern fertile valleys of the river Brahmaputra. The other ethnic tribals had their settlements in the regions and places now being constituted into various states with the names of their own Sub-Nationalities.

Wherever they have been, the tribes followed, practiced and continued their traditions and customary practices. One of the practices which is of prime importance in their socio-political life, and the practice that had been the guiding principle over other aspects of their life, is the self-governing institution which they followed and governed upon themselves in their villages with traditional heads of their own as the guardian and protector of these customary practices. Coming into contact with these Backward Hill Tribes living in the parts of the North East India, the British had to face stiff resistance in the beginning to bring them under subjugation. However, they managed to put them under control because of their superior administrative skill and strong military powers.

Subjected as they had been, the British formulated various administrative policies and applied and governed upon them as per practicable on the one hand and to suit their needs on the other. After India achieved independence, the founding fathers of the Indian Constitution felt the need of continuing the separate system of administration as followed by their predecessors and to do that, the Sixth Schedule had been enshrined as part of the Constitution of India. One can therefore say that the Sixth Schedule provision as found mentioned in the Constitution of India is a legacy of the British Government's earlier version of administrative design for the tribes of North India. As the Sixth Schedule envisaged for the creation of the District Autonomous Councils for a Tribal Community living in a certain district or a region, the Districts Autonomous Council had been created for the first time in 1952 in the Garo Hills District of Assam. This was followed by the creation of other District Autonomous Councils like the Khasi-Jaintia Autonomous District Council, the Karbi Anglong Autonomous District Council, the North Cachar District Autonomous Council etc.

The creation of District Councils for the administration of the tribal areas lying in some of the States of the North East India has of course brought changes in their socio-cultural, education, religious aspects and in terms of material culture. In the areas of protection and preservation of the rich tradition and cultures, the land holding rights of the tribal people etc., the wholesome desires and intention of the Sixth Schedule have not been able to be worked out and applied. There had been many failures on the part of the authorities of the District Councils who were either elected or appointed by the respective State Governments. The elected representatives are less responsible for the people. The powers and functions given for the ADC are not well and fully utilized because of many problems which are closely related to one another.

Despite the weaknesses and failures, we can not deny the good works that had been accomplished at the behest of the ADCs. In Garo Hills, it is the GHADC that had served as a good training ground for the budding politicians for their future political

career. Many veteran Garo politicians including the first Chief Minister of Meghalaya Captain Williamson Ampang Sangma, former Minister of Meghalaya Shri Albinstone M. Sangma, former MP of Garo Hills and Education Minister of Meghalaya Shri Sandford K. Marak, former Deputy Chief Minister of the State of Meghalaya Shri Timothy D. Shira, former MLA Shri Edmund K. Sangma, former Minister of Meghalaya Shri Admiral K. Sangma and others have made their maiden entry into the field of State politics through the GHADC. Another notable achievement of the GHADC is that it serves as the custodian of all the records of *Nokma A'kings*, the family tree of the *A'king Nokmas* and the successors to the post of the *Nokmas* etc. In the absence of GHADC, there might not have been such records available right from the British periods onwards and the boundaries of the *A'kings* too might not have been possible to be kept in good and proper order. In the absence of records of *A'king* boundaries, inter *Nokma* disputes would have been very often cropped up.

The passing of the Constitution (73<sup>rd</sup> Amendment) by the Parliament of India opens up a new dimension in the realm of rural administration and governance and by it the *Panchayati Raj* System in India has been offered to the people as effective instrument of rural governance, and to bring about a change and development. It has thus, brought hopes to the rural masses, empowered them to bring an astounding changes in their day to day life through active involvement in the process and by way of exercising the given powers by themselves and for themselves in a just and holistic manner. This is an act that aims at transforming the rural economy, the attitude of the rural masses, their life styles through democratically empowering them. It is a method of power sharing in the area of administration and governance. The success of the Act will largely depend upon the participation and active involvement of the people in the locality. As the 73<sup>rd</sup> Constitutional Amendment exempted its area of operation to the Scheduled Areas, the Tribal Areas and the Sixth Schedule Areas, an Act known as the *Panchayati Raj* (Extension to Schedule Areas) Act (PESA), 1996, has also been enacted so as to extend

the provisions of the 73<sup>rd</sup> Amendment Act to the restricted areas. By doing so, it is aimed at extending the benefits of the said Act to the backward areas and the regions being inhabited by the indigenous tribal people.

