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## **Constitution of Autonomous Councils as a mechanism for Tribal (Plain Tribes) Development in Assam: an Analysis**

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### **Abstract**

*The ethno-nationalist conflict has shaken the stability of states not only in India but in many of the states in Asia, Africa, Balkans and Middle-East. The question of ethnic identity in North East India is a very complex issue which leads to the emergence of many tribal movements. The hill tribes of North-East India first took the initiative which automatically influences the Plain Tribes. During the post independence period in India the nation-building process took place amidst large ethno-cultural and religious diversities. The framers of the Indian Constitution had enacted a local Autonomous Administration under the Six Schedule of the Constitution for some tribal communities (Hill Tribes) of North East India to preserve and protect their identity, culture and development. The other tribal groups living in the Plains of Assam were left outside the ambit of constitutional protection. Subsequently, these Plain Tribes of Assam also mobilized their ethnic identity to get a share in the political process of Assam following the path of hill tribes. To contain the growing demands of the Plain Tribes in Assam the State Government has constituted the Autonomous Council's for the Rabhas, Tiwas, Misings, Deoris, Sonowal Kacharis, and Thengal Kacharis.*

*In this study, an attempt will be made to analyze the historical background of the political autonomy provided by the State Government in Assam to the Plain Tribes and also will try to analyse the functioning of Autonomous Councils for the socio- economic and cultural advancement of the Plain Tribal groups in Assam.*

**Keywords:** *Ethno-Nationalist, Nation-building, Ethno-cultural, Political Autonomy, Autonomous Council*

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**Introduction:** The North-East India is a living home to many tribal ethnic groups. The question of ethnic identity in this region is a very complex issue which leads to the emergence of many tribal movements. During the post independence period our national leaders have decided to keep the large variety of ethnic groups of North Eastern region into one federal unit- the state of Assam. However the framers of the Indian Constitution had enacted a local Autonomous Administration for some of the tribal communities (Hill Tribes) under the Six Schedule of the Constitution to preserve and protect their identity, culture and development. The other tribal groups living in the plains of Assam were left outside the ambit of constitutional protection. Subsequently, the Tribal peoples living in the Plain areas of Assam also mobilized their ethnic identity to get a share in the political process of Assam. In response to their demands the State Government of Assam had constituted

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some tribe specific Autonomous Councils' in for some Plain Tribal groups. Today the Bodos have the Bodoland Territorial Councils (BTC) under the Six Schedule of the Constitution, the Autonomous Council's are constituted by the Government of Assam for the Rabhas, Tiwas, Misings, Deoris, Sonowal Kacharis, and Thengal Kacharis.

In this study, an attempt will be made to analyze the functioning of the Autonomous Councils for the socio- economic and cultural advancement of these tribal groups.

**Objectives are:**

- a) To outline the reasons for the emergence of the demand for ethno-centric political autonomy among the Plain Tribal groups in Assam.
- b) To highlight the functioning of the Autonomous Councils as an institution for the socio, economic development of the Plain Tribal communities in Assam.

**A brief history of autonomy Demand by the Tribal Groups in North East India:** The Tribals in Assam are called as the 'sons of the soil' of this land. They are living in this part of the territory with their own system of rules and traditions unique to the others. Even the Ahoms, who conquered Assam in the early 13<sup>th</sup> century, ruled this territory for more than seven hundred years had retained most of the tribal traits in the spheres of administration, social organization as well as economy. In the periphery of mighty Ahom rule in Assam there existed smaller tribal principalities mostly as the tributaries of Ahom King.

The Britishers established their rule in Assam in 1826 following the Iandabu Treaty, also followed the policy of retaining the tradition of self-governance to some extent for the Tribals. This was evident when the British colonial rulers, as per the Montague Chelmsford report in 1918, inserted the Section 52A in the Government of India Act 1919, according to which the Governor General-in-Council may declare any territory to be a Backward Tract and deny any Legislative Act in the areas so declared. Consequently under Section 52A (2) of the Act, the territories declared as Backward Tract were: 1) The Garo Hills District 2) The British portion of Khasi and Jaintia Hills Districts (other than the Shillong Municipality and the Cantonment) 3) The Mikir Hills (in Nowgong and Sibsagar Districts) 4) The North Cachar Hills 5) Naga Hills Districts 6) The Lushai Hill Districts 7) The Sadiya Frontier Tract 8) Balipara Frontier Tract 9) The Lakhimpur Frontier Tract.

