



## STUDY ON AUTONOMOUS DISTRICT COUNCIL OF NORTH-EAST INDIA.

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### Abstract:

In areas with distinct cultural and linguistic identities, autonomous district councils (ADCs) in India are exceptional examples of decentralised governance. In India's northeast, where a number of tribal people have historically been marginalised and endured social, political, and economic isolation, ADCs have been founded. It is a cutting-edge system for local self-governance and decision-making, and it has helped to promote inclusive development in the area and the empowerment of indigenous communities. However, a number of variables, such as the degree of autonomy given to the councils, the strength of regional institutions, and the accessibility of resources, affect how effective ADCs are in India. This essay tries to offer a thorough examination of the formation of ADCs in India, their institutional structure, and their function in advancing social justice, democratic governance, and inclusive development. The issues faced by ADCs in India, such as the need for more financial and administrative autonomy, the difficulties of developing local institutional capacity, and the possibility of political interference, will also be covered in this article.

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## INTRODUCTION

India is a large country with a variety of cultures and traditions. Making sure that different groups are represented in decision-making processes involves sharing power at various levels. It enables individuals from all backgrounds to take part in national governance and have their opinions heard. Decentralisation of power is encouraged by power sharing at various levels. Due to the decentralised nature of decision-making, this aids in the effective operation of government. Additionally, it aids in ensuring that local policies and programmes are properly carried out. Power sharing was challenging and complex after independence. The variety of the subcontinent had to be considered when drafting the country's constitution, and bringing stability was a very difficult task. They established a federal structure that included a national level of authority, a sub-national level where State Legislative Assemblies would covertly receive shared responsibilities, and a third level where Autonomous District Councils were recognised as specifically created to represent the ethnic communities of North East India. But it was a very difficult procedure. There were many people who opposed providing any community with preferential care. For instance, G.S. Ghurye favoured the blending of all groups. According to him, giving any community particular treatment would foster a sense of entitlement and privilege that would ultimately work against the cause of forging a single Indian identity. Ghurye thought that for India to advance and modernise, a homogeneous Indian society was required. In addition, Ghurye contended that granting special treatment or reservations to particular populations would cause animosity and strife between various groups. In order to combat inequality and foster social mobility, he advocated merit-based selection for educational and career possibilities. G.S. Ghurye wrote a book titled "The Aborigines: So-Called and Their Future" that explores the situation of India's indigenous population, also known as "Aborigines." Ghurye examines the socioeconomic, cultural, and political circumstances of these groupings and presents his predictions for the future. The word "Aborigines" and how it has been applied to various indigenous communities in India are topics covered by Ghurye. He also looks at how Hinduism has affected these people and their interactions with other Indian communities. He thought the tribal people weren't Native Americans because many of them were well-known centuries after the Hindu kingdom had faded from history. He used the Gond people of Maharashtra and Madhya Pradesh as an example. Additionally, he claimed that many Hindus from

low castes interacted with "tribal villagers." He contends that because of their lack of education, lower social and economic position, and lack of political influence, Aboriginal people are at a disadvantage in contemporary Indian society. He contends that their capacity to integrate into mainstream Indian culture and obtain modern training and education will determine how successful they are in the future. They can only thrive if they integrate into society. Even during the colonial era, things were different for the North East (David Stuligross, 1999). The northeastern area of India was considered a distinct and separate entity from the rest of the country by the British administration in India during the colonial era. The region's diverse ethnic and linguistic makeup, steep topography, and relative seclusion from the rest of India were among the causes of this. As a result, the northeastern region was governed differently by the British colonial administration in India. The area was given control over by a different organisation known as the "Chief Commissioner's Province" rather than being incorporated into the nation's main administrative framework.