The study therefore, leads us to conclude that though GHADC has been in existence for more than half a century since it came into existence; and its usefulness as an institution of self-governance at the district level, can in no way be completely ignored, yet the *Panchayati Raj* has more scope for speedy development of our areas compare to that of the Autonomous District Councils. The Autonomous District Council focuses mainly on the District level governance and it completely neglects or ignores the village level administration though there is provision for constitution of Village Council. Besides, the ADC does not provide scope for participation of women as there is no such provision as that which we have at the *Panchayati Raj* system. Under the *Panchayati System* there is provision for mandatory setting up of State Finance Commission for proper devolution of financial resources; empowered right to levy, collect and appropriate taxes, power to impose duties, tolls and fees; 33% out of the total seats in *Gram Panchayat*, *Anchalik Panchayat* and the *Zilla Panchayat* has been reserved for the women; the weaker section like that of the ST/SC/OBC; mandatory provision to *Panchayats* to prepare plans for economic development and social justice etc. There is mandatory provision for conducting regular elections for the *Panchayati Raj*. But, no such mandatory provision is found mentioned in the provisions of the Sixth Schedule to the Constitution of India.

There has been so much of apprehensions among the Tribal people of the ADCs that their land holding system, their rights over land, would be diluted and indigenous cultures, customary rights etc. be at great threat. These issues can best be safeguarded, through proper legislations and effective mechanisms for implementation by the State Legislatures as they have been fully empowered to frame suitable legislations to this

effect by considering every aspects of the life of the indigenous Tribal communities. If Autonomous District Councils (ADC) can protect and preserve our land, culture, customs, traditions, village polity etc. then there is not much difference with regard to the laws that could be framed by the State Legislature or the Parliament of India that could safeguard our rights and interests over every physical, social, cultural and ethnic elements we owned. The kind of protection and preservation that we want to provide to ourselves, our lands and to all our paraphernalia lies in the way we frame and legislate on the subjects provided and the kind of mechanisms we designed to effectively implement the provisions as laid down in the Acts that would be enacted.

In spite of the perceptive notion with the *Panchayati Raj* that it would never fit in and work in the Tribal Areas under the Sixth Schedule because of their unique land holding system, rights and traditional political system, there are possibilities of introducing it through proper legislation by the respective State Governments. When the underprivileged people at the grassroot level, the women, the poor and the backwards have been placed at the hierarchy of power and get themselves actively involved in the system of governance; and when the people themselves could see that development in the rural areas starts taking off very fast, that will be the time when people would say with a respite that the noble institution of the so called “*Panchayati Raj* has brought a change to our life and to our localities” Therefore, it is high time that a small state like Meghalaya in general and the Garo Hills Autonomous District Council in particular should initiate steps to introduce the *Panchayati Raj* system in the State and in the region respectively and show to other ADCs and the other States of the North East where the system has not yet been introduced so far, the effectiveness of the institution as means of changing socio-political and economic life of the people in rural areas.

From the above study, therefore, we can highlight some of the findings which may be given below.

***Some of the findings are:***

1. There have been many lapses in the functioning of the Garo Hills Autonomous District Council. Most of the elected members of the Council have been in the habit of indulging themselves in luxurious life and are not interested in serving the people. They regard their elected offices as means of accumulating wealth for oneself and for the welfare of his own families only.
2. There have been anomalies in the management of Council's fund. Council's various resources are not properly managed. Taxes are also not properly regulated and collected and its expenditures too, not restricted.
3. The GHADC has been facing acute shortage of funds and it has not been regularly receiving its due shares in the form of royalties from mining etc. from the State Government. As a result, it fails to meet its regular expenditure in running the Council.
4. The GHADC fails to systematically assess the various kinds of taxes assigned to it for collection and realize it properly and on stipulated time frame, as a result, the fund has not been flowing to Council's exchequer on regular basis. The schemes of development therefore, have not been able to be implemented due to Council's acute financial crunch. Not to speak of implementation of development schemes, it is not in a position to regularly pay monthly salaries to its own employees. The GHADC is, hence a debt ridden, a sick ridden, expensive rather than a self governing institution, which is a burden to the State Government.
5. The GHADC has been failing to regulate the Land holding system, customary rights and practices, traditions, the traditional religious beliefs of the tribes inhabiting in the region. The traditional Garo chiefs instead of getting protection under the system, continued to suffer and be exploited at the hands of the elected representatives and the bureaucrats.
6. The Garo *Nokmas* are also becoming too materialistic. Some *Nokmas* have sold their own *A'kings* for money; indulge in illegal dealings in connivance with some

