



**IN DEFENCE OF**

**REGIONAL  
ECONOMIC  
DEVELOPMENT  
IN INDIA**

**A CASE FOR THE NORTH EAST**

**P.M. PASSAH**

**IN DEFENCE  
OF  
REGIONAL ECONOMIC  
DEVELOPMENT IN INDIA**

A Case for the North East

*Edited by*  
**P. M. Passah**

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*A  
Felicitation Volume  
in Honour  
of*

*Dr. Basudev Datta Ray*

*The Secretary  
North-East Council for Social Science  
Research  
A Freedom Fighter, A Teacher par excellence  
and  
A Champion of the North-Eastern Region*



M. M. Jacob

RAJ BHAVAN  
Shilong 793 001  
Meghalaya State

## Foreword

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This publication is a fitting tribute to a selfless scholar, whose contributions are much valued by all. I am glad that a felicitation volume in honor of Dr. Basudev Datta Ray is being brought out. It is also significant that this book is compiled and edited by an eminent Economist, Prof. P.M. Passah. I know Dr. Basudev Datta Ray intimately, for the past many years and I have great appreciation for the remarkable service rendered by him for the cause of promotion of research in various fields. As secretary, North-East Council for Social Science Research, he was always piloting the cause of North Eastern Region. It was his devotion, hard work and a vision that made him to conceive the idea of establishing NEICSSR way back in 1974 and thereafter, conducting large number of seminars, workshops and conferences, on various topics concerning North Eastern States.

His personal rapport with individuals and institutions in the country, enabled him to get prominent scholars, to attend the conferences held in Shillong. He was mainly responsible along with his colleagues to publish a series of publications, on behalf of NEICSSR. About sixty-six seminars and conferences organised by him and his colleagues attracted not only prominent scholars of North Eastern Region but also, from other parts of the country.

I had the good fortune of participating in some of the workshops and seminars in Shillong, during the last few years. The workshops and conferences were very useful and

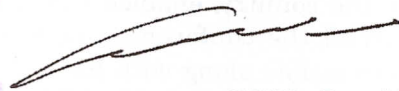
informative and attended by resource leaders competent to handle each topic under discussion. This felicitation volume is a useful publication as it comprises major contributions on topics of great interests in this North East Region as a whole.

Various papers on macro-economic and theoretical overview of the North East, by Amallesh Banerjee and others; Regional trade services and entrepreneurship by A.K. Neog and others; Micro-level studies by N.N. Bhattacharjee and others; socio-political aspects and women issues by Girin Phukon and others; are some of the topics of current interests to the readers. I do not wish to mention all the different topics included in this volume. This volume will be a treasure house to all those who wish to have a feel of North Eastern India.

Not only the choice of topics and themes for various conferences, NEICSSR is to be complimented for publishing many of the conference papers in the past. This publication is unique with a variety of topics from agriculture to industry including many other aspects pertaining to North East India in general.

I am happy that his contribution in social sciences are recognized by his colleagues through the publication of this "Felicitation Volume". I wish all success for this publication. May Dr. Basudev Datta Ray continue to serve the society through the NEICSSR, and I pray God to give him health and happiness to continue this endeavor to impart knowledge through this forum.

My best wishes,



(M.M. Jacob)

Shillong  
The 28<sup>th</sup> June 2005

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## Preface

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In the publication of this volume, the members of the North-East India Council for Social Science Research, Shillong are very proud and happy indeed. They had some time ago proposed to felicitate Dr. Basudev Datta Ray, the founder Secretary of the Council, and to publish a volume in his honour. Dr. Datta Ray deserves congratulations and felicitations not only from the members of the Council but also from all those who know him and his achievements in the field of social science research in the North-East. Many scholars and social scientists, young and old, in the North-East and in other parts of the country, have been provided with an ideal forum in the NEICSSR through the unstinted efforts of Dr. Datta Ray who continues as its Secretary for the last 31 years of its existence.