A number of laws and regulations unique to the northeastern part of the country were also in place there. Many of the ethnic and linguistic groups in the area were granted autonomy by the British colonial administration in India. This was partially a pragmatic choice because it allowed the British to keep control of the area without having to launch expensive and drawn-out military operations. It also demonstrated a greater understanding of the distinctive cultural and socioeconomic traits of the northeastern region. Anthropologist, ethnologist, and missionary Verrier Elwin was born in Britain and spent a lot of time working with tribal groups in India. He is renowned for his research on the customs and cultures of many tribal people, especially those in central India, as well as his support of their welfare and rights. Elwin thought that tribal communities should be allowed to integrate into the larger Indian civilization on their own terms. In order to be accepted into society, he maintained, indigenous communities shouldn't be required to give up their traditional way of life or cultural practises. Elwin supported a gradual integration strategy that respected the autonomy and culture of tribal communities instead. He thought that the values of respect, comprehension, and sensitivity to the needs and ambitions of tribal groups should serve as the framework for this process. Elwin also made a point of highlighting the value of healthcare and education in advancing the welfare and prosperity of tribal people. According to him, education need to be customised

to the requirements of indigenous populations and should embrace their traditional wisdom and ways of life. It was not an easy task to make it happen. The region's complicated and diverse language and ethnic makeup was one of the key obstacles to the development of ADCs. Numerous varied ethnic and linguistic groups, each with their own distinctive cultural traditions and identities, are present throughout the northeastern states of India. Due to this, developing a system of government that would be favoured by all communities proved challenging. There were also worries about the likelihood of violence and strife in the area. There were concerns that the establishment of ADCs may worsen the ethnic and communal conflicts that already existed in many communities in the northeastern regions. The Indian Union eventually succeeded in creating ADCs in the northeastern states despite these obstacles. In order to address some of the issues and complaints of the local tribal people and to promote more local autonomy and self-governance, ADCs were created. The concept of autonomous district councils was brought to India by the Sixth Schedule of the Constitution, which was enacted in 1951. It sought to give self-governance and self-determination to tribal people in the North Eastern states. In tribal territories, there are many indigenous communities that have distinctive cultures, customs, and languages. Due to historical prejudice, exploitation, and neglect, many people have been excluded from socioeconomic and political life. In order to solve these issues and enhance the general development and welfare of the tribal tribes, the concept of ADCs was initially inserted into the Indian Constitution in 1951. It was created to provide the tribal people of these communities more control over managing their own affairs, to give them self-governance, and to safeguard their communities' distinctive cultural identities as well as their lands, forests, and other natural resources. The ADCs have the authority to enact laws that specify who is permitted to enter and depart specific tribal zones, local administration, forestry, and land usage. As a result, it has become simpler to defend the rights of indigenous groups and prevent outsiders from exploitation of them. It was a move in the right direction towards ensuring the general well-being and development of the tribal regions of India as well as the increased autonomy and self-determination of the regional indigenous groups. The members of the independent district councils are chosen by the tribal territories' inhabitants. The number of members and the duration of their time in office may vary between states.

Furthermore, the first prime minister of India had a highly benevolent approach towards the tribal group in order to support and facilitate matters for the representatives in the autonomous councils. The tribal community benefited greatly from Nehru's Tribal Policy. The "Panchsheel of Tribal Policy," often known as Nehru's tribal policy, was a set of guiding principles that served as the foundation for how the Indian government dealt with the nation's tribal populations. In the early years of India's independence, Prime Minister Jawaharlal Nehru created a strategy that was founded on the values of preserving tribal culture and traditions, advancing their welfare, and assuring their participation in the democratic process.

The five principles of Nehru's tribal policy were:  
 Protection of tribal rights and culture: Nehru placed a strong emphasis on this topic in his policies. The goal of the policy was to safeguard the culture, resources, and distinct identities of indigenous communities.

Development of tribal territories: Through a variety of initiatives, including spending on infrastructure, education, and healthcare, the strategy attempted to support the economic and social development of tribal communities.

Tribal participation in governance: Nehru's strategy recognised the value of ensuring tribal communities' involvement in the democratic process. The strategy supported the establishment of tribal advisory councils and the participation of tribe members in decision-making processes.

