Autonomous District Councils

Why in News

- In January 2019, Cabinet approved **amendment to Article 280** and Sixth Schedule of the Constitution to increase autonomy, financial resources and powers of the autonomous district councils in Assam, Meghalaya, Mizoram and Tripura.
- The **three Autonomous District Councils (ADC) of Meghalaya** have urged the **National Commission for Scheduled Tribe** to direct the State government not to interfere into their affairs.
- The three ADCs have also apprised the 15th Finance Commission that the revenue collected is barely sufficient to carry out their day- to-day administrative activities and primary duties as envisaged in the sixth schedule leaving virtually no funds for development work.

Background

- India's population consists of 100 million tribal people who have constitutionally been addressed via two distinct avenues i.e **Fifth and Sixth Schedule.**
- Fifth and Sixth Schedules were discussed and passed by Constituent Assembly between September 5-7, 1949.
- The **Fifth Schedule applies to the overwhelming majority of India's tribes in nine States**, while the **Sixth Schedule** covers areas that are settled in the **northeastern States bordering China and Myanmar.**
- The Sixth Schedule gives tribal communities considerable autonomy; the States of Assam, Tripura, Meghalaya, and Mizoram are autonomous regions under the Sixth Schedule.
- The **District Council** and the **Regional Council** under the Sixth Schedule have real power to make laws, possibility on the various legislative subjects, receiving grants-in-aid from the Consolidated Fund of India to meet the costs of schemes for development, health care, education, roads and regulatory powers to state control.
- The mandate towards devolution, deconcentration and divestment determines the protection of their customs, better economic development and most importantly ethnic security.
- However, the Sixth Schedule has its own shortcomings; breakdown of law and order, elections not being contested, rather than empowerment there is exclusion that fails to provide much-needed protection to tribes in the absence of political will, and live by the mercy of government funds.

Sixth Schedule

- The Sixth Schedule of the Constitution deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram as per **Article 244.**
- The Governor is empowered to increase or decrease the areas or change the names of the autonomous districts. While executive powers of the Union extend in Scheduled areas with respect to their administration in Vth schedule, the **VIth schedule areas remain within executive authority of the state.**
- The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The Councils have also been endowed with **wide civil and criminal judicial powers,** for example establishing village courts etc. However, the jurisdiction of these councils is subject to the **jurisdiction of the concerned High Court.**

- The sixth schedule to the Constitution includes **10 autonomous district** councils in **4 states**. These are:
    - Assam: Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council.
    - Meghalaya:Garo Hills Autonomous District Council, Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.
    - Tripura: Tripura Tribal Areas Autonomous District Council.
    - Mizoram: Chakma Autonomous District Council, Lai Autonomous District Council, Mara Autonomous District Council.

Major Issues

- Granting special provisions to certain minority tribal groups have led to further demands by other groups for such provisions under the 6th schedule. This has created disparity among the people and resulted in the rise of conflict between various groups.
- In terms of financial autonomy, the members across the ADCs in North Eastern states share the same view that the ADCs are at the mercy of the state governments. There exists a huge gap between the approved budget and the funds received from the State Government which has had a direct impact on the development of these tribal communities.
- They are also dependent upon state governments for decisions regarding undertaking of developmental activities in their region.
- Due to the extensive corruption, development in these regions is seen to be a non-existing phenomena.
- Lack of coordination between the States governments and Department of Planning and Development, Hill Areas Department and the Autonomous councils has resulted in the lackadaisical implementation of the development work.
- Absence of any efficient Committee for the purpose of monitoring, evaluation and keeping a record of the funds received and utilized has led to extensive corruption and under development of these regions under the Autonomous Councils.
- Members of the Chakma, Lai and Mara Councils of Mizoram are of the view that funds coming from the Central Government is not sufficient enough, and believes that funds should be granted to different councils on the basis of backwardness of the councils and not on the basis of population.
- The State government justifies this position by stating that the ADCs have been holding on to their traditional roles of protecting the tribal identity in the region which abstains the State from various developmental activities.
- At the same time the ADCs have small amount of funds which they receive as taxes and land revenues, however they have to depend on the Central government for more funds.
- In terms of representation of members in the Autonomous Council, Bodoland Territorial Councilis the only council which has 46 members, which is the highest representation and also the only council which has members from the Non-tribal community represented in the Council.
- Time to time different ADCs have demanded an increase in the number of members in the ADCs.
- Unlike the Panchayati Raj System where the 73rd amendment allows reservation of one third of all the Panchayat seats for women at different levels, both Fifth and Sixth Schedules have no mention of women representation and gender equality.
- The relationship to land is the basis of tribal or indigenous identity and that the culture and identity of indigenous people cannot be preserved without maintaining control over land and natural resources, as these factors to a large extent determines the lifestyle and culture of the indigenous people.
- Generally tribal or indigenous cultural practices community land ownership, while some other tribes practice individual with clan ownership,however modern land relations and formal law recognizes only individual ownership of land.
- It was under colonial rule that the process of turning land into commodity began for their own interest, in the name of development. Post independence, large tracts of lands were given away to the immigrants and other settlers.
- The autonomy and power of the District Councils lie in the hands of a small group of elites who