Dr. Datta Ray is well known as a teacher and research scholar of repute even though he had a chequered career as a student during his young days. At the young age, he joined the ranks of Freedom Fighters who fought for the freedom of India in the early part of the last century. He was born to a humble family at Bankura, West Bengal on the 10<sup>th</sup> of March 1924. His ancestral home was in a village in the District of Bakarganj, East Bengal where he had a part of his school education. He wrote his Intermediate Examination from Dum Dum Central Jail. He graduated from the Scottish Church College, Calcutta; obtained his M.A. degree in 1949 from the Calcutta University and then came to Shillong in 1950 to join the St. Edmund's College as a Lecturer in Economics and subsequently opened the Department of Political Science in 1962 and headed it till 1985. He was incharge of the

Faculty of Post-graduate studies in Political Science which was functional for seven years from 1973 in the St. Edmund's College. He gave lectures in the I.A.S. Pre-Training Centre as well. He was also a member of the Voluntary Health Association, Meghalaya and the State Resource Centre, N.E.H.U. Dr. Datta Ray obtained, in between, his B.T., LL.B., and Ph.D. degrees from the Gauhati University.

It was in the middle of 1974 that Dr. Datta Ray brought together a number of teachers and social scientists of the North-East in a meeting at Shillong on the 30<sup>th</sup> June of that year under the Chairmanship of late Prof. V. Venkata Rao of the Gauhati University. The meeting with one accord decided to establish the NEICSSR with the principal objective of undertaking, organising and facilitating research activities in the North-East besides other activities related to research. Earlier he founded the Shillong Political Science Association and the Inter-Disciplinary Forum and guided them for a few years.

Dr. Datta Ray who has been able to effect good rapport with many research centres and institutes both in the North-East and in other parts of the country, is guiding the Council which has since held more than 66 seminars, conferences, symposium, workshops, etc. and published as many research proceedings in the form of Books. Many national and international organizations have been attracted by the fairly high standard of publications of the Council mostly dealing with the question of socio-economic problems and issues of the North East. The Journal of NEICSSR is being published regularly since 1977 under his guidance.

By the 1<sup>st</sup> of March 1985, Dr. Datta Ray's service in the St. Edmund's College was superannuated but the college authorities continued to assist him and to utilize his service. Immediately in April 1985 he started the Women's College in the St. Edmund's College premises where the new college continued to function upto 1991. He was the founder Principal of the college upto 1992. In fact as the Secretary of the organization known as 'The Shillong Academy', he had earlier helped to revive a dying Secondary School at

Laitumkhrah and made it functional. The School had since shifted to its own campus at Upper New Colony. Dr. Datta Ray was instrumental in organising, as the Rector, both the School and the Women College under the sponsorship of the Shillong Academy, which are now functioning in the same campus. Dr. Datta Ray never retires. From 1993 onwards he has exclusively devoted his time to the cause of the NEICSSR.

He wrote a number of books including the *Assam Secretariat: An Administrative History of North-East India* (1978); *Tribal Identity and Tension in North-East India* (1989); and a volume of *Bengali Poems* (2004). He edited 20 books published by the NEICSSR and authored more than 40 research papers.

As an editor of the book, I am indeed very grateful to the members of the Council for the opportunity they have given me in associating myself with this work, and I join in with all of them in felicitating Dr. Datta Ray, the Secretary of the Council all the time. I am especially grateful to the authors of the Papers contained in this volume for their generous response and for their scholarly researched contribution. It must now be said that this Felicitation Volume is published, to use the words of one contributor, "in honour of Professor B. Datta Ray, a freedom fighter, a teacher *par excellence* and above all, a social scientist with deep concerns for the underdevelopment of the North-Eastern States (Region) of India. This octogenarian thespian has spent over the last three decades in herding the social scientists of the Region into the secular forum of the NEICSSR, of which he is the Secretary General. In times when the polity is fragmented and even this fragmentation is assigned morality and legitimacy, the aging Nehruvian Scholar still spends sleepless nights in building a new India, a dream consigned to ashes of history a long time ago." The title of the book justifies his conscious efforts as the Champion of the North East.

In a very special way, I must express my thankfulness to His Excellency, the Governor of Meghalaya, Shri M.M. Jacob for writing a Foreword to this Volume.