Further the Indian statutory commission on the constitutional reforms, known as Simon Commission in 1927, recommended that in the Backward Tract areas no legislature should be given power to pass legislation instead administration should be more centralized through the Governor. Accepting the recommendations of the Simon Commission, some changes pertaining to the hitherto Backward Tract areas were introduced in the Government of India Act, 1935. As per the Government of India (Excluded and Partially Excluded areas) Order, 1936 the Backward Tract areas under the Government of India Act 1919 were regrouped as *Excluded Areas*: 1) North East Frontier (Sadiya, Balipara and Lakhimpur) Tract 2) The Naga Hills Districts 3) The Lushai Hills Districts 4) The North Cachar Hills Sub-division of Cachar District, *Partially Excluded Areas*: 1) The Garo Hills District 2) The Mikir Hills in Nowgong and Sibsagar Districts and 3) The British portion of Khasi and Jaintia Hills Districts (other than Shillong Municipality and Cantonment).

As per the rule, in the governance of these areas, the powers of the provincial legislature were not extended to these areas. The Excluded areas were to be administered by the Governor himself in his discretion while the partially excluded areas were to be his special responsibility. Thus the colonial policy adopted to govern the tribal areas in North East India, devoid of the general administration of mainland Assam had largely contributed to the growth of an identity centric distinctive sentiment among the tribal groups from the mainstream Assamese nationalism. This was clearly evident, when during the time of independence of India, some of the Hill Tribes of North East India refuse to

*Constitution of Autonomous Councils as a mechanism ... Dadul Dewri & Abu Nasar Saied Ahmed* accede to the Indian Union rather demanded complete political independence. (H.M. Bareh:2001; Encyclopaedia of North East India, Vol.-II (Assam) page-34).

During the time of Independence of India, Gopinath Bordoloi then premier of Assam persuaded the Hill Tribe leaders of North East India to accept the accession to the Union of India. However, in order to satisfy the demands of the Hill leaders the Constituent Assembly of independent India appointed a Sub-committee called the 'North East Frontier (Assam) Tribal and Excluded Areas' under the chairmanship of Pndt. Gopinath Bordoloi. The recommendations of the Bordoloi committee were incorporated in the Sixth Schedule to the constitution of India. According to Section-20 of the 6<sup>th</sup> Schedule of the Constitution the 'tribal areas' of Assam were specified in Part - A and B of a corresponding table. Part-A included- 1) the United Khasi and Jaintia Hills 2) the Garo Hills 3) the Lushai Hills 4) the Naga Hills 5) the North Cachar Hills and 6) the Mikir Hills. Part-B included- 1) North East Frontier Tract including Balipara Frontier Tract, Abor Hills and Misimi Hills Districts and 2) the Naga Tribal Areas. According to the Section-19 of the 6<sup>th</sup> Schedule of the Constitution, the Governor was to ensure constitution of an Autonomous District Council for each of these above areas. (Dr. B. N. Bordoloi, Tribal Development Plans and Programmes in the Sixth Schedule Areas of Assam with special reference to Management of land- A Critical Appraisal, published in Bulletin of Assam Institute of Research for Tribals and Scheduled Castes, Guwahati-28, Vol-I No.-VII, 1990, Page-28)

However, the political autonomy provided under the 6<sup>th</sup> Schedule of the Indian Constitution could not fully contain the political aspirations of the Hills tribes of North East India. In fact, soon after independence a rift was emerged between the leaders of the Hill Tribes and the Assam Pradesh Congress party. As a result of such conflict, in 1960 the All Party Hill Leaders Conference, a common platform of hill tribes leaders was formed which stood for creation of an 'Eastern Frontier State' comprising all hill districts of Assam, including Meghalaya and Tripura. However in later stage, separate demand for statehood was raised by the leaders from the regions of Mizoram, Nagaland, Mikir Hills and North Cachar Hills and Meghalaya.

