

Chapter 5

DGHC and District Government. DGHC and Zilla Parishad. DGHC and Sixth Schedule.

DGHC and District Government

Can DGHC fit into the description of District Government?

Nirmal Mukherjee and Bandhopadhyaya in their report to the Government of West Bengal entitled 'New Horizons for West Bengal's Panchayat 1993' have advocated 'District Government' in place of 'District Administration' in the light of 73rd and 74th Constitutional Amendment in 1992. Here we can make an attempt to find out if DGHC fits into the description of 'District Government'. For this we can look into the characteristic features of 'District Government' as provided by Nirmal Mukherjee which are as follows¹ –

Firstly, district governments must be recognized as political entities with political parties contesting elections. Without the political dimensions there can be no real democracy.

Secondly, district government must look after the totality of district governance, with the district bureaucracy coming squarely under them. The division between regulatory and developmental functions initiated by community development and continued in Panchayat Raj Institutions, Mukherjee thinks is artificial and untenable, this way district governments will be unable to deliver genuine development. If there is to be any worthwhile change the two arms, regulatory and developmental are required to work together under district government.

Thirdly, the fate of district governments must not be left to the tender mercies of state governments. This means two things. One election must be held at regular intervals under the overall supervision of the Election Commission. Two super sessions should be barred. There is no justification for replicating a measure, which would give state governments a handle to remove inconvenient district governments.

Fourthly, district governments, must be nested in the federal idea, forming a third tier of the polity.

Fifthly, in a three tier federal system, there would have to be a new financial regime as between the union, states and the districts. The districts not being in a position to raise adequate resources on their own, must have the oxygen of assured, untied devolution of funds from the union in sufficient measure to make purposeful self-government at these levels possible.

Sixthly, there must also be a new planning regime. Planning should be decentralized to the state and the districts.

Democratic decentralization should mean a fundamentally new system through two related measures: a third tier of democratic district governments to replace bureaucratic 'district officer' rule, and a new scheme of relations between the union, the states and districts based on optimal decentralization. Today's district officer has far too much to do and this means that he is unable to do anything effectively enough. On the other, the political awakening of the people has led them to expect much more from the system than it can deliver. Instead of flogging 'district officer' rule any longer the time is ripe to consider letting the people run their own affairs through elected district governments. Decentralization must therefore take the democratic route of devolution to these governments.

Nirmal Mukarji² visualized a third stratum of government performing development functions as well as serving as institutions of self-government. A full-fledged District Government spanning all of district administration, development as well as maintenance.³ Similarly K.P.Kannan⁴ and K.S. Krishnaswamy⁵ point out that local government should encompass the entire field of administration rather than those relating to development only. Civil functions should form part of the functions of local governments if they are to imbibe the spirit of 'self-government'.⁶ They are to have administrative and regulatory powers in significant measure in their area of jurisdiction.⁷ In Mukarji's third stratum there is merging of rural with the urban areas – a rural-urban continuum, which called for linking up the rural areas with urban focal points. The municipalities and the panchayats in the district should become component units of self-government within an overall set up of district self-government. Integrative legislation can merge existing panchayat and municipal laws in order to build a coherent third stratum.⁸

Abhijit Datta⁹ in his Article says that Mukarji suggests replacement of the District Collector and the Zilla Parishad by an elected district government is necessary from three angles: (i) democratic, (ii) federal and (iii) local control. He says that it is possible to show that an independent system of local government could also substantially meet requirements of the Mukarji proposal.¹⁰ Here we are not getting into that part of the discussion. However, Datta admits that for the first time in free India, such a bold proposal of democratic decentralization has been made which promises to completely break-away from the inherited colonial tradition of governance and administration in India.¹¹

Following Nirmal Mukarji's proposal on District Government another writer M.S. Rajajee¹² in his Article writes that 49 years after Independence, the 'Collector' remains the king pin of district administration, the eyes and ears of Government. Giving large powers to the Collector and reducing the elected bodies is anathema to democracy. In the system, we have today, it is not the people's plan which is being prepared and attempted to be implemented. It is a bureaucratic plan, drawn up largely at the initiative of an official who acts as the Agent of the Government than as the representative of the people. It is a Top-Down plan and not a Bottom-up plan. It must be mentioned that nowhere else other than in the third world Countries and that too with a colonial past, does such a system exist — a pattern of administration where the bureaucrat is placed above the elected body/ institution.¹³

If we want genuine people's participation, it can only be through a District Government. The power will reside with the people at the district level and they will be the arbiter of their future. Democracy in the true sense must prevail at all the levels — including the district level. It must be the people's Government, which must function at that level and not a bureaucrat's Government. District Government should be like this: (i) a democratic body i.e. elected directly by the people (ii) allowed to continue for a fixed period and not be superceded by an executive fiat (iii) adequately powerful and have adequate financial resources and adequate authority to utilize them (iv) the executive officials at the district body level should be subordinate to this district body (v) there can only be one such body at the district level and not 2 or 3 parallel bodies (for example we should not have a Zilla Parishad, a District Rural Development Agency etc). There is

need to have a constitutional provision, providing for 'District Government'. Elections to such a District Government should also be conducted by an impartial Election Commission. Such a District Government should not be capable of being superseded or dismissed (otherwise than in exceptional situations). There should be constitutional provisions listing out the powers of the District Government, including areas of concurrent jurisdiction. Such a District Government, will have a Chief Executive Officer.¹⁴

About DGHC, we find that it had been recognized as a political entity with various local political parties contesting elections. Also regular elections have been held from the time of its inception till 1999. (The next election was due in March 2004, but due to demand for termination of DGHC and an alternative council in its place, election was stalled). So, it possesses only one characteristic feature required by 'District Government' but about the rest of the characteristics DGHC is lacking in them. So DGHC is not equivalent to and does not fit into the description of District Government (as advocated by Mukherjee).

DGHC and Zilla Parishad

Is DGHC a Zilla Parishad with extended powers?

To the question is DGHC a Zilla Parishad with extended powers there are answers that support as well as go against it. We can look into those points that support the claim that DGHC is just a glorified Panchayat with additional powers.

(1) DGHC replaced the existing Zilla Parishad in the district of Darjeeling.

Article 185 A (1) (2) (4) and (5) of the West Bengal Panchayat Act 1973 says that "With effect from the date of coming into office of the Council, the Zilla Parishad for the district of Darjeeling constituted under this Act shall stand dissolved and the members of the Zilla Parishad shall be deemed to have vacated their offices forthwith. Upon such dissolution of the Zilla Parishad, the Council shall exercise all the powers, discharge all the duties and perform all the functions of the Zilla Parishad under this Act.

Notwithstanding anything contained in section 29 of the DGHC Act 1988, the properties, funds and liabilities of the Zilla Parishad and the officers and employees of

the Zilla Parishad holding office immediate before the coming into office of the Council, shall be determined and apportioned to the Council in such manner as may be prescribed, and such determination and apportionment shall be final. An order made under subsection (4) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganization.”

(2) Powers and functions of DGHC are quite similar to that of Zilla Parishad.