We must also thank M/s. Akansha Publishing House, New Delhi, for agreeing to expeditiously publish this book. Last but not the least our thanks are also due to Mr. Godfrey Pathaw for partly helping in computerised work.

Shillong:  
The 30<sup>th</sup> June 2005

**Editor**

## Contents

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<i>Foreword</i>	vii
<i>Preface</i>	ix
<i>List of Contributors</i>	xvii
Introduction	1
— <i>Prof. P.M. Passah</i>	

### SECTION-I

#### MACRO-ECONOMIC AND THEORETICAL OVERVIEW OF THE NORTH-EAST

1. Economic Growth and Sustainability of North-Eastern States	21
— <i>Amalesh Banerjee</i>	
2. Macro-Economic Development in India: With an Overview of North-Eastern Region	35
— <i>Tarun Bikas Lahiri</i>	
3. Producing Economic History of the Tribes of North-East India (An Exercise in the Methodology)	51
— <i>J.B. Ganguly</i>	

### SECTION-II

#### AGRICULTURAL SECTOR AND RURAL DEVELOPMENT IN THE NORTH-EAST

4. The Economic Impasse of North-Eastern Region: A Way Out Through Agriculture	59
— <i>R.K. Choudhury</i>	

5. Rethinking on Agricultural Development Need of North-East Farmers 70  
— *D.N. Chakravarty*
6. Poverty in North-East India 79  
— *Prabin Baishya*
7. Rural Development and Combating Poverty in Mizoram and Nagaland 87  
— *Sukhendu Majumdar*
8. Household Food and Nutritional Security: A Critical Analysis of North-Eastern Hilly Areas 96  
— *B.C. Bhowmik*
9. Towards a Strategy for Rural Development 119  
— *M.P. Bezbarua*

**SECTION-III****INDUSTRIAL ASPECTS**

10. The Fourth Revolution: Industrial Location and Regional Development in India - Implications for the Eastern India 137  
— *A.C. Mohapatra*
11. Technical Education for Industrial Growth and Prosperity in North-East India 149  
— *S. Aravamudhan*

**SECTION-IV****REGIONAL TRADE: SERVICES AND ENTREPRENEURSHIP**

12. Approaching Towards an Open Model of Regional Trade 159  
— *A.K. Neog*
13. Importance of Trans-Border Trade in the Economy of the North-East: The Case Study of Arunachal Pradesh 169  
— *K. Alam*

14. Higher Education in India with Special Reference to North-East: Problems and Perspective 183  
— *X.P. Mao*
15. Role of HUDCO in Housing and Urban Development of N.E. India 199  
— *N.C. Das and Nayan Barua*
16. Problems of Indigenous Entrepreneurship in North-East: Economic or Psychological? 207  
— *Alok Sen*
17. The Entrepreneurship Question in Assam (A Historical Analysis) 219  
— *Gorgy Chakraborty*

**SECTION-V****MICRO-LEVEL STUDIES**

18. Settlements of Undivided Kamrup District of Assam 235  
— *N.N. Bhattacharyya*
19. Marketing of Arecanut in Assam: A Study in the Lower Brahmaputra Valley Region 249  
— *Prasanta Saikia*
20. Educational Development and Health Condition of the Scheduled Tribes of North-East India with Special Reference to Barmans of Barak Valley 260  
— *P.J. Goswami*

**SECTION-VI****SOCIO-POLITICAL ASPECTS AND WOMEN ISSUES**

21. Politicisation of Economic Disparities in North-East India 277  
— *Girin Phukan*
22. Indian Democracy: Some Feelings and Questions of a Commoner from the North East 287  
— *M. Kar*

23. The Unhealthy Health Sector and the Women of Assam — <i>Archana Sharma</i>	317
24. Reservation of Seats for Women in Grassroots Democracy: With Reference to Meghalaya — <i>E. Jyrwa</i>	326
25. Empowering Women through Self-Help Group: A Meghalaya Experience — <i>Biloris Lyndem</i>	336
26. A Blueprint for Giving Constitutional Status to Traditional Institutions in Meghalaya — <i>P.M. Passah</i>	344
<i>Index</i>	357