Empowerment of tribal women: Nehru's strategy recognised the significance of establishing gender equality in tribal communities and empowering tribal women.

Tribal community modernisation: The strategy sought to support tribal community modernization while maintaining their traditional way of life. The policy acknowledged the value of healthcare and education in accomplishing this objective.

The Indian government's dedication to advancing the welfare and development of the nation's tribal populations was reflected in Nehru's tribal policy. The effectiveness of the strategy, however, has drawn discussion and criticism. Some claim that the government hasn't done enough to address the problems that tribal groups confront, such as discrimination, access to health care and education, and issues with land rights.

## REVIEW OF LITERATURE

**Monirul Hussain's** article "**Tribal Movements in North East India**" is a comprehensive study of the tribal movements that have taken place in Northeast India. It examines the role of colonialism in shaping the tribal movements in Northeast India and analyzes the impact of British colonialism on the tribal societies of the region and the emergence of tribal movements as a response to colonial policies. Also, it investigates the relationship between tribal movements and state formation in Northeast India and role of tribal movements in the formation of new states and the impact of state formation on the tribal communities. Furthermore the ideological basis of tribal movements in Northeast India and various ideological frameworks that have shaped the tribal movements and their impact on the socio-economic and political development of the region has also been mentioned and analyzed. It also examines the strategies and tactics adopted by the tribal movements in Northeast India. It analyzes the various methods used by the tribal movements to achieve their objectives and their impact on the political landscape of the region which was faced with conflicts and insurgency

The historical, political, and social context of the autonomous councils in North East India is examined in the article "**Autonomous Councils of North East India: Theory and Practise**" by **David Stuligross**. It gives an overview of the autonomous councils' legal and constitutional framework, as well as its historical context. It examines the theoretical underpinnings of autonomy and the various models of autonomy put forth by political theorists, and it traces the development of the autonomous council system from the colonial era to the present. It also outlines the various models of autonomy that have been adopted in the region. It evaluates the benefits and drawbacks of various models and makes the case that North East India's autonomous council system is a special type of autonomy that was created in response to the region's particular problems. Additionally, it examines the political environment in which the autonomous councils operate, paying particular attention to regional political dynamics and the difficulties the councils encountered in establishing their legitimacy and power. In it, the impact of political parties, civil society groups, and other parties on the politics of the autonomous councils is examined. The organizational design and operation of the autonomous councils are also examined. It looks at the roles and responsibilities of the councils, the processes for making decisions and holding people accountable, the difficulties

that the councils confront in putting their plans into action, and the effects of the autonomous council system on the regional economy and social development. It evaluates the councils' success in fostering inclusive development, strengthening marginalised communities, and tackling the problems of poverty and underdevelopment.

**S.K. Agnihotri's** article "**District Councils Under Sixth Schedule**" provides a comprehensive study of the Sixth Schedule of the Indian Constitution, which provides for the establishment of autonomous district councils in certain areas of Northeast India. It provides us with an introduction to the Sixth Schedule and its historical background. It examines the factors that led to the inclusion of the Sixth Schedule in the Indian Constitution and the objectives of the autonomous district councils. Moreover, it analyzes the constitutional provisions related to the Sixth Schedule and the powers and functions of the district councils. It also examines the legal framework for the functioning of the district councils and the relationship between the district councils and the state government and the organizational structure of the district councils, including their composition, powers, and functions. It also analyzes the role of the governor in the functioning of the district councils. Also the financial resources available to the district councils and the mechanisms for their allocation and utilization are also mentioned and studied along with the mechanisms of decision-making in the district councils, including the procedures for the conduct of meetings, the powers of the chairman and the executive committee, and the role of the tribal councils.