Chapter XIV of the West Bengal Panchayat Act 1973, Articles 153 to 163 deal with powers, functions and duties of Zilla Parishad which are as follows:-

- Undertake schemes/ adopt measure / give financial assistance relating to the development of :- agriculture, livestock, industries, co-operative movement, rural credit, water supply, irrigation, public health and sanitation, establishment of dispensaries and hospitals, communications, primary, secondary and adult education, welfare of students, social welfare, objects of general public utility.
- Execute scheme, perform act, and manage institution/ organization entrusted to it by the State Government or any authority.
- Manage/ maintain any work of public utility.
- Make grants in aid to school, public library, public institution, public welfare organization in district.
- Contribute to cost of maintenance of any institution situated outside the district, which are beneficial to inhabitants of the district.
- Provide scholarship/ stipends for technical/ other special forms of education.
- Acquire/ maintain village haats (local markets) and markets
- Make grants to Panchayat Samities/ Gram Panchayats.
- Contribute towards the cost of water supply or anti epidemic measures.
- Adopt measures for relief of distress.
- Co-ordinate/ integrates development plans/schemes prepared by Panchayat Samities.
- Examine and sanction budget estimates of Panchayat Samities.
- Advise State Government on matters relating to development work between Gram Panchayat and Panchayat Samities.
- Have powers of Magistrate where Vaccination Acts extends.

- Control and maintenance of roads which run through a municipality.
- May take over works (roads, bridge, ghat, well, canal, drain) belonging to a private owner or any other authority.
- Divert, discontinue or close roads.
- Transfer roads to State government.
- Grant license for fair/ mela.
- Supervision over Panchayat Samities and Gram Panchayats.
- Joint execution of schemes by two or more Zilla Parishads.
- State government can vest Zilla Parishad with certain powers.
- State government may place other property (road, bridge, ferry, canal, building) under Zilla Parishad.¹⁵

On close examination of the powers and functions of Zilla Parishad and of DGHC (see Chapter 3) we find that the nature of work of these two institutions were similar – that is developmental work.

(3) Developmental functions of DGHC.

Looking into the functions of DGHC (see Chapter 3) we find that it has more of developmental works allotted to it example Agriculture, Irrigation, Fisheries, Public Works Departments, Roads, Rural Electrification, Water/ Market Management, Small Scale/ Cottage Industries, Public Health, Education – Primary, Secondary, Higher Secondary, Social, Adult and Mass, etc.

We also see that DGHC has done more of developmental works in rural areas like construction of roads, culverts, bridges, school buildings, community halls etc.

So the nature of its function and the performance of work done by DGHC have led many to conclude that DGHC is a glorified Panchayat with additional powers.

(4) Transferred Subjects-under DGHC quite similar to the 29 Subjects in the 11th Schedule of the Constitution that mentions the powers, authority and responsibilities of Panchayats.

The Constitution Seventy-third Amendment Act, 1992 is a landmark amendment, which provides for an elaborate system of establishing Panchayats. It adds a new

Schedule namely, Eleventh Schedule to the Constitution, listing 29 subjects which are to be handled by the Panchayats.¹⁶ In other words Eleventh Schedule mentions the powers, authority and responsibilities of Panchayats which are as follows:-

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor Irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food-processing industries.
9. Khadi, village and cottage industries.
10. Rural Housing.
11. Drinking Water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural Electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation program.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centers and dispensaries.
23. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.¹⁷

The above 29 powers/authority/responsibilities of the Panchayat are quite similar to the Transferred Subjects under DGHC. This would further confirm the idea of those who believe that DGHC is a glorified Panchayat.

Now we can examine the points, which accepts that DGHC is not a glorified Panchayat.

(1) DGHC did the function of Zilla Parishad but in addition other functions were also accorded to it, hence DGHC had more powers compared to Zilla Parishad. DGHC could independently execute developmental works under the department transferred to it without the interference of the State. It had the freedom to execute powers within its jurisdiction: Whereas Zilla Parishad was top most tier of Panchayat Raj Institutions directly under the State Government.

(2) DGHC had various Departments/ Agencies under it unlike Zilla Parishad.

DGHC had around 26 transferred departments (agencies) under its executive control but Zilla Parishad has no such departments under it.

(3) Some sphere of Jurisdiction of DGHC over which Zilla Parishad had no concern.

There were certain areas like Information and Cultural affairs, Higher Secondary Education, Tourism, Non-Reserved Forest – Parks and Gardens, Sports and Youth Services, Transport and Development of Transport, Supervision over Municipalities etc, where DGHC exercised powers, but over which the Zilla Parishad had no concern at all.

(4) Prior to DGHC, Zilla Parishad (the top tier of PRI) had larger territorial jurisdiction and two tier panchayat institutions under it (i.e. Panchayat Samity and Gram Panchayat) whereas DGHC had smaller territorial jurisdiction and only one tier of panchayat institution (i.e. Gram Panchayat) under it. Zilla Parishad had the power to collect fees, tolls and taxes, and it could recommend settlement of land, whereas DGHC did not have clear and effective power over these areas.

(5) Zilla Parishad was set up at the district level whereas DGHC was set up at the sub-State level – the idea behind it being to set up “a State within a State”. From this view point the status of DGHC was higher than that of Zilla Parishad. Moreover, DGHC had supervisory power over Panchayat (and Municipality) so it was an elective body above Panchayat.

(6) Zilla Parishad was prevalent in other parts of India but DGHC was to be a unique experiment. However, DGHC was used as a model to set up the Ladakh Autonomous Hill Development Council in 1995. For decades the people of Ladakh had been demanding effective local institutional arrangements where they could regain a measure of autonomy from the State Government of Kashmir. Through Ladakh

Autonomous Hill Development Council Act 1995 they were granted significant measure of autonomy.¹⁸

DGHC and Sixth Schedule

Similarities and Differences between DGHC and Autonomous District Council under Sixth Schedule

Similarities

Both DGHC and the Autonomous District Council under Sixth Schedule came into existence to fulfill similar purposes that is for self-government; socio, economic and cultural advancement of the hill people; safeguarding their traditional customs and practices and preserving their culture and identity.

The structure of DGHC and Autonomous District Councils are similar. The General Council of DGHC comprises of the Chairman, Vice-Chairman and 42 Councillors (28 are elected and 14 are nominated). The executive functions of the General Council are vested in the Executive Council. The General Council is headed by the Chairman who is also the Chief Executive Councillor. The status of the Chief Executive Councillor is equivalent to that of the Chief Minister of a state in respect of his right to allocate the Council's business and 'act in his discretion as he thinks fit'. The Autonomous District Council comprises of Chairman, Deputy Chairman and other Members of the District Council. The executive functions of the District Council are vested in the Executive Committee. The Executive Committee comprises of the Chief Executive Member and other Executive Members. The functions of the Chairman may also be performed by the Chief Executive Member. The members of the Executive Committee are known as the Executive Member and the leader is known as the Chief Executive Member. Thus the Executive Committee is like a Cabinet, and the Chief Executive Member and Executive Members are similar to the Chief Minister and the Cabinet Ministers respectively. It is just on the line of a cabinet system in parliamentary

democracy. So, the District Council may be called a miniature government at the district level.

The Principal Secretary of DGHC is the principal Executive Officer of the General Council, appointed by the state government in consultation with the Chief Executive Councillor, and all other officers of the General Council are subordinate to him. Similarly the Chairman of the Autonomous District Council is assisted by the Secretary to the Council, who is deputed from the state government.

In DGHC and in the Autonomous District Councils there is political diarchy at the administrative level. District level officers are under the control of the Councils. But higher-level officers are under the control of the state government. The senior officers of the DGHC and Autonomous District Councils are on deputation from their respective state cadres. They are thus subjected to a system of double hierarchy.