## 26

### A Blueprint for Giving Constitutional Status to Traditional Institutions in Meghalaya

—P.M. Passah

#### INTRODUCTION

The Meghalaya State is presently at the crossroads in so far as the traditional institutions in the state are concerned. These institutions are now united under the umbrella of the *Rajya Sabha* Grassroots Democracy Advisory Council which is spearheading their demands for being given a constitutional status. This Council comprises the Federation of Khasi Chiefs, the *Durbar* of the Jaintia *Dolois*, and the Council of the Garo *Nokmas*. The three Autonomous District Councils (ADCs) in Meghalaya have been administering over these institutions for the last more than 53 years. But these institutions were not suitably brought up either by the ADCs or by the state to enter into the constitutional system so as to entitle them to the same status and benefits prescribed in Part IX of the Constitution for the *Panchayati Raj* institutions (PRIs).

The exemption of Meghalaya from Part IX of the Constitution is not indeed intended to deprive its people from enjoying these constitutional powers and benefits. The state is exempted because there already exist traditional institutions of self-government which must be preserved.<sup>1</sup>

And, if the PRIs now have radical constitutional status, the traditional institutions in Meghalaya too need to be conferred this status. Under Article 243M(4)(a), the legislature of the state may, by law, extend this Part to the state excluding the scheduled areas, if any, by passing a resolution to that effect. However, the Parliament may, by law, extend this Part to areas under the Fifth and the Sixth Schedules with modifications and exceptions. Alternatively, the State can enact its own law on the analogy of the Nagaland Village and Area Councils Act, 1978 or the Mizoram (Village Councils/*Panchayats*) Act 1998. It may be noted that Nagaland and Mizoram are the other two states which are exempted from the purview of Part IX of the Constitution.

#### PART IX OF THE CONSTITUTION

Part IX and Part IXA of the Constitution were inserted by the 73<sup>rd</sup> and the 74<sup>th</sup> Amendment Acts, 1992 respectively with effect from the 1<sup>st</sup> of June 1993. There were three main reasons behind the enactment of these two Constitutions Amendment laws. These reasons are briefly noted as follows:

First, to fulfil the provision of Article 40 of the Constitution relating to one of the Directive Principles of State Policy, namely, to organize Village *Panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government at the village, intermediate, and district levels.

Secondly, to fulfil the explicit purpose of transferring power to the people and the idea conceived by the Parliament of a third tier of representative governance at the district level and below comprising the village *panchayats* and the Municipalities.

Thirdly, to implement the basic ideology of making the *Panchayats* genuine institutions of participatory self-government. Such basic ideology has been largely absent in most state *panchayat* laws, for instance, the absence of provisions to empower women for participation in such self-governments.

Since we are concerned with the traditional institutions in this Paper, we shall confine ourselves only to Part IX of the Constitution as inserted by the 73<sup>rd</sup> Amendment Act.

### FEATURES OF PART IX OF THE CONSTITUTION

The 73<sup>rd</sup> Amendment Act, considered as historic, inserted the new Part IX in the Constitution of India<sup>2</sup> containing the following three notable features:

One, it gives a constitutional status to the *Panchayats* in the country. Thus it has given the *Panchayat* system not only identity and legitimacy but also has made it a true institution of self-government. In this sense, the amendment is also considered as a major constitutional development in the post-independent India.

Two, it provides reservation of not less than one-third of the total number of seats and offices for women. This is considered as a landmark decision to empower women under Article 243D.

Three, as stated earlier, it has exempted the states of Nagaland, Meghalaya and Mizoram from its purview under Clause 2(a) of Article 243M. However, under Clause (4)(a) of this Article, the legislature of any of these states may, by law, extend this Part to that State except the areas referred to in Clause (1). But Parliament may, by law, extend this Part to the Scheduled Areas and the tribal areas referred to in Clause (1) subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment of the Constitution for the purpose of Article 368.