Thus the political autonomy under the 6<sup>th</sup> Schedule of the constitution of India could not fulfill the ethnic aspirations of the Hill Tribes of the North East India which consequently led to the balkanization of Assam. Following are the states emerged in the North East India after the reorganization of Assam during the post-independence period.

State	Area in Square K.M.	Year of formation
Manipur	22,327	1949
Tripura	10,416	15 <sup>th</sup> October, 1949
Nagaland	16,579	13 <sup>th</sup> December, 1963
Mizoram	21,081	21 <sup>st</sup> January, 1972
Meghalaya	22,249	21 <sup>st</sup> February, 1972

Source: Bedabrat Bora, 2013; Asomar Janajati, Sneha Publication, Guwahati-21, page-13

**Political Assertion of the Plain Tribes in Assam:** Unlike the Hill Tribes in Assam the political assertion of the plain tribes has become prominent only in the recent times. Though many scholars tried to trace back the political assertion of the Plain Tribes to 4<sup>th</sup> January 1929 when four memorandums were submitted by a group of Plain Tribes leaders to the Simon Commission. But that was a phase of protectionism because they demanded only the protection of rich ethnic identity and other socio-economic rights of the Plain Tribes. Similarly in 1933 the first Plain Tribals' organization the 'Tribal League' was formed and demanded for the protection of the Plain Tribals' from the clutches of migration, land and revenue policy introduced by the colonial rulers. It was due

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to the continuous pressure of the Tribal League that Gopinath Bordoloi, during his second ministry passed Assam Act XV of 1947 amending Assam Land and Revenue Regulation Act, 1886 by which 37 no's of Tribal Belt and Blocks were created exclusively for the Plain Tribals of Assam to secure their rights over land.

During the time of Independence, the Plain Tribals of Assam extended co-operation to the Congress leaders as well as to the newly independent state and central government as a strategy towards upliftment of their socio-economic conditions. But nearly after 20 years of independence the Plain Tribals of Assam derived an impression that the Government of Assam was not interested in giving adequate protection to the Tribals. They regretted with the fact that they neither enjoyed the constitutional privileges under the 5<sup>th</sup> Schedule of the Indian Constitution nor the autonomous self rule under the 6<sup>th</sup> Schedule of the Constitution. Consequently, in 1967 the plain tribals of Assam articulated the demand for political autonomy by constituting Plain Tribal Council of Assam (PTCA), the first ever political organization of the Plain Tribals after independence. The PTCA, submitted a memorandum to the President of India on 20<sup>th</sup> May, 1967 demanding full autonomy in the predominantly plain tribal areas of northern tracts of Goalpara, kamrup, Darrang, Lakhimpur and Sibsagar Districts including all the tribal belts and blocks of those areas. (P.S. Dutta, 1993: *Autonomy Movement in Assam (Documents)*, page-17)

In 1973 the PTCA revised its demand for "the Udayachal" a Union Territory. But in 1977 some leaders of PTCA withdrew their demand for Union Territory and in lieu of Union Territory they demanded Autonomous Region. This has created a rift among the leaders of PTCA, which has resulted a split in PTCA.

In the meantime the All Boro Students Union (ABSU), who have been playing a very active role in PTCA since 1967, articulate a demand for full-fledged statehood and give nomenclature "Bodoland" in its 20<sup>th</sup> Annual Conference at Bashbari in Dhubri from 19 to 22 December 1988. Consequently the Bodos under the leadership of ABSU ushered a very strong movement for "Bodoland". During 1990's in every day the Bodo movement remains in headline of the media in Assam and had shaken the political stability of Assam. To resolve the problem the historic Bodo Accord was signed on 20<sup>th</sup> February 1993 by the representatives of central government, state government as well as ABSU. Under the Accord the Bodo Autonomous Council was constituted to give political autonomy to the Bodos in Assam. But the Bodo Accord of 1993 could not resolve the political aspirations of the Bodos. This had ushered a very strong movement for securing Bodoland state. After a prolong violence committed by some Bodo militant organizations i.e. National Democratic Front of Bodoland (NDFB), Bodoland Liberation Tiger (BLT), another memorandum of settlement was signed on 10<sup>th</sup> February 2003. Through this settlement it has been decided to constitute the Bodoland Territorial Administrative District (BTAD) under the 6<sup>th</sup> Schedule of the Indian constitution by a constitutional amendment. Accordingly the Bodoland Territorial Council (BTC) was formed on 7<sup>th</sup> December 2003 under the leadership of Hagrama Mahilary, former BLT leader comprising the districts of Kokrajhar, Baksa, Chirang and Udalguri. However, some organizations in Bodoland, including ABSU still raised the demand for a full-fledged state of Bodoland for which they carried out a strong agitation in Assam.