The District Magistrate of Darjeeling is not the officer of the General Council and so also the Deputy Commissioners of Autonomous District Councils not officers of the District Councils and they are in charge of law and order. Thus in the dual structure at the district level they wield considerable leverage of powers.

Soon after the creation and the setting up of the DGHC and the Autonomous District Councils in the Sixth Schedule areas of Northeast India, they have been persistently voicing their grievances against the treatments meted out to them by different state governments in the matters of provision of grants, according of approval of the legislative proposals of the councils, super-session of the councils, nomination of members of the council, etc.

The working and performance of both the Councils were subject to criticism on similar grounds like financial irregularities; Council being overstaffed with under-qualified staff; prevalence of nepotism, favoritism and political patronage; ineffective functioning, etc.

Differences

The DGHC Act was enacted by the Legislature of West Bengal but it does not have constitutional status whereas the Autonomous District Councils have constitutional status under the Sixth Schedule of the Constitution.

The DGHC Act 1988 provides for a General Council comprising the 3 hill subdivisions and some Mouzas in Siliguri Sub-division, hence DGHC is not a District Council as its jurisdiction does not extend over a district. The administrative areas of the Autonomous District Council differed from place to place. For instance, in Assam and Meghalaya they have been constituted at district level whereas in Mizoram they have been created at the sub-divisional level.

DGHC came in place of the Zilla Parishad (the top tier of the Panchayat structure) and has the power of supervision over the Panchayat Samities (which were defunct) and Gram Panchayats (the lower tiers of Panchayat structure). The Autonomous District Councils do not have Panchayati Raj system. They have the Village Councils instead. Article 243M of the Constitution (i.e. the 73rd Amendment Act 1992) will not apply to the Sixth Schedule Areas.

DGHC does mainly developmental work while for the Autonomous District Councils developmental work is not mandatory.

The Autonomous District Councils have been given executive, legislative, financial and judicial powers but unlike District Councils the DGHC does not have legislative and judicial powers

The Autonomous District Councils have the power to assess and collect land revenue and to impose taxes which DGHC lacks.

The Autonomous District Councils have power to make regulations for control of money lending and trading by non-tribals – this provision does not apply to DGHC.

According to the Memorandum of Settlement 2005 (signed between Government of India, Government of West Bengal and DGHC), DGHC would now be converted into a new Council under the Sixth Schedule and would be christened Gorkha Hill Council Darjeeling (GHCD). Earlier DGHC was drawn up along the lines of Tripura Territorial Council whereas the new GHCD would be drawn on the lines of Bodoland Territorial Council (BTC).

A study by *The Telegraph* revealed that apart from some basic similarities, the powers vested in the two bodies are different:

- While the Centre had agreed to sanction a sum of Rs.100 crore per annum to accelerate the development of BTC, a sum of Rs.30 crore was sanctioned for the purpose to the GHCD.
- The Settlement for BTC also had provision to set up a centrally funded Central Institute of Technology, which was to be subsequently upgraded to a Union government funded state university. The pact for GHCD, however, has no mention of such provisions.
- While Subash Ghising's demand for inclusion of Siliguri subdivision and the Nepali dominated region of the Dooars within the purview of GHCD has not found favor, the BTC was formed after the four contiguous districts of Kokrajhar, Chirang, Baksa and Udalguri were reorganized.
- BTC Settlement mentioned that the list of Schedule Tribe for the state of Assam should be modified so as to ensure that the tribal status of Bodos and other tribals living outside the BTC areas does not get affected adversely. It was also agreed that the Government of India would "consider sympathetically, the inclusion of the Bodo-Kacharis living in Karbi Anglong and North Cachar Hills Autonomous Council area in the Scheduled Tribe hill list". No such assurance has been given in the settlement for GHCD. Even Ghising's demand for the inclusion of all Gorkha communities within special provision (S.T. category) has not found much support from the state and the center.
- There is a clear mention of job opportunities for Bodo youths in the BTC, no such assurances have been given to the Darjeeling people. "Bodo youths will be considered for recruitment in police, army and paramilitary forces to increase their representation in these forces" the Memorandum of the Settlement of the BTC reads, but the same is not found in the Darjeeling pact.
- In the BTC, the chief and the deputy chief of the 12-member executive council enjoy the rank of cabinet ministers and the other members are equivalent to state ministers. But the six-member executive council of the GHCD does not enjoy any such status (at least it is not mentioned in the Settlement).
- The BTC can assess, collect land revenue and impose taxes but these have not been included within the GHCD jurisdiction.

- While 39 subjects were transferred to BTC, the state government had agreed to transfer only 19 departments to the GHCD.¹⁹

Shortcomings of Sixth Schedule

Financial Constraints

The Autonomous District Councils do not enjoy the financial independence constitutionally. They have been made to depend on respective State Governments in matters of financial allotments greatly reducing and restricting their performances. One of the sources of finance of the Autonomous District Councils is the share of royalty accruing each year from licences and leases for the purpose of prospecting for or extraction of minerals granted by the State Government in respect of any area within an autonomous district. In 1989, the Khasi Hills District Council alleged that they were not paid their share of royalty since 1972-'73 further the same District Council alleged that though for convenience of operation vehicle tax is collected by the state on terms of equal sharing. The state government takes over its 50 percent share; out of the remaining 50 deducts 40 per cent as collecting charges and gives only 10 per cent to the District Council. A bleak picture was provided for the other Autonomous District Councils also. They alleged that because of the obstructive attitude of the respective State Governments in the matter of release of fund, they had been forced to adopt undesirable practices so as to raise fund to discharge their constitutional obligation. One of the undesirable practices was extraction of timber beyond ecologically sound management limit; another was large scale leasing out of land to private persons, thereby disturbing community rights as well as violating the principle of fair share for individual members. The Karbi Anglong Autonomous District Council could not create a judiciary because of reluctance of the State Government to release fund.²⁰

The District Council receives the fund at the fag end of its financial year. As the money is to be utilized during the same financial year and as there are only a few months left, it is usually spent haphazardly without any proper plan and program.²¹ There is a complaint that the District Councils are not receiving the funds from the state in time. State Government also receives the annual grants-in-aid from the Centre on behalf of the

District Council. The State Government sometimes does not disburse funds to the District Council. Sometimes funds are diverted for other purpose. Some of the District Council Members complain that at the time of preparation of the budget they are not consulted at all. So owing to various reasons the level of development in the District Council areas is far below than what is expected. There is a great deal of infructuous expenditure in the District Councils. More money is spent on non-plan expenditure. The common man is not benefited much from the District Councils. The system of Audit fails to control extravagancies. The Councils are dependent to a large extent on the funds of the State Government and grants-in-aid from the center. But this process will not continue decade after decades. Thus too much sophistication of the Council will one day make the tax burden on the people of these areas heavier.²²

The District Councils have power to levy tax on profession, trade, callings even within the jurisdiction of the Regional Council. The District Council neither enforces the regulation strictly nor realized the amount efficiently. As a result, revenue or income from taxes on such subjects is meager. Taxes which are imposed are not collected in time. There is hardly any regulation framed by the District Council to levy a tax on maintenance of schools, roads, dispensaries and goods carried in ferries. It has been found from various reports and records maintained by the Councils that the financial irregularities committed by the Councils are glaring. (Funds for development works have been misused for non-developmental works. The receipts and balance did not tally often.) The Councils are overstaffed. Hence the expenditure on the staff establishment and political executive is unduly heavy. The funds provided by the government are always overspent. The leaders try to confuse the autonomy granted in the Sixth Schedule with a licence to mismanage public money as they feel like.²³