It may be noted that the Nagaland Assembly had passed the Nagaland Municipal Bill, 2001 incorporating many provisions of Part IX and Part IXA of the Constitution even though they do not apply to the state. The Bill which has become an Act, enables the Nagaland Government to constitute the State Election Commission for holding local body elections and the State Finance Commission for

devolution of administrative and financial powers to the local bodies in the State. It also seeks to empower the municipal councils to generate their own resources for enabling them to perform the administrative functions and responsibilities entrusted to them.<sup>3</sup>

### DEVOLUTION OF POWERS

There has been wide support in the country for devolution of power to the people to be exercised through the local self-governments<sup>4</sup> as envisaged in the Constitution of our country. In the context of empowering people's institutions (like the *Panchayats*) in Meghalaya, it is desirable and essential that both the Autonomous District Councils (ADCs) and the traditional institutions should open up democratic spaces to facilitate and accelerate the empowering processes including that of the women. Both sides should be prepared to follow a give-and-take policy. Either side should therefore be prepared to give up some powers and the old and primitive customs like the custom of hereditary or dynastic succession. And, both sides must be ready to introduce all basic ingredients of good governance which include the simplicity or clarity of roles, the assignment of responsibilities and obligations, transparency and accountability. It is relevant to quote R.T. Rymbai here as follows:

If the District Councils should remain, the existing paragraphs of the 6<sup>th</sup> Schedule must be suitably amended in the light of their traumatic experience and functioning since 1952 so that neither the State Government could hamper their growth nor could they, on their part, play with the age-old customs or asphyxiate the role of the traditional chiefs, from the headmen onwards, acting in accordance with the established customs which also must be properly codified to preserve their pristine nature and prevent their prejudicial interpretation by interested persons for selfish ends.<sup>5</sup>

Meghalaya is the only state which has so far failed to sort out the power-sharing problems.<sup>6</sup> It should be noted that

the three Chief Executive Members of the three ADCs had, in 1994, jointly expressed their desire that the ADCs should be centrally funded as being done to the *Panchayats*.<sup>7</sup> If this stand is being maintained by the ADCs, they can be the facilitator in the process of devolution of powers to the traditional institutions in Meghalaya as local self-governments.

### THE THREE-TIER SYSTEM IN MEGHALAYA

It has been mentioned earlier that Meghalaya was exempted from the purview of Part IX of the Constitution because there already exist traditional institutions of self-government which must be preserved. Clearly, the ground for the *Panchayat* type institutions in the state has already been prepared by the existence of these traditional self-governing institutions among all the hill people groups inhabiting within the respective jurisdictions of the three ADCs. Thus a three-tier *Panchayat* system as laid down in Part IX of the Constitution (village, intermediate and district levels) would not be in conflict with the traditional self-governing institutions in the State subject to suitable modifications as may be specified to suit local aspirations and conditions of the people of the areas concerned. What is desired is to define the role of the traditional institutions and their participation in the decentralization of power.

The other desire of the people is to make the limited democracy under the traditional institutions more democratic so as to ensure true people's democracy. The people are in favour of evolutionary changes in customs and traditions even in public affairs. They want to see an efficient and good governance accompanied with transparency and accountability. Nevertheless, it is practically easy for the traditional institutions to conform with the definition of '*Panchayat*' as given in Clause (d) of Article 243 of Part IX of the Constitution which says: "*Panchayat*" means an institution, by whatever name called, of self-government constituted under Article 243B".

### BLUEPRINT FOR THREE-TIER SYSTEM IN MEGHALAYA

Meghalaya with a population exceeding twenty lakhs is entitled to a three-tier system of district administration according to the Constitution of India. Whether the state decides to extend Part IX of the Constitution or to suitably amend the Sixth Schedule by incorporating many provisions of Part IX and Part IXA, the three-tier system will be unavoidable if the traditional institutions of self-government are to be preserved and they do fit in with the *panchayat* system prevailing elsewhere in the country. The self-governing institutions at the village, intermediate and district levels shall have to be constituted in the State now or later to fulfil the constitutional obligations. The traditional institutions should accordingly be streamlined, strengthened, reformed and mandated with constitutional powers so that the self-governing institutions at each level can act for ensuring community involvement.