**B.C Bhuyan's** article "**District Council and the State Government**" provides a comprehensive study of the relationship between the district councils and the state government in Northeast India. It mentions the introduction of the district council system and its historical background and its the evolution of the district council system and its legal and constitutional framework. It also analyzes the constitutional provisions related to the district council system and the powers and functions of the district councils and the legal framework for the functioning of the district councils and the relationship between the district councils and the state government. It also investigates the organizational structure of the district councils, including their composition, powers, functions and the role of the governor in the functioning of the district councils. It also examines the role of the state government in the functioning of the district councils, relationship

between the state government and the district councils, the mechanisms of coordination and cooperation between them, and the challenges faced by the state government in managing the district council system.

### RESEARCH METHODOLOGY

The methods for this paper are primarily based on secondary data sources. Secondary data sources include published documents, books, journals, newspapers, online articles, government data and my personal observations. This research paper aims to observe the autonomous district councils in North East India, its works and functions by gathering systematic data from library research.

### About Autonomous District Councils

The Indian Constitution established autonomous district councils (ADCs) to oversee the management of tribal territories in the northeastern states of Assam, Meghalaya, Mizoram, and Tripura. The ADCs, which are independent organizations with governing, administrative, and financial authority, are in charge of the entire development of these tribal regions.

#### Assam:

The Bodoland Territorial Area District (BTAD) and the Karbi Anglong Autonomous Council (KAAC) can become autonomous district councils (ADCs) under the provisions of Assam's Sixth Schedule.

The Bodo community resides in the BTAD, which spans four Assam districts: Kokrajhar, Chirang, Baksa, and Udalguri.

The Karbi community resides in the KAAC, which includes the Karbi Anglong district and a portion of the West Karbi Anglong district.

The BTAD and KAAC have the authority to enact legislation on a variety of issues pertaining to the growth and administration of the tribal regions, such as land, forestry, and water resources.

#### Meghalaya:

Three independent district councils—the Khasi Hills independent District Council (KHADC), the Jaintia Hills Autonomous District Council (JHADC), and the Garo Hills Autonomous District Council (GHADC)—are to be formed under Meghalaya's Sixth Schedule.

Each of these councils, which respectively represent the Khasi, Jaintia, and Garo tribes, administers a certain area of Meghalaya.

The three councils have the authority to enact legislation on a variety of issues pertaining to the growth and administration of their respective regions, such as the management of land, forests, and water resources.

#### Mizoram:

The Chakma Autonomous District Council (CADC) and the Lai Autonomous District Council (LADC) are to be established under Mizoram's Sixth Schedule.

The Chakma community resides in the southern Mizoram district of Chakma, which is covered by the CADC.

The Lai community resides in the LADC, which is a region of southern Mizoram.

Both the CADC and LADC have the authority to enact legislation on a variety of issues pertaining to the growth and administration of their respective regions, such as the management of land, forests, and water resources.

#### Tripura:

The establishment of the Tripura Tribal Areas Autonomous District Council (TTAADC) is mandated by Tripura's Sixth Schedule.

The state's districts of Dhalai, North Tripura, and South Tripura are included in the TTAADC's coverage of tribal-inhabited territories.

The TTAADC has the authority to enact legislation on a variety of issues pertaining to the growth and administration of the tribal territories, including as land, forestry, and water resources.

These are some of the primary distinctions between each Indian state listed on the sixth schedule. On the basis of the particular rules set forth by the autonomous district councils of each state, there might be other variations.

ADCs were created to protect the unique cultural identities of tribal communities as well as their lands, forests, and other natural resources. The ADCs have the power to pass laws governing local administration, forestry, and land use, as well as who is allowed to enter and leave particular tribal zones.

The ADCs have authority over legislation, administration, and finances. They have the authority to enact legislation on issues including local governance, forestry, and land. They have the

power to control who is allowed to enter and leave certain tribal lands. For the services they offer, like healthcare and education, the ADCs have the authority to levy taxes and levies. The Sixth Schedule of the Constitution grants certain legislative authority to India's autonomous district councils (ADCs). These powers give the ADCs the ability to enact laws on a variety of topics included in the Sixth Schedule.

**Legislative Powers** of the ADCs are intended to increase their independence in running their own businesses and foster the overall development of the tribal territories with the consent of the governor.