The perusal of the quantum and trends of expenditure indicates that the District Councils are on their way to financial un-sustainability. The percentage of expenditure on development is coming down at an alarming rate and there is no increase in revenue sources. Similarly the non-development expenditure is increasing at a very high rate. Most of this expenditure is on account of salaries only. Organizational objectives may be very high but depending on the strength and capacity and resources, prioritized targets have to be met. As a true autonomous body, District Council's should widen their own

resource base and examine the means to raise resources to meet their obligations. Too much dependence on external authorities to fund the administration and the plans will take away much of their shine and also make them complacent and less accountable.²⁴

Grievances of District Council against the State Government

Soon after the creation and setting up of Autonomous District Councils in the Sixth Schedule areas of Northeast India, they have been persistently voicing their grievances against the treatments meted out to them by different state governments in the matters of provision of grants, according of approval of the legislative proposals of the Autonomous District Councils, nomination of members of the Autonomous District Council, supersession of the Autonomous District Councils etc. The Autonomous District Councils in Meghalaya, Mizoram, Tripura and Assam are unhappy and dissatisfied with the decisions of their respective state governments. The Sixth Schedule does not fully satisfy the aspirations and expectations of the hill people: the reason being that it does not confer real 'autonomy' as the word implies as there was interference from outside in matters relating to day-to-day administration of the district. The autonomy of the Autonomous District Councils has been much affected in the area of financial independence. Sometimes, because of the late release of fund to the Autonomous District Councils by the State government at the fag end of the financial year, they are not in a position to utilize such fund. Mere increase of political power or autonomy without reference to financial autonomy and feasibility is not good a solution. This led Autonomous District Councils to demand direct funding from the central government, as well as, to avoid the state government's control over their finance.²⁵

The Autonomous District Councils failed to inject dynamism for social change. The State legislature could make laws even on those subjects relating to land which had been allotted to the District Councils and the State law prevailed over the laws of the District Councils. There was constant friction between them and the state governments in various spheres. For example, although the District Councils controlled 95 percent of the forest area of the state, the central fund for afforestation and forest management was routed through the state government. Inadequacy of financial resources and the lack of administrative expertise were other major constraints in their proper functioning. The

revenue collected by them and the grants-in-aid from the state government were too meager even to cover their administrative costs.²⁶

The Sixth Schedule confers few developmental functions on the Autonomous District Councils, though there is an enabling clause whereby the state governments can entrust such functions with them. The developmental activities of the Autonomous District Councils depend very much on the political party or parties that run the state administration. If the same political party is in power both at the state and District Council levels, the latter may have a smooth sailing in its program of developmental activities. If it is otherwise, a number of obstacles and hurdles may be created by the party in power at the state level to jeopardize the plan of action that might be framed by the District Council for the development of the autonomous districts. Paragraph 12A in the Sixth Schedule empowers the laws of the state government to over-ride the laws passed by the Autonomous District Councils 'even in matters allotted to the District Councils by the Constitution'. Mr. S.K.Dutta, the former Chief Justice of the Gauhati High Court stated "the status of the District Councils in Meghalaya has been reduced more or less to that of a Municipal Board by the insertion of Para 12A in the Sixth Schedule...The District Council, therefore, can function only if it maintains harmonious relationship with the state government".²⁷

There is an inherent attitude of disharmony between the bureaucrats of the State Government and the leadership and officials of the District Councils. Often, problems which could be solved between the State Government and the District Council got bogged down in lengthy correspondence instead of being sorted out by discussion across the table.²⁸

There is no provision for coordination of the activities of the District Council and the Regional Council and the State government. So the State has no power to review and assess the working of these Councils except to approve their legislations by the Governor and to sanction loans and grants for development schemes. The Councils have neither expert officials and technical experts nor can they utilize the services and the experiences of the Deputy Commissioner and other technical experts posted to headquarters, especially for development schemes due to lack of coordination.²⁹

District Council fail to fulfill the hopes and aspirations of the tribal people. Assam has broken many times. The demand for Statehood is also voiced from some District Council and non-District Council areas. The Karbis, the Bodos are demanding for their own State.³⁰

Non-exercised powers by Autonomous District Councils

For several years District Councils have been demanding more empowerment, functionally, financially and administratively. If we look and compare the powers vested with District Councils with those being exercised, it will reveal to us the seriousness of successive District Council authorities. Almost twelve powers given in the sixth schedule are not being exercised in the case of Tripura, even through more than 15 years have passed after sixth schedule formation. (example occupation, use or allotment of land, forest management, jhum practice, village/town committees, appointment of chiefs/headmen, inheritance of property, marriage and divorce, social customs, administration of justice, establishments of courts, district fund, village/town police). Similar is the case with many other autonomous Councils as well. It is clear the primary objective of Sixth Schedule areas viz, protection of tribal life and customs, is totally defeated or ignored.³¹

State Government's perception on District Councils

The perception of many State Governments is that many District Councils flagrantly misuse the constitutional norms and feel shy of their responsibilities. They have created an institution overburdened with establishment expenditure, hazy administrative norms and diffused system of responsibility. They also perceive these bodies as political competitors to patronages of offices and goods. The autonomous Councils need to be and ought to be adequately strengthened, financially and administratively but there can not be any real autonomy until there is accountability without compromising the constitutional scheme and principles of governance.³²

Governor's power over Autonomous District Council

The Governor being the head of the State is also the head of the District Council, suspends any act or resolution of the District Council, which is contrary to the provisions of the Sixth Schedule or likely to endanger the safety of the country or prejudicial to public order and takes such step as he thinks necessary. He may assume to himself all or some of the functions and powers of the Council for a period of six months. He may also dissolve the Council on the recommendation of the inquiry commission. This leads to constitutional impropriety. The Acts of State Legislature and of Parliament would apply to the autonomous District unless the Governor issues a notification barring the application of such laws in the areas. These provisions continued to remain in force so far as the autonomous district under Assam was concerned. But a change has been made in case of Meghalaya and Mizoram by giving an overriding character to the Acts passed by the State Legislatures. This empowers the State government to control the District Councils which is the constraint for the smooth working of the District Council.³³

Limitations on District Council's Courts

The District Council's Courts have no legal experts or trained judicial officers, who can carry on the trial of cases and disputes efficiently and expeditiously. The District Council courts due to lack of co-ordination cannot utilize the judicial administrative experiences of the Deputy Commissioner's court in the trial of cases and disputes of civil and criminal nature. Many District Councils have not yet codified all customary laws in the autonomous districts.³⁴ The District Council Courts lack co-ordination with that of Deputy Commissioner's Court which does not do justice regarding disputes of civil and criminal nature, because they (district council) fail to utilize the expertise and technical experience of the Deputy Commissioner's court. In fact these two courts work independent of each other and lead to misinterpretation of laws and customs. This is indeed of very unhealthy practice.³⁵

