

CHAPTER 12

WORKING OF THE GARO HILLS AUTONOMOUS DISTRICT COUNCIL (An Overall View)

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Along with the rest of India, the Garos also took part in the First General Election in 1937, when two Garo Representatives namely, Shri Jobang D. Marak and Shri Benjamin Ch. Momin were sent to the Assam Legislative Assembly, Shillong. Shri Benjamin Momin was also appointed as the Parliamentary Secretary.¹

In 1947, the Bordoloi Committee under the Chairmanship of Gopinath Bordoloi was appointed by the Constituent Assembly in order to study the peculiar problems of the hill people of Assam. The Bordoloi Committee submitted its Report recommending a large measure of Autonomy to the Autonomous District Councils for administration of their own Districts. These Recommendations were subsequently enshrined in the Constitution of India in its Sixth Schedule. Thus the Sixth Schedule of the Constitution of India contains the Provisions for the administration of the tribal areas of Assam.²

In exercise of the Powers Conferred by Sub-Paragraph(6) of Paragraph 2 of the Sixth Schedule of the Constitution of India, the Governor of Assam published the Rules called the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 on the 15th October 1951 for the Constitution of the District Councils for the Autonomous Districts of Assam, and in accordance with these Rules, the first General Election to the Garo Hills Autonomous District Council was held on 18th January 1952 in 18 constituencies on the basis of adult suffrage and

6 were nominated by the State Government. However, now 29 members are elected and only one is nominated.

The first Garo Hills Autonomous District Council was formally inaugurated by the then Chief Minister of Assam, Shri Bishnuram Medhi on the 14th April 1952 at Tura, the headquarters of the District.³

The Garo Hills Autonomous District Council is composed of 30 members in all and is like a miniature of the State Government having three different functions, namely, Executive, Legislative and Judiciary.

The Executive Committee

The overall administration of the District Council is vested in the Executive Committee headed by the Chief Executive Member whose term is for a period of 5 years. The Executive Committee exercises similar powers and functions of the Cabinet at the State or at the Centre within the jurisdiction of its own. It consists of the Chief Executive Member who is elected by the Members of the District Council from among themselves, 2 Executive Members and 2 Deputy Executive Members who are appointed by the Governor of the State on the advice of the Chief Executive Member. The size of the Executive Committee may, however, vary from time to time. The Executive Committee is to carry on the day to day administration of the District in accordance with the laws framed by the Legislative body.

The Executive Committee appoints a Secretary who is the overall in-charge of the administration of the Council office. He is responsible for supervision of the administration of the District Council office and is accountable to the Executive Committee. The Garo Hills Autonomous District Council has appointed in the past as the Secretary from among its own officers and also from the State cadre.

Besides the Secretary, there are other senior and junior officers of the District Council, such as the Judicial Officer, Land and Revenue Settlement Officer, Secretary to the Legislative Branch, Chief Forest Officer, Accounts Officer, Engineer for Civil Works, Taxation Officers, Rural Development Officer, Deputy Inspector of Schools etc., and their assistants.⁴

The Legislative Body

The 30 Members of the Garo Hills Autonomous District Council both elected and nominated, form the Legislative body. The Legislative wing of the Garo Hills Autonomous District Council had been enacting Rules and Regulations in accordance with the subjects specified in the Sixth Schedule and Published in the Official Gazette of the State Government under Paragraph 11 of the Sixth Schedule of the Constitution of India for running the day to day administration.

Out of the Acts, Rules and Regulations passed by the Garo Hills Autonomous District Council over the last four decades, the following may be made mention to keep in touch with the trend of Legislations which Project the needs and aspirations of the people of the District. They are:

1. The Garo Hills (Abolition of the Garo Hills District Fund Committee) Act, 1952.
2. The Garo Hills Cotton Trade Regulation, 1952.
3. Garo Hills District Fund Rules, 1952.
4. The Garo Hills District (Revenue Assessment) Regulation, 1953.
5. The Garo Hills Autonomous District (Administration of Justice) Rules, 1953.
6. Garo Hills Local Rate Regulation, 1953.
7. Garo Hills Cart, Cycle and Boat (Taxation) Act, 1953.
8. Garo Hills Ferries Act, 1953.
9. Garo Hills Fisheries Act, 1953.
10. The Garo Hills Grazing Regulation, 1953.
11. Garo Hills Jhum Regulation, 1954.
12. The Garo Hills District (Land and Revenue) Regulation, 1954.
13. The Garo Hills (Christian Marriage) Act, 1954.
14. The Garo Hills (Social Customs and Practices) Act, 1954.
15. The Garo Hills District (Transfer of Land) Act, 1955.
16. The Garo Hills District (Profession, Trade, Cells and Employment Taxation) Regulation, 1956.
17. The Garo Hills District (Trading by Non Tribal) Regulation 1957.
18. The Garo Hills District (Constitution of Village Council) Act, 1958.

19. The Garo Hills District (Awil Fees) Act, 1960.
20. The Garo Hills District (Members salaries and allowances) Act, 1958.

These Acts, Rules and Regulations are amended and the new ones are introduced from time to time.⁵ Debates are in both English and Garo languages. Other languages like Bengali are also used some times. Bills are passed by the majority votes, present and voting. There are also a Chairman and Deputy Chairman who conduct the proceeding of the House.

Judiciary

The Garo Hills Autonomous District Council has a judiciary wing consisting of the village courts at the village levels, the subordinate District Council Court having both Original and Appellate jurisdiction, and the District Council Court having Appellate jurisdiction to try cases involving between tribal and tribal in accordance with the Garo custom and usages. The Act was passed by the Garo Hills District Council to