Taking the instance of the Bodo movement and its consequent political developments, some smaller tribal ethnic groups particularly the Tiwas, the Mishings and the Rabhas have asserted their political aspirations for autonomy during 1990's. Various organizations were formed around the issue of securing political autonomy for their respective communities. Responding to the demands of the various ethnic tribal organizations the Govt. of Assam has constituted a few tribe specific Autonomous Councils by the laws of the Assam Legislative Assembly. As such in 1995 the Govt. of

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Assam had constituted three Autonomous Councils for the Tiwa, Rabha and the Mishing Plain Tribal communities in Assam. Subsequently, in 2005 the Assam Government constituted another three Autonomous Councils for the Thengal Kacharis, Sonowal Kacharis and the Deuris in Assam. These Councils are constituted as an institution of self rule by these specific communities in a defined territory. This mechanism has been evolved by the State Govt to give them an opportunity to preserve, protect their ethnic identity and also allow them to grow according to their own genius.

**Structure of Autonomous Councils:** As stated in the preamble of the Autonomous Council Acts, the main objective of the Autonomous Councils are “Whereas it is expedient to provide for the establishment of a ... Autonomous council within the State of Assam with maximum autonomy within the framework of the Constitution, comprising of the Satellite Areas and Core Areas, for social, economic, educational, ethnic and cultural advancement of the ...communities and other Scheduled Tribes communities residing therein”. The Autonomous Councils are constituted with a General Council, an Executive Council and the Village Councils at the grassroots level.

The General Council shall consist of 40 (forty) members of which 36 (thirty six) shall be directly elected by the people residing in the Council area and remaining 4 (four) members shall be nominated by the Government. The term of office of the General Council is five years. The General council shall have executive powers in relation to the Council Area on the subjects- Cottage Industry, Animal Husbandry and Veterinary, Forest other than Reserved Forest, Agriculture, Rural Roads and Bridges, Sericulture, Education (Adult, Primary, Education, Upto Higher Secondary including Vocational Training), Cultural Affairs, Soil Conservation, Co-Operation, Fisheries, Panchayat and Rural Development, Handloom and Textile, Public Health Engineering- drinking water, Minor Irrigation, Social Welfare, Flood Control Schemes for protection of villages (not of highly technical nature), Sports and Youth Welfare etc..

The General Council shall have the power to collect tax or taxes on persons, vehicles or animals of any class, for the use of any bridge or roads other than kacha road, or ferry constructed or established and managed by it, levy the fees on registration of boats or vehicles, for providing sanitary arrangements at such places of worship, pilgrimage, fairs, melas, other public places within the Council Area etc. from such date as may be appointed by the Government by notification in this behalf in the official Gazette.

The Executive Council is the executive body of the Council responsible for carrying out all the executive functions of the General Council in the Council areas. The Executive Council shall consist of the Chief Executive Councilor and the Executive Councilors elected by the General Council at the first meeting after the election of the Autonomous Council. The Executive Council shall be collectively responsible to the General Council.

There should be the Village Councils constituted at the Grassroots level which is a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property. The Village Council shall consist of 10 (ten) members directly elected by the people.

The Government shall provide funds to the General Council Fund and the Village Council Fund from the Tribal Sub-Plan and other resources keeping in mind the resources of the Government, priorities or development works in other areas including other tribal areas.