Dual Authority at District level

There is political diarchy at the administrative level. District level officers are under the control of the District Councils. But higher-level officers are under the control of the state government.³⁶ Deputy Commissioners are not officers of the District Councils

and they are in charge of law and order. Besides they coordinate bulk of the development programs, not entrusted with the Councils. Thus in the dual authority structure, at the district level, they wield considerable leverage of power inspite of the rhetoric of autonomy. The senior officers of the Councils are on deputation from their respective state cadres. They are thus subjected to a system of double hierarchy. It is easy to imagine the tension they suffer from. But most of them seek the escape route of not doing anything which would hamper their career interest in the state cadre. As a result Autonomous District Council remains ineffective in its operation. The elected office bearers become resentful, the people become critical, the employees become cynical.³⁷ The civil administration of the autonomous districts is placed with the two authorities viz. Deputy Commissioner and the Executive Committee heading the District Councils. There is thus dual form of administration. The Sixth Schedule has created two sets of authorities not clearly distinguished.³⁸

Nepotism, Favoritism and Political Patronage in the appointment of Staff in District Council

The District Councils have framed service rules to manage and regulate the service of their employees. Most appointments are sometimes made for various posts with a view to extending political patronage without any care or consideration for the rules, necessity, availability of funds or qualifications of persons. Thus nepotism and favoritism in the matter of recruitment seem to be rampant in the District Councils.³⁹ (The Councils were overstaffed with under-qualified staff.)

Comparison of Sixth Schedule with 73rd Amendment Act highlights the disadvantage that District Councils have.

When all the provisions of the 73rd Amendment about the powers, scope of function and financial support for the exercise of the powers and discharge of the responsibilities by the Panchayati bodies are compared with those attached to the Autonomous Councils under the Sixth Schedule it is found that while the Autonomous Councils have several regulatory powers subject to state control the Panchayati bodies are in a more advantageous position in respect of developmental functions. In fact in the

matter of exercise of developmental functions the Autonomous Councils are at the mercy of State governments. Eleventh Schedule of the Constitution on the other hand ensures that a large number of developmental functions come within the operational jurisdiction of the Panchayati bodies. In some cases even the level of operations is higher for the Panchayati bodies. For instance, whereas the Autonomous Council may establish construct or manage primary schools, the functional jurisdiction of Panchayati bodies cover even secondary schools. Similarly, whereas the Autonomous Councils may have dispensaries established by them, hospitals and primary health centers come within the purview of the Panchayati bodies.⁴⁰

The sources of finance for the Autonomous District Councils are more diversified, in reality due to the intervening role of the state Government, they are generally starved of fund, but the Panchayati bodies on the other hand have been protected from this predicament through the provision for the establishment of quinquennial Financial Commission.⁴¹

Another important matter in which the Panchayati bodies are having an advantage over the Autonomous Councils relates to dissolution of these bodies. The 73rd Amendment stipulates that in case Panchayati body is dissolved under any law in force, an election shall be completed before a period of six months from the date of its dissolution; but Para 16(1) of the Sixth Schedule provides that the Governor may on the recommendation of a Commission appointed under Para 14 of the Schedule order the dissolution of a District or Regional Council and (a) direct that a fresh election shall be held immediately for the reconstitution of the Council or (b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said Para or any other body considered suitable by him for a period not exceeding 12 months.⁴²

Making one's way through the maze of conditions and sub-conditions it becomes obvious to one that, the autonomy of the Councils has been hedged in every possible way. A careful comparison of the provisions of the Sixth Schedule as amended from time to time and of the 73rd Amendment of the Constitution makes it clear while the Damocles' sword of the State power is moving closer and closer to the Autonomous

Councils, a liberalization process has been set in motion in respect of Panchayati bodies.⁴³ The 73rd Amendment Act has brought out more than anything else the extremely limited power of self government conferred on the Sixth Schedule. Compared to the Panchayati bodies, the Autonomous Councils have few development and welfare functions.⁴⁴

Development not delivered

Districts Councils, particularly in the Khasi and the Jaintia Hills Districts (in Meghalaya), have not been able to properly deliver the goods. The politicians who share the schemes and earmark funds at their pleasure and 'whims' without care to see that such development works are closely monitored thereafter. Water supply, land reforms, Primary Education, village border disputes, environmental control and the likes see their ugly heads rising up. These pose detrimental to cause public welfare because political strings and pulls have governed the entire goal of real development. Primary Education has become badly politicized and a total failure. The State government in Meghalaya has decided in principle to take over the primary schools and place them under its control. No clear-cut guidelines appear to have existed in the planning process. Plans are haphazard. Public fund is misutilized, miss-spent and made to lie flat in the ground. The District Councils have not been trying to make any efforts to promote Arts and Culture, sports and games activities and other socio-economic advancement of the people. They have plunged themselves into the labyrinth of politics, which though not totally bad but tends to have cornered into selfish and mischievous gains. Power-feuds have been the order of the day. With the advent of time and the onward march of progress all round everywhere in other parts of India, the District Councils from their bad mode of functioning have become redundant.⁴⁵

Masses/Poor/Weaker section of the Tribes deprived of benefits of Sixth Schedule

There comes out discontent from quiet, innocent and sincere peace-loving tribal citizen. District Councils simply serve the pleasure and the interest of over-ambitious politicians. Every approach towards betterment of the masses has been politically motivated which focuses the priority on winning the next general election. The persons

elected as Members of the District Councils, mostly do not even learn their constitutional rights and responsibilities. Instead placed in power they steadily tend to degenerate themselves into grave wrongdoers. They misuse their powers and the entire governance tends to become corrupted to the hilt.⁴⁶

The Councils have neither been able to do anything of standard in the interest of hill masses nor to involve the poor tribes in development activities either as beneficiaries or as decision makers on any significant scale. In fact, it is shown that the Councils have harmed the interests of the poor tribes. The Councils serve the interests of mainly the neo-middle rich class or classes of rich traders, contractors, bureaucrats and educated who have emerged from within the tribal society of Northeast India due to enlarging money economy on developmental activities. This emerging socio-economic power structure in the tribal areas does not allow the benefits of the Sixth Schedule to flow towards the weaker section of the tribes. The elected members in the Councils and the office bearers who are normally from the elite group (or the rich) of the tribal society, have vested interests in preserving the exploitative structure, they are not likely to do anything that strengthens the position of the poor in their areas.⁴⁷

Insensitivity to the aspirations of the Minorities

One fourth of the strength of the District Council is nominated by the minister in charge of tribal/ district council affairs. The purpose is to give representation to minority or un-represented tribes. It is experienced that power of nomination is frequently abused for narrow party gains. It violates the provision of the minority representation enshrined in the Sixth Schedule to the Constitution. In the autonomous district there maybe more than one tribe and the major tribe in the district may impose its own language on other tribes. No provision has been made to remedy this situation.⁴⁸ Some Autonomous District Councils are accused of insensitivity to the social and cultural aspirations of the minorities.⁴⁹

Inter-Tribals Conflicts

In order to save the simple tribal people from the clutches of moneylenders and non-tribal traders, legislative enactments have been made. But in doing so, in some cases

the interests of the non-tribal are ignored. It is observed that the relation between tribals and non-tribals are ignored. It is observed that the relation between tribals and non-tribals sometimes reach at a stage of mutual distress. Friendship is replaced by animosity and mobocracy displaces democracy. Some of the elite of the minority tribes are complaining of the domination of the majority tribes. In the field of education, many minor tribes are denied of the opportunity to read and write in their own dialect. This happened in the case of Mizoram where the Chakmas, Pawis and Lakhers faced similar problems. Thus some sort of inter-tribal conflict has arisen even in the District Council Areas.⁵⁰