greedy businessmen, contractors, industrialists etc. and exploit resources for their own benefits causing destructions to natural environments while some, take advantage of their position and are selling lands for settlement purposes to others at exorbitant rates. The poor people are thereby deprived of lands even for dwelling purposes specially in the urban and semi urban areas lying within the *A'king* of certain *Nokmas*.

7. There is always toppling of Executive Council by power hungry and vested interest politicians and as a result, there is chronic political instability in running the Council's Executive body. In the situation where there is always a change of guard at very short intervals, no good policies and decisions of the Council can be implemented for the benefit of the general public.
10. The composition of local self-government is not always democratic as there is a nominated member in the Council. The authority to nominate a person is vested with the Minister of Tribal Affairs of the State Government who appoints the person belonging to his party or who supports his party. There are instances when nominations were made to make minority to become majority party in the house and to form the government. Thus sometimes, by exercising the power of nomination, sometimes a person is enabled to get the coveted post of Chief Executive Member (CEM) in the Council, which is actually not fair.
11. There are some instances that a single man is holding dual post. He is an MLA and an MDC too.
12. The GHADC is empowered only to try cases involving Tribal and Tribal people only. It can not try cases involving a Tribal and a non-Tribal or cases involving between a non-Tribal and another non-Tribal. This weakens the GHADC judicial system and reduces its status and position.
13. The GHADC has no reservation of seats for women; and as a result, they are not being represented according to their population.

14. There have been undue interferences by the Legislators and the Executive heads of the GHADC in the domain of judiciary. Council legislators on holding Land and Revenue portfolio are to officiate as judge for disposal of cases regarding the dispute over *A'kings* and on matters of succession of *Nokmaship*. This provides the politicians with scope for interference in the judicial matters. This is an unhealthy practice.

***Recommendations:***

1. A proper legislation for introduction and implementation of the *Panchayati Raj* at the State may be passed at the State Legislature, with strong and sufficient provisions to protect their land rights, customary practices, community ethos. Equal importance should be given to protect and preserve their indigenous socio-political systems, etc. The institution proposed should be vested with adequate competence to deal with emerging problems among the tribal people like growing indebtedness, land alienation, deforestation, ecological degradation, displacement due to industrialization, urbanization, modernization, hydel power policies, mining and forest policies etc;
2. A two tier *Panchayati* system shall be the viable option for State like Meghalaya where the State has presently three Autonomous District Councils being in operation. The two tier system shall be the Village level *Panchayat* and the Block level *Panchayat*. The existing Autonomous District Council (ADC) shall function at the District level with supervisory roles. The Village Council (VC), as envisaged under the District Council Acts and the Sixth Schedule provisions, wherever they exist, shall continue to function. In the villages having no Village Council, the *Panchayat* shall be constituted in their places;



3. The proposed *Panchayati Raj* legislation for the State of Meghalaya in general and for the Garo Hills District in particular should be designed in such a way that the system provides scope for continuation of the existing traditional institutions of the major inhabiting tribes of the state like the Garos, Khasis and the Janitias. In the *Nokma A'king* Lands being covered under Hill *Mouzas* No. I to IV, the existing *Nokma A'king* system shall be continued without even a slightest change or modifications. The *Panchayati Raj* system on the other, shall be made applicable to the Garo Hills areas in the plain belts being covered under *Mouzas* Nos. V to X, where *Mouzadari* system is presently in operation.
4. In the event of continuation of the GHADC, its present staff strength may be reduced in order to cut down the Council's expenditure. This can be achieved if mechanism is devised to prevent back door appointments of the MDCs and other officers of the Council.
5. Steps may be taken for protection and enhancement of the position and powers of the Garo *Nokmas* by inserting relevant clauses in the various Acts passed by the GHADC.
6. *Nokma*, may be made the Chairman of the Village Council.
7. At least two seats may be reserved for the traditional Garo *Nokmas* in the GHADC. The members of the *Nokma* Council shall elect them from amongst themselves.
8. A separate Electoral Roll may be prepared by the State Election Commission for the Council's Election purposes and only those eligible tribals should be given right to exercise franchise.