**Functioning of the Autonomous Councils: a critical analysis:** The constitution of the Autonomous Councils in Assam for some of the Plain Tribal Groups was a response of the State Government towards the growing political assertion of some Plain Tribal groups in Assam. But it has been observed that these Autonomous Councils could not fulfill the aspirations of the Tribal communities (Plain Tribes) in Assam because, many Tribal Groups, having autonomous Councils

*Constitution of Autonomous Councils as a mechanism ... Dadul Dewri & Abu Nasar Saied Ahmed* are now demanding for more autonomy especially under the Sixth Schedule of the Constitution. There are lots of drawbacks in the existing systems of the Autonomous Councils. These are:

- a) The State Government does not fully implement the Autonomous Council Acts enacted by the State Legislature. The actual number of the villages under these Autonomous Councils is not still finalized. For a long time, the State Government did not held the election of these Councils. Rather for a long time these councils are run by the Interim Councils which are formed by the nominated members of the State Government. Thus, the Interim Councils, who run the administration of these Autonomous Councils, did not have the mandate of the people. It was formed with the loyal party workers of the ruling party in the State Government. Therefore, they are not accountable to the people.
- b) Moreover, the State Government does not take any initiative to constitute the Village Councils at the grass root level which is clearly mentioned in the provisions of the Tiwa and Rabha Autonomous Council Acts. Such an anomalous position was created and perpetuated by the State Government for purely political considerations.
- c) Besides all these, one serious issue which showed the insincerity of the Government of Assam, to be cited here that in the Autonomous Council Acts in 1995, it was clearly mentioned to restrict the operation of the Panchayati Raj system in the Council area (Section-5 of the Council Act). The subjects which were under the jurisdiction of the Panchayati Raj system under the 11<sup>th</sup> Schedule of the Constitution are entrusted to the Autonomous Councils. This has created serious discontentment among the leaders of the Plain Tribes. This casual response of the Government of Assam towards the Tribal issues further complicated the problem.
- d) Moreover the commonly labeled criticism against the Autonomous Councils is the misuse of funds. The funds for the welfare of the community are used by the Chief Executive Members and the Executive Members at their own discretion without any transparency. Huge sums are spent in salary, TA and vehicle hire by these functionaries. During the financial year 2012-2013 the Rabha Council fails to utilize the amount of Rs. 33.77 crore (plan), Rs. 12.8 crore (non plan) total 45.85 crore sanctioned money from the State Government. Even the Tiwa Council also failed to utilize the sanctioned amount of Rs. 28.21 crore during the financial year 2010-2011 which were kept as revenue deposit as per the rules of the government (Doinik Asom, 1-05-2013). This has clearly showed the financial as well as overall inefficiency of the Autonomous Council authorities.

In view of these inherent difficulties, the Autonomous Council system have failed to live up to the expectations of the Tribal communities for which it was meant. Undue interference of the State Government, lack of administrative power over the line department has resulted in overall inefficiency of the Autonomous Councils. This has reduced the Council's only into a body to recruit some local, loyal party workers.

**Some Suggestions:** For the successful functioning of the Autonomous Councils we can put forward the following suggestions:

- There should be proper reformation of the functioning pattern of the Autonomous Council System. The powers and authority of the Councils should be streamlined.
- Elections of the Autonomous Councils are to be held regularly to make the Council authorities more responsible to the people.
- Since the Autonomous Councils have to rely upon the Line Departments of the State Government to carry out the development functions in the council areas, the administrative control over the line departments in the Council area should be entrusted to the Councils.

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- The powers and functions of the Panchayat and the Autonomous Councils should be redefined. Otherwise that will lead to overlapping of programmes and jurisdictions.
- The Council authorities always have an allegation that the State Govt. did not release funds for the development of the Council areas in time. There is no uniform principle for the distribution of funds to the Councils. Moreover the Bureaucratic redtapism has delayed the fund release to the Councils. Therefore the State government must simplify the process of fund allotment to the Autonomous Councils.
- The Autonomous Councils are to be encouraged to generate more funds locally by taking measures of rural entrepreneurship, creation of durable community asset in their respective territory.

**Conclusions:** It is a fact that the indigenous Tribal Communities have made enormous contributions to the growth and development of the greater Assamese nationality. Unfortunately, these tribal communities have remained as backward communities in comparison to the other communities living in the State. Therefore, the tribal ethnic movements for securing political autonomy have been regarded as the movement for securing social justice and equality of rights by these communities. In such case the constitution of Autonomous Councils for the Plain Tribes is a welcome move by the State Government. But in this respect proper devolution of power to these Councils is essential for the success of this mechanism of Tribal development in Assam.

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