Relevance of District Council questioned from time to time

Criticisms have been leveled against the working and effective functioning of the District Councils. The relevance of the Councils today has been questioned from time to time especially after the creation of full-fledged states where District Councils are in existence. On the part of the District Councils, they have been demanding more autonomy and direct funding from the Central Government itself to strengthen their power and functions.⁵¹ There are new states which are predominantly tribal. District Councils do not have any justification or relevance, at least in some of the states. The main purpose for which the District Councils were set up was to protect the interests of the tribal population residing in these areas from exploitation by the people of the plains, to protect and preserve tribal institution, which it was thought, might not be done by a legislature dominated by Plains people. This is no longer valid in case of predominantly tribal states.⁵² It is even felt that the presence of the District Councils is a superfluous burden on the State. Many have expressed their dissatisfaction as the result of the failure of the District Councils to promote the development of the areas under their jurisdiction. Many critics have entertained certain doubts about the role and functions of the District Councils with regard to rural development and up-liftment of the tribal people.⁵³

Parimal Acharjee⁵⁴ says that the main burden of his thesis has been to show that the Sixth Schedule did not work properly and the District Councils did not succeed in the mission in which they were engaged. The hill people (of the Sixth Schedule areas excluding those of Karbi Anglong and North Cachar Hills) were never fully content with the Sixth Schedule. The hope that the Sixth Schedule might pave the way for greater

harmony and better appreciation of each other's aspirations and needs between the hills and plains was also belied. The hill leaders thought that the Sixth Schedule gave them too little autonomy. The extremists among the leaders from the Brahmaputra valley (plains) thought that the Sixth Schedule was an exercise in appeasement containing the seeds of a 'Tibalsthan'. They suggested total assimilation of the hill people by the majority community. Thus Sixth Schedule was attacked from both hills and plains, though for different reasons. Such an atmosphere was hardly conducive to the goal of hills-plains amity. The attack on the Sixth Schedule in the hill areas began in the form of demand for its amendment, replaced by a more spectacular demand for the creation of a Hill State, based on the plea that the Sixth Schedule failed to provide adequate safeguards for the hill people against domination by the majority community. But while demanding the Hill State, the hill leaders did not demand the abolition of the Sixth Schedule, for they wanted the best of both worlds.⁵⁵

The role of the Sixth Schedule in the sphere of development is equally unimpressive. It did not envisage a suitable machinery for integrated development of the hill areas of the North East India. Greater emphasis was laid on the legislative, executive and judicial powers and functions of the District Councils. Neither their development responsibilities were spelt out clearly nor any clear provision was made for the co-ordination of the development functions of the District Councils by the District Officers and other field personnels of the State Government. The Councils argued that they did not possess sufficient powers and authority to take an effective part in development programs. On the other hand, the State Government thought that the Councils did not make proper use of their powers of legislation and taxation and thereby failed to promote development. The wasteful expenditure on the part of the District Councils remained unchecked. Development grants were often diverted to meet establishment charges. The State Government could not enforce financial discipline among the District Councils. The failure of the Sixth Schedule to realize objectives of autonomy, integration and development for which it was intended must be attributed not so much to the inherent weaknesses in the system which it established as to the unsympathetic and hostile attitude shown to it by certain extremist elements in both the hills and the plains: These reactionary elements in both the hills and plains gained an upper hand and blocked the

success of the scheme. The District Councils which constituted the pivot of the scheme of administration envisaged in the Sixth Schedule did not realize their responsibilities effectively. Most Councils were, however, anxious to enact laws prescribing high salaries and allowances for the Executive Members, Ordinary Members as well as the Presiding Officers. While the Councils fully did not experience their legislative powers, they demanded additional powers. As for the administration of justice, only the village courts functioned effectively. Very often the higher courts had no work. Further, the laymen were appointed in the Benches. Besides unqualified persons even unwanted politicians were appointed as judges. The autonomy of the District Councils had also been progressively eroded. The Amending Act of 1971 deprived the District Councils in Meghalaya and Mizoram much of their legislative independence and reduced them to the position of the local boards.⁵⁶

Acharjee concludes that there is little justification for the continuance of the Sixth Schedule and District Councils have become redundant for they no longer subscribe to the original intention of the framers of the constitution. They are no more relevant politically, administratively and otherwise. Their continuance would involve wasteful public expenditure. The Central Government's proposals for the Reorganization of the units in the North Eastern Region 1971 suggested the abolition of the Sixth Schedule but the All Parties Hill Leader Council opposed the move to abolish the District Councils. The reasons being firstly, prominent leader of the APHLC like Sangma and J.J. Nichols Roy were committed to the continuance of the District Councils even after their demand for statehood for the hill areas was met. Secondly, for the new elite among the tribals who are also the new rich, the District Councils offer political officers of importance and influence. Thirdly, the District Councils offer salaried jobs of comparative ease and comfort for the new generation of educated young men and women among the tribals. Finally, unwanted politicians at the higher levels could be gently disposed of with such offices of the District Councils as chairmanship or magistracy. Thus political partisan interests seem to demand the continuance of the District Councils. Therefore, there is no justification for the continuance of the District Councils. They have outlived their utility and proves to be too expensive an experiment for the tax-payer to bear. Their functions could easily be discharged by the local bodies which would have an organic relationship

with the State Government. The latter could delegate as many powers and functions to the former and yet retain control over them besides rendering them effectively responsible. Hence Acharjee suggested that the Sixth Schedule be deleted from the Constitution.⁵⁷

R.N. Prasad⁵⁸ points out the positive and negative point of the District Councils. On the positive side, the District Council has legislative and executive powers including some regulatory authority subject to State control. It also administers justice based on customs and traditions of the tribesmen. The Councils have the right to levy taxes and share royalties of minerals. On the negative side, the District Councils focuses entirely on the district tier and has no democratic tiers below the district levels. Moreover, the dissolution of the District Council is not accompanied by mandatory reconstitution. The Sixth Schedule does provide for holding elections within six months after dissolution. All receipts/moneys of the District Council are credited to the Consolidated Fund of the State so it totally depends on the State Government for its funds/finance. The State Government controls its finances and expenditures. It does not have financial autonomy. Lack of financial autonomy takes away the autonomous character of the District Council. No real autonomy has been conferred on the District Council the District Council has no development or welfare functions as mandatory. It takes up such development activities and social services only on being assigned by the State Government but these functions depend very much on the political party (s), which run the State administration. If the same political party is in power both at the State and District Councils levels, the latter may have a smooth sailing in its program of developmental activities, if it is otherwise, a number of obstacles and hurdles may be created by the party in power to jeopardize the plan of action that might be chalked out by the District Council for the socio-economic development of the autonomous district.. it thus seems that the District Council is an institution of higher order, in terms of actual functions, it enjoys less power in some cases and in some other cases, they are hedged so much by the political whims of the State level political elites that their effective functioning becomes problematic.⁵⁹

Suggestions for Improvement of the Sixth Schedule

Autonomous District Councils to manage all kinds of forests and raise their own police force