**Land:** The ADCs have the authority to enact rules that govern how land is used and managed in the tribal regions. This comprises regulations governing the purchase, possession, transfer, and use of land for development.

**Forests:** In the tribal regions, the ADCs have the authority to enact laws governing the preservation and management of the area's forests. Laws governing the preservation of animals, the averting of forest fires, and the control of timber and non-timber forest products are included in this.

**Government at the local level:** The ADCs have the authority to enact legislation governing the creation and operation of local government institutions in the tribal territories. These laws cover the establishment of panchayats and municipalities, as well as the roles and responsibilities of each.

**Culture and customs:** The ADCs have the power to make laws relating to the preservation and promotion of the culture, customs, and traditions of the tribal communities. This includes laws relating to the protection of cultural heritage, promotion of traditional art and crafts, and celebration of tribal festivals and events.

Regarding the founding and operation of educational institutions in the tribal regions, the ADCs have the authority to enact laws. Laws pertaining to the creation of programmes for vocational training and skill development as well as the promotion of primary, secondary, and higher education fall under this category.

The ADCs' legislative authority is intended to support the overall growth and welfare of the tribal territories and to provide indigenous communities more autonomy in running their own affairs. These powers give the ADCs the ability to create laws that

are pertinent to the needs and goals of the tribal communities and to guarantee the protection and advancement of those communities' interests. These are just a few of the ADCs' legislative authority. The precise powers are subject to the limitations of the Constitution's Sixth Schedule and may differ from state to state. The ADCs' ability to enact legislation that are pertinent to and tailored to the needs and ambitions of the tribal populations in India's north-eastern states is made possible by their legislative authority. However, the legislative can be weakened. The governor cannot give its accent to legislate laws independently. It has to take considerations and advice from the states' council of ministers. So the relation between councils and state governments are always at a negotiating phenomenon.

In India, autonomous district councils (ADCs) also have some executive responsibilities in addition to their legislative authority. These duties are intended to ensure that the ADCs' laws are followed and to advance the overall development of the tribal regions.

### **Executive Powers**

**Administration:** The ADCs have the authority to manage the regions that fall within their purview. This includes the authority to select and fire officials as well as to decide on issues pertaining to the general management of the regions.

The ADCs have the authority to manage their own financial affairs. This includes the authority to levy taxes, fees, and other revenue sources and to use the proceeds to advance the tribal regions.

The ADCs have the authority to carry out developmental operations in the regions that fall under their purview. This includes the authority to build highways, bridges, and other types of infrastructure, as well as to put plans into action for the growth of the agricultural, industrial, and tourism sectors.

**Land management:** The ADCs are able to manage the land that falls within their purview. This includes the authority to control land use, grant land leases, and resolve land conflict.

**Education:** In the regions under their jurisdiction, the ADCs have the authority to oversee educational establishments. This includes the authority to designate instructors, build schools, and create the curriculum.

**Health:** In the regions under their jurisdiction, the ADCs have the authority to oversee medical centers and other institutions. This includes the authority to designate medical personnel, build hospitals and health facilities, and supply basic medications and supplies.

**Social welfare:** In the regions under their jurisdiction, the ADCs have the authority to put social welfare programmes into effect. The ability to grant pensions, scholarships, and other benefits to the less fortunate members of society falls under this category.

These are a few of the ADCs' most important executive responsibilities. The precise duties may differ from state to state and are governed by the terms of the Constitution's sixth schedule. The ADCs' executive responsibilities provide them the freedom to govern their own affairs and to further the general welfare and development of the tribal areas.

#### **Head of ADCs:**

The precise clauses of the law that established the autonomous council determine the leadership of such body. The members of the autonomous councils created in accordance with the Sixth Schedule and Article 244A typically elect a chairman to serve as the council's leader.

An essential component of the autonomous council's operation is the leadership of the body. The following are some of the primary duties and obligations of the council head:

**Executive Authority:** The council leader is in charge of putting the council's decisions into action. They have the authority to make appointments and make administrative decisions in accordance with the law.