9. District Council being the custodian of the traditional cultures and customary practices, The Chief Executive Member (CEM) or the Chairman of the GHADC, be made the Ex-Officio Chairperson of the Organising Committee, 100 Drums Wangala Festival, which is being observed annually during the second week of November at Asanang, near Tura.
10. In the plain belts of Garo Hills, the *A'king* system may be adopted and the *Nokma* system followed as in the Hills. There should not be two systems. In the case of a region or an area having no *Nokma* or *A'king*, the GHADC itself should directly administer over the land and its people in the places of *Nokma*.
11. Places of historical importance, wherever they be within the GHADC jurisdiction should not be left or handed over to the Archaeological Survey of India or some other departments or agencies. All such places of historical and cultural importance, should be properly looked after, maintained, preserved and protected by the GHADC.
12. The ordained Non-Garo and Non Tribal *Nokma* by the Garo Clan members should not be approved by the GHADC.
13. The question of selection, appointment and disqualification of the *Nokmas* be decided by the *Chras* as per the existing customs of the Garos.
14. Dual membership of a person in the District Council and in the State Legislative Assembly should not be allowed.
15. The District Council courts should be empowered with powers to try cases arising out of disputes between a Tribal and a Non-Tribal or Non-Tribal *versus* another Non-Tribal.
16. At least three seats may be reserved for the women in the GHADC and the seats so reserved may be on rotational basis.

17. Judiciary may be separated from the executive to ensure impartiality in the matters of adjudication of justice by the Council.

The effectiveness as a scheme of rural development of the *Panchayati Raj* system and its working modalities are not much known to the people of Garo Hills. The system seems to be very new to them as they have not been much accustomed even to the functioning of the Autonomous District Council in their land. It is well understood that about 70% of the respondents from the Resubelpara Village Council area to the Questionnaire sent by the author replied with negative as they still do not know the provision for an elected Village Council in their localities. Only 18.34% of them know that the Village Council is an elected office. About 79.17% of the people of Songsak Village Council area did not know that Village Council is an elected body. It is surprising to find that about 96.88% of the people of Samanda Village Council however expressed their ignorance about the elective nature of the Village Council.

As to the question whether the post of a *Nokma* should be made an elected office, 31.67 replied with 'Yes' which mean they wanted this post to be made an elected post instead of the age long and prevailing practice while 28.34% replied with 'No'. People of Songsak Village Council locality too, wanted that *Nokmaship* should not be an elected office (37.5%). 40.63% of the people of Samanda Village Council Area are in favour of continuation of the existing posts of the *Nokmaship* i.e they wanted it to be selected by the clan members according to the Garo customary practices.

In Resubelpara Village Council, in the MDC election of course majority of them took part (91.67%); 95.84% of the people of Songsak Village Council take part in the MDC election. The elected MDCs did not discuss with the local people regarding the problems of the people and its areas. This has come to light as about 61.67% of the respondents from the Resubelpara Village Council said No. 50% of the people in their areas did not approach the Minister or Government officer for a solution to the problems in the

villages, while 48.34% of them approached for the solution of the problems. The Village Council members were also did not approach and request the public representatives for village development purposes.<sup>1</sup>

In the Resubelpara area, only 13.34% of the people had so far contested the Assembly or MDC elections with an intention to get themselves elected and to work for the people. The outcome of the survey conducted in the areas covered by Community Development Blocks under the East Garo Hills District, amply proves that most of the inhabitants of the district have not yet been well accustomed with the existing system of governance. They are not much concerned about the working system in their villages as a result of which, development in their localities is very slow and in some localities, it is not taking place at all. We can therefore, without any doubt say that introducing a new system of working upon the people who have continued to be remained unconcerned and unaffected with the existing system, may be a Herculean task to be accomplished. Yet, success always awaits the doers; and nothing is impossible for those who have commitments for bringing a change and development to the people. In the beginning, the proposed scheme of rural governance may be welcomed and received with strong criticisms and a large scale condemnation. Gradually, the rough and thunderous weather shall be drifted away; and an all round development with calm and serenity prevailed in Garo Hills.

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<sup>1</sup> Survey conducted by the Researcher during the period of research 2017-2019.