The life, culture and economy of the tribal people in the Sixth Schedule areas are basically land and forest oriented. It has been observed that for the last many decades, the forest areas are declining. Unless the people living in these areas are motivated to participate in preserving the forests, their existence is in danger. However, the major portions of the forests in all District Council areas are reserved forests. The District Council authorities as per the provisions of the Sixth Schedule have no jurisdiction of administering and managing the reserved forests; they are kept within the purview of the respective State Government. For this purpose an amendment of Para 3 of the Sixth Schedule is imperative. Unless the authority is entrusted on the Autonomous District Councils to manage all kinds of forest, it is next to impossibility to motivate the people to preserving the forests. The District Councils should be allowed to raise their own-armed police force equipped with sufficient arms to patrol the Sixth Schedule areas. It is expected that such a police force which will be constituted by the local people would have a better intelligence and effectiveness to deal especially with the insurgent.⁶⁰

Enhancement of District Council's power in respect to Education and Health

Educational backwardness among tribal population is one of the main causes of their suffering. To provide better educational opportunities and facilities to such tribal population, it is felt that besides the primary school education, some institutions at a higher level and of vocational nature may be allowed to run and manage by the District Councils. Enhancement of the District Council's power and functions in this regard is necessary. (Development of a particular area depends upon development of Human Resources to a great extent) The establishment and administration of hospitals by the District Council is required for better maintenance and meeting the health care needs of the tribals. It is felt that the powers of the District Councils are required to be enlarged.⁶¹

Enhancement of Financial Powers of District Councils

The flow of fund from the State Government to the District Councils is found to be not only complicated but also uncertain. It has been noticed that the State Government have been trying to control the District Council or its autonomy by manipulating quantum of fund meant to be placed at the disposal of the Council. Unless the flow of funds to the Council is adequate enough, no development project can be initiated or completed. A provision should be made that mandatory obligation on the part of the State Government is required to make fund available to the District Council for its estimated expenditure. The rules for the management of the District fund payment and withdrawal of moneys thereto should be made by the District Council and not the Governor. The existing situation allows the state government ample scope to put obstacles in the functioning of the District Council. Annual plans and five-year plan of the Councils should be prepared by them only. So far as the powers to assess and collect land revenue as well as imposition of taxes are concerned, the District Councils should be given more and broader autonomy and power to levy and collect taxes within the District. The District Council should also be empowered to impose royalties by itself on minerals, gas and petroleum within the District.⁶²

Good relationship between District Councils and the State Government

It is very important that the District Councils and the State Government work hand in hand to bring out the desired, balanced and harmonious growth and deliver the goods in the right direction. Unless there is proper coordination and cooperation between the District Councils and the State Government no progress can be made.

Nomination of Members to District Council to be small and specific. Merging of the Office of the Chairman and Chief Executive Member. District Councils to regulate the powers of Chiefs and Headmen.

Nomination must serve a recognizable public purpose. In other words it should be spelled out from which class of people the member is to be nominated that is from minority, women or those with some expertise. The number of nominated members in the House should be small. It may be better to have only one nominated member in each District Council and the nominated member should not have the power to vote on a

motion of no confidence or confidence in the House. Sixth Schedule gives powers to frame rules regarding qualifications for being elected at elections as member of District Council but in the absence of specific power to make rules prescribing disqualifications for members, it is doubtful if District Council can legislate to disqualify a defaulting member from contesting. A suitable amendment may give the Councils the power to do so. District Council is authorized to maintain a District Fund and all monies received by it are to be credited to the fund. The accounts of the District Council are to be audited. It is not considered necessary to have separate chairman of the District Council and a Chief Executive Member. The Executive Committee exercises all powers of the District Council; the Chairman summons and prorogues the House and presides over its meetings. The functions of the Chairman, may also be performed by the Chief Executive Member. Some of the political problems the District Councils faced may be resolved by merging these two offices. This would result in economy in the administration. Chiefs and Headmen are the customary Chiefs in a village or of a tribal clan. District Councils have been given the power to make laws in relation to the appointment or succession of Chiefs or Headmen but the District Councils have no power to regulate their powers and functions. It may be better if the District Councils are entrusted with this power so that these powerful local functionaries can be made to play an effective role in various activities of the District Councils. The Central Government has not been given any powers to have the working of the schemes included in the Sixth Schedule examined. If the scheme is not working satisfactorily it would be for the Central Government to remove the deficiencies by amending Sixth Schedule. It is worth considering if such a provision may be included.⁶³

Synthesize the 73rd Amendment Act with Sixth Schedule

While democratic decentralization is being progressively achieved in Panchayati Raj bodies Autonomous District Councils have been put under greater financial and administrative constraints by respective state governments. While the question of cultural distinctiveness is important, it really calls for some serious attempt at institutional innovation other than what is the order of things now. However many of the features of 1992 Act (73rd Amendment Act), such as the increased resource base of the Panchayats

and higher level of functions, greater security of tenure etc may be incorporated in the Sixth Schedule. This would make the Autonomous District Council's more powerful units of democratic decentralization. A complete switchover to Panchayati Raj is not desirable, not for any great autonomy significance of the Autonomous District Councils but in the background of a climate of mutual suspicion and insularity which may take some time to be wiped out. The Autonomous District Council's may be made more effective democratic bodies with the incorporation of representational features from 1992 Act (73rd Amendment Act). A Committee should start working as democratically as possible and report on the ways of synthesizing the Sixth Schedule with the 1992 Act (73rd Amendment Act). The report should be publicly circulated and discussed before finalizing the patterns and modes of self-government in the Northeast.⁶⁴

Benefits of the Sixth Schedule to flow to the poor. Train the Members of District Council for their Constitutional Roles.

If the benefits of the Sixth Schedule have to flow to the poor and if the poor are to be enabled to participate in the Council's activities it is necessary that their position is strengthened by various means such as efficient public distribution system (seed banks, grain banks, social security measures), giving right to work to the poor tribes so as to ensure them minimum employment and incomes to live on, redistribution of assets in favor of the poor by implementing land reforms and encouraging organization of the poor and recognizing the role of voluntary agencies in rural development. No person should be a member of two legislative bodies – the District Council and the legislature, such a provision will check the concentration of power in the hands of a few. It will also provide opportunities to a larger number of persons to participate in decision-making. Another pre-condition for the success of the District Council is to train the members of the Council for their role. In spite of these limitations this is also true that the District Councils and the Regional Council provided under the Sixth Schedule have provided a fair degree of autonomy for the tribal people. It is expected that the District Councils will play a significant role in giving a sense of purpose and direction to the tribal development movement.⁶⁵

Mr. Manik Sarkar (the Chief Minister of Tripura) in his speech on 'Regional Autonomy, Sixth Schedule of Indian Constitution, Experience of the Northeast and Tripura' pointed out that the Sixth Schedule status will not solve all the problems faced by backward people. Sixth Schedule is a special arrangement meant for the betterment of backward tribal communities "But, one should not be under the impression that right to education, food security, health security etc will be fulfilled by the achievement of the status alone. For that a parallel movement is required". So a suggestion from the Tripura Chief Minister was for the people to launch a sustained movement for the development of the hills.⁶⁶

¹ Nirmal Mukarji, 'Decentralisation Below the State Level. Need for a New System of Governance', *Economic and Political Weekly* Vol. XXIV, No. 9, March 4, 1989, pp. 470-471.

² Nirmal Mukarji, 'The Third Stratum', *Economic and Political Weekly*, Vol. XXVIII No.18, May 1, 1993 (A Sameeksha Trust Publication).

³ Nirmal Mukharji, 'Some Issues in Decentralised Administration.' P. 30.