govern the functioning of the Autonomous DistrictCouncils.
- There is clear lack of interest and pursuit on the part of the District Council members in taking initiative and planning and monitoring developmental activities at the micro level.
- The absence of involvement of local stakeholders in the process of development and in the decision making process has deprived the common masses from their democratic rights.
- The Sixth Schedule also vests enormous powers to the Governor. Members of the various ADCs, in this context are of the opinion that the Governors are mere puppets in the hands of the Ministers.
- A major gap in the functioning of the ADCs is the lack of interaction at the village and field level.There is an absence of efficient village councils or regional councils.

Suggestions

- The government and other agencies need to win the confidence of non scheduled area population and bring a sense of security and belongingness to them.
- There has to be a proper coordination or adjustment between traditional practices and usages with changes that have occurred within the tribal society today.
- The issue on representation needs to be seriously reconsidered, which still has limited participation of women in the decision making process, and also excludes the non-tribals of the State.
- Adequate accountability and transparency of funds generated should be entrusted to authorities such as the Comptroller-General and Auditor-General of Accounts to prevent misuse.
- Documentation and codification of traditional laws is an essential step through which actual aim of the Sixth Schedule that is protection of tribal cultural identity can be fulfilled.
- Measures should be taken in order to ensure that the Autonomous Councils have well defined legislations which clearly identify the powers of the village level bodies,release of funds by the government, transparency in the allocation and utilization of funds.
- Stringent laws regarding frequent reviewing of financial position of the ADCs like the Panchayati Raj System will enhance the status of the ADCs.
- There is a need for inclusive development and capacity building of ADCs by introducing ideas from the PRI setup.
- Strengthening and empowering the local self-governance, which would also include Village and Tribal Councils.
- Empowerment of civil society bodies would contribute immensely in the monitoring of the developmental activities and progress rate across diverse sectors undertaken by the councils.
- Traditional forms of governance must be promoted with self governance.
- To make ADCs platform of governance broader and capable of dealing with a changing world at both the national and international levels, there is a need for inclusion of democratic elements like gender justice into these institutions.
- To get a positive outcome the members of the ADCs should be trained, as capacity building of the ADCs members is vital for healthy governance and helps one to be more alert about the responsibilities assigned and the overall functioning.
- The functioning of the ADCs should be amended to make them accountable through the insertion of a clause that makes mandatory the creation of village councils/ bodies with a degree of representation to the traditional institutions of chiefs.
- Creation of effective watch dog with the powers of Lokayukta in monitoring and keeping a track of the activities undertaken by the ADCs should be given priority as this will help in maintaining transparency in matters of finance and other developmental plans and activities.
- Regular and assured financial assistance from governments an efficient monitoring system are two major factors which will determine the success of such provisions,along with awareness and active participation of the other stakeholders.

Way forward

- The ADCs in the past decades have been successful to a certain extent in preserving the tribal identity and attained statehood for some of the tribes who had been struggling for a separate state in the North Eastern part of India.
- However, in the present context where the states have been witnessing various changes in terms of development, upgradation of administrative setups, welfare programmes and policies and also changes in the demographic structure it is time that the provisions under the Sixth Schedule needs to be enhanced in order to cope up with the changing mechanisms and demands of the local

communities.

- Under the prevailing setup, not only the existing powers and functions of the traditional bodies are extremely limited, but also their access to resource allocation is severely poor.
- The tribes in other parts of India are faced with problems of development as well as identity. Hence it is worth exploring extension of such systems in other parts of tribal India.

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