#### At the Village Level

At the village level, a Village Council has to be constituted for each village or group of villages endowed with such powers and functions as the Legislature of the State may by law, provide. It is to be noted that both the Khasi Hills and the Jaintia Hills Autonomous District Councils (KHADC and JHADC) are following the United K-J.H.A.D. (Appointment and Succession of Chiefs and Headmen) Act 1959 amended from time to time, in the election, nomination and appointment of village headmen known variously by different local terms.<sup>8</sup> The Garo Hills Autonomous District Council (GHADC) had gone very far ahead by passing an Act known as the G.H.D. (Constitution of Village Councils) Act, 1958 to provide for the constitution and development of Local Self-Government called "Village Council" in the Rural Areas of the Garo Hill Autonomous District. But unfortunately the Act has been lying dormant for the last 46 years since 1958.

In the Khasi Hills and the Jaintia Hills the Act of 1959

has not been enforced in all villages. Throughout the state of Meghalaya the village self-government has not been uniformly organised. In Garo Hills the multiplicity of administrative units like the *Nokma* Councils, the *Laskar Elakas*, the *Mauzadar* and the Community Development Blocks might have prevented the G.H.A.D. Act 1958 from becoming operational. Similarly, in the Khasi Hills, there is multiplicity of traditional administrative units of self-governing institutions at the village level.

It is time therefore to streamline, reform and mandate the traditional village institutions and to give them the constitutional status with such power as the Legislature of the State can, by law, provide for the purpose of constituting uniform units of village self-governance throughout the State. The reform measures and the constitutional mandate that would be introduced should be largely in conformity with the traditional systems of self-governing institutions but which should ensure simplicity, transparency and accountability. In the process, a number of redundant institutions can be done away with to ensure uniformity and simplicity. The people of Meghalaya need not be carried away by the 'all-praise' for their traditional institutions which indeed are required to be reformed, modernised, codified and of course, mandated with constitutional status.

#### At the Intermediate Level

This is a very important level of self-government where the traditional institutions can be fully accommodated with constitutional status. The terms "*Dorbar Hima*" and "*Dorbar Elaka*" have to be used in Khasi Hills and Jaintia Hills respectively, in place of the term "*Anchalik Panchayat*" and the office of their Chairpersons have to be called by the traditional terms as "*Syiem*" and "*Dolloi*" in Khasi Hills and Jaintia Hills respectively. In Garo Hills there is a problem of constituting an intermediate level of self-governing unit in the absence of a larger traditional set-up. But the problem can easily be solved as will be explained below.

In the Khasi Hills there exist as many as 16 Syiemships, three Lyngdohships, Five Sirdarships and one Wahadadarship. Besides, there exist as many as 31 Sirdarships otherwise known as the erstwhile British villages<sup>9</sup> most of which can be merged, or tagged with the neighbouring Syiemship, or Lyngdohship or Wahadadarship, or the five Sirdarship for the purpose of constituting the Intermediate Level of Self-governments in Khasi Hills. Among the Syiemships, a few of them like Khyrim, Myllem and Nongstoin are very big in size while a few like Bhowal and Malaisohmat are too small to constitute themselves as the Intermediate level of self-government. But these small Syiemships can be combined to form the Intermediate level of local self administration with their Syiems or Chiefs becoming the Chairpersons every alternate term. Similarly, the five Sirdarships can be tagged with the neighbouring Syiemships or Lyngdohships because of their small size.

On the other hand, there is one erstwhile British village, viz. Nongpoh which is big enough for being constituted into an Intermediate level unit by itself and there are two or three villages which have grown in their areas like Nonglang, Jyrngam and Nongriangsi and can be combined into one Intermediate level of self-governing unit. Hence about 22 Intermediate level self-governing units can be constituted in Khasi Hills without dividing the few big Syiemships. But if they choose to be so divided for the purpose of constituting themselves into two self-governing units with their Deputy *Syiems* becoming the Chairpersons of the Second Intermediate Level units, that could be acceptable. In that event, the number of such Intermediate Level Units can go up to about 26 in Khasi Hills.

In Jaintia Hills, there would be no problem whatsoever over the constitution of the Intermediate Level self-governing units. All the existing 17 Dolloiships (by excluding Maskut which can be tagged with Jowai Dolloiship) and the Saipung Sirdarship<sup>10</sup> can be constituted into the Intermediate Level units. The Jaintia Hills pose no problem for the constitution

of the Intermediate Level self-governing units and can easily be started immediately after a law could be passed by the State Legislature to this effect.