⁴ K.P. Kannan, 'Local Self-Government and Decentralised Development.' *Economic & Political Weekly*, Vol. XXVIII No. 49 December 4, 1993.

⁵ K.S. Krishnaswamy, 'For Panchayats the Dawn Is Not Yet.' *Economic & Political Weekly*, Vol. XXVIII No.41 October 9, 1993.

⁶ K.P. Kannan, Op cit, p. 2644.

⁷ K.S. Krishnaswamy, Op cit, p. 2185.

⁸ Nirmal Mukarji, 'The Third Stratum', Op cit, p. 860.

⁹ Abhijit Datta, 'Some Thoughts on the Proposed District Government', *Dynamics of District Administration A New Perspective*, Kanishka Publishers Distributors, New Delhi, 1996.

¹⁰ Ibid, p. 34.

¹¹ Ibid, p. 43.

¹² M.S. Rajajee, 'District Government: The Emerging Role of the Collector', *Dynamics of District Administration A New Perspective*, Kanishka Publishers Distributors, New Delhi, 1996.

¹³ Ibid, pp. 66-67.

¹⁴ Ibid, pp. 68-71.

¹⁵ Government of West Bengal, Department of Panchayats, *Compendium of The West Bengal Panchayat Act, 1973* (WB Act XLI of 1973) and The West Bengal Panchayat (Election) Rules 1974 (Corrected up to 1st January, 1993), pp. 95-98.

-
- ¹⁶ M. V. Pylee, *India's Constitution*, S. Chand and Company LTD., Ram Nagar, New Delhi, Tenth Revised Edition 2003, p. 384.
- ¹⁷ *The Constitution of India* [As on the 26th January, 2005] Government of India Ministry of Law and Justice, p. 247.
- ¹⁸ Edited by Sabyasachi Basu Ray Chaudhury, Samir Kumar Das, Ranabir Samaddar, *Indian Autonomies Keywords and Key Texts*, Sampark, New Delhi, 2005, pp. 315-316.
- ¹⁹ *The Telegraph*, 3rd and 4th January 2006.
- ²⁰ B.K.Roy Burman, 'Sixth Schedule of the Constitution', *The Autonomous District Councils*, Omson Publications, New Delhi, 1997, pp. 32-33.
- ²¹ Abhijit Baruah, 'State Government-District Council Relationship in the Karbi Anglong District' *The Autonomous District Councils*, Op cit, p. 144.
- ²² Pranay Jyoti Goswami, 'The Sixth Schedule Development in the Northeast: A Critical Appraisal', *The Autonomous District Councils*, Op cit, pp. 99-101.
- ²³ R.N.Prasad, 'Analysis of the Framework and Operation of the Sixth Schedule to the Constitution of India', *The Autonomous District Councils*, Op cit, pp. 66-67.
- ²⁴ M. Naga Raju, 'Sixth Schedule to the Constitution of India, Concept, Practice and Future', *The Administrator*, Volume 45, December. 2002, p. 82.
- ²⁵ L.S.Gassah in the Introduction of *The Autonomous District Councils*, Op cit, pp. 5-9.
- ²⁶ B.Datta Ray in the Preface of *The Autonomous District Councils*, Op cit.
- ²⁷ Ibid, pp. 9-13.
- ²⁸ Stanley Nichols Roy, 'Autonomous District Councils – the Sixth Schedule', *The Autonomous District Councils*, Op cit, pp. 324-325.
- ²⁹ R. N.Prasad, *The Autonomous District Councils*, Op cit, pp. 68.
- ³⁰ Pranay Jyoti Goswami, *The Autonomous District Councils*, Op cit, p. 100-101.
- ³¹ M. Naga Raju, Op cit, pp. 80-81.
- ³² Ibid, p. 82.
- ³³ R. N.Prasad, *The Autonomous District Councils*, Op cit, pp. 70-73.
- ³⁴ Ibid, p. 65.
- ³⁵ Sukendu Mazumdar, *The Autonomous District Councils*, Op cit, p. 336-337.
- ³⁶ Pranay Jyoti Goswami, *The Autonomous District Councils*, Op cit, p. 100.
- ³⁷ B.K.Roy Burman, *The Autonomous District Councils*, Op cit, pp. 35-36.
- ³⁸ R. N.Prasad, *The Autonomous District Councils*, Op cit, p. 62.
- ³⁹ Ibid, p. 65.

-
- ⁴⁰ B.K.Roy Burman, *The Autonomous District Councils*, Op cit, pp. 27-28.
- ⁴¹ Ibid, p. 28.
- ⁴² Ibid, pp. 28-29.
- ⁴³ Ibid, pp. 29-30.
- ⁴⁴ L.S.Gassah, *The Autonomous District Councils*, Op cit, pp. 10-14.
- ⁴⁵ E.R.Tariang, 'Autonomous District Councils: the Sixth Schedule, Autonomy and Development', *The Autonomous District Councils*, Op cit, pp. 76-80.
- ⁴⁶ Ibid, pp. 80-81.
- ⁴⁷ R. N.Prasad, *The Autonomous District Council*, Op cit, pp.68-69.
- ⁴⁸ Ibid, pp. 64-67.
- ⁴⁹ B.K.Roy Burman, *The Autonomous District Council*,
- ⁵⁰ Pranay Jyoti Goswami, *The Autonomous District Councils*,Op cit, pp. 99-101.
- ⁵¹ L.S.Gassah, *The Autonomous District Councils*,Op cit, p. 5.
- ⁵² S.K.Agnihotri, 'District Councils under the Sixth Schedule', *The Autonomous District Councils*, Op cit, p. 53.
- ⁵³ E. Jyrwa, 'Relevance of the Sixth Schedule in Meghalaya Today: A Few Points to Ponder' *The Autonomous District Councils*, Op cit, p. 217.
- ⁵⁴ Parimal Acharjee, *The Movement for an Autonomous State Comprising Two Districts Karbi Anglong and North Cachar Hills of Assam in the Larger Context of Re-organization of Assam*, A Thesis submitted to the University of Gauhati, 2005.
- ⁵⁵ Ibid, pp. 179-181
- ⁵⁶ Ibid, pp. 181-183.
- ⁵⁷ Ibid, pp. 183-215.
- ⁵⁸ R.N. Prasad, 'Restructuring and Reform of Rural Administrative Institutions in Mizoram, a Study in the New Panchayati Raj System', *Dynamics of New Panchayati Raj*, Volume II Select Studies, Edited by G. Palanithvai, Concept Publishing Company, New Delhi, 2002.
- ⁵⁹ Ibid, pp. 230-231.
- ⁶⁰ Harinath Deb Barma, 'Amendment of the Sixth Schedule in the light of the Problems faced by the Autonomous District Councils', *The Autonomous District Councils*, Op cit, p.339.
- ⁶¹ Ibid, p. 339.
- ⁶² Ibid, pp. 340-341.
- ⁶³ S.K.Agnihotri, *The Autonomous District Councils*, Op cit, pp. 47-53.

⁶⁴ Soumitra De, 'The Provisions of the Sixth Schedule in North east India: An Inquiry into their Relevance Today', *The Autonomous District Councils*, Op cit, pp. 91-94.

⁶⁵ R. N.Prasad, *The Autonomous District Councils*, Op cit, pp. 69-74.

⁶⁶ The Telegraph, 1 November 2006.