The council head has the authority to call meetings to order and adjourn them. The council meetings are presided over by the council head. In the council, they also have the authority to make, second, and vote on motions and resolutions.

**Financial Authority:** The council leader is very involved in overseeing the council's finances. The annual budget must be created by them and submitted to the council for approval. They have the authority to approve expenditures in accordance with the approved budget.

**Coordination with Other Agencies:** To ensure the council runs smoothly, the council chair must work

in coordination with numerous governmental organizations and other stakeholders. In discussions with other organizations and officials, they speak on behalf of the council.

**Public relations:** The council leader is crucial in establishing and preserving goodwill. To raise awareness of the council's endeavors, they engage with the neighborhood's residents, the media, and other stakeholders.

In conclusion, the autonomous council's head is accountable for the council's efficient operation and has executive, legislative, budgetary, coordinating, and public relations powers.

#### **Issues of Autonomous District Councils:**

While autonomous district councils (ADCs) have been established in India to advance the welfare and development of tribal communities in the regions that fall under their purview, there are a number of challenges that must be resolved to enable their efficient operation. Here are a few of the major concerns with ADCs:

**Limited autonomy:** Despite having some autonomy under the Constitution's Sixth Schedule, the ADCs only have a little amount of authority, particularly when it comes to financial and administrative issues. The state governments frequently maintain a strong degree of control over how the ADCs operate, restricting their autonomy.

**Resources are insufficient:** The ADCs frequently experience a serious scarcity of both financial and personnel resources, which hinders their ability to successfully implement development programmes and plans. The money that the state governments give to the ADCs is sometimes insufficient and does not correspond to the true requirements of the tribal territories.

**Corruption and nepotism:** Officials frequently use their positions for personal gain, which has a negative impact on how well the ADCs operate. This makes it more difficult to conduct development programmes and projects effectively and erodes tribal communities' faith in ADCs.

**Limited female participation:** Few women are elected to the ADCs, and female participation there is frequently low. This hinders the successful implementation of gender-sensitive programmes and initiatives and restricts the representation of women's interests in the decision-making process. Unlike the Panchayati Raj, there is no special reservation for women.

Conflict with state governments: The ADCs frequently run into problems with the state governments about how authority and money are allocated. The execution of developmental programmes and schemes may be delayed as a result, which may impair their ability to function effectively.

Insurgency and militancy: Insurgency and militancy are a problem in certain of the tribal areas under the control of the ADCs, which can make it difficult for the councils to do their jobs well. Armed organizations' presence might limit officials' freedom of movement and obstruct the implementation of plans and programmes for development.

### CONCLUSION

Article 244A of the Constitution is being sought by some Autonomous District Councils (ADCs) in the northeast, who feel that doing so would provide them more autonomy and resources to advance the welfare and development of tribal populations. According to Article 244A, a "tribal area" can be created as an autonomous state with its own executive council and legislature.

The executive council is led by the state's governor, and the tribal members of the legislative assembly are chosen by them. The tribal regions have more authority under Article 244A than the ADCs established by the Constitution's Sixth Schedule. The ability to make laws regarding topics like land, forests, and local governance as well as the ability to collect and keep certain sources of income are among these powers. The ADCs requesting the implementation of Article 244A think that doing so would provide them more power and resources to further the growth and welfare of the indigenous communities. They think that the ADCs established in accordance with the Constitution's Sixth Schedule have restricted authority and resources, and that state governments frequently exert control over them.

The central government must choose whether to begin the constitutional amendment process in order to implement it. The ADCs in the northeastern states of India, where the tribal areas have a distinctive identity and culture and where there is a long-standing demand for more autonomy and self-rule, frequently raise the issue of Article 244A. To conclude, ADCs are proof that sovereignty and federalism is very much alive despite criticism from onlookers. However, much more can be done to improvise and better the situation in the region. At the moment, many

policies are created by the central government whose center of attention is towards the northeast.

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