In Garo Hills, there are problems due to the absence of larger traditional units and the multiplicity of existing administrative units already referred to above. There are more than 1400 Nokmaships, 74 Laskar Elakas, 10 Mauzadars and 15 Community Development Blocks. With too many Nokmaships and Laskar Elakas it will be difficult to constitute the Intermediate Level Self-Governing units for Garo Hills with an ideal number of such units. The number of Mauzadars on the otherhand is too less for the purpose. Hence, it would be ideal if Garo Hills is having 15 Intermediate Level units coinciding with the territorial jurisdictions of the 15 Community Development Blocks. This will also ensure uniformity and simplicity thereby give more advantages to the people of Garo Hills than to the people in the rest of the State.

#### At the District Level

At the district level, the three ADCs may continue with the power and functions redefined through suitable amendments of the Sixth Schedule of the Constitution incorporating the relevant provisions of Part IX along with the Eleventh Schedule showing the list of matters over which they shall have powers, authority and responsibilities to administer and implement in the same manner as the *Zilla* or *Mahkuma Parishad* functions in the rest of the country.

#### CONCLUSION

The three-tier system of self-governments carefully articulated in the preceding section of this Paper, with a view to preserving the traditional institutions in Meghalaya as desired by the Parliament, needs to be implemented sooner than later. These institutions are demanding for constitutional recognition and direct funding by the Union Government of India. It is expected that they have the courage

to reform. Similarly, the ADCs in the State must open up democratic space to facilitate and accelerate the empowering process and to sort out the power-sharing problems through devolution of power to be exercised by the local self-governments.

The process can perhaps be expedited if the Ministry of *Panchayats* comes forward to assist the State Government in codifying the traditional institutions with a view to preserve their traditional names and constitutions, and in enacting a law for the introduction of the three-tier system of local self-governments in the State according to the spirit and principles of Part IX of the Constitution inserted by the Seventy-Third Amendmend. Alternatively, the Sixth Schedule to the Constitution should be amended incorporating the spirit and principles contained in the provisions of Part IX of the Constitution. If all this fails, a Central law contemplated in Article 243M of the Constitution should be enacted aiming at harmonising with the local ethos, traditions and institutions so as to have democracy with continuity.

#### NOTES AND REFERENCES

1. Refer former Prime Minister Rajiv Gandhi's Speech in Parliament on 18 May 1989.
2. Part IX — The Territories in Part D of the first Schedule and other Territories not specified in the Schedule — was repealed by the Constitution (7<sup>th</sup> Amendment) Act, 1956 and inserted afresh by the Constitution (73<sup>rd</sup> Amendment) Act, 1992.
3. Institute of Social Sciences, *Panchayati Raj Update*, Vol.VIII, No.10 (October, 2001), New Delhi.
4. See for instance, M.N. Karna *et al.* (1998), *Power to People of Meghalaya* (Sixth Schedule and the 73<sup>rd</sup> Amendment), Regency Publication, New Delhi.
5. S.S. Sawian (ed.). *Khanasamari – U Khun U Hajar ka Ri Hynñiewtrep*, Apphira Publications, 1998.
6. "Role and Relevance of ADCs in State Yet to be Assessed" in *The North East Daily*, January 6, 2000.
7. "CEMs Favour Panchayat Status for District Councils" in *The Shillong Times*, May 24, 1994.

**354** *In Defence of Regional Economic Development in India*

8. In Khasi Hills "Headman" means a *Myntri*, a *Syiem Raid*, a *Basan*, a *Lyngdoh*, a *Matabor*, an *Elector*, a *Sirdar Shnong*, a *Sirdar Raid* and *Rangbah Shnong* according to Act 1959 amended from time to time. In Jaintia Hills "Headman" means traditionally a *Waheh Chnong* or a *Tymmen Chnong*, while the Act 1959 has also been adopted by the JHADC after its creation in 1964.
9. See Appendix.
10. *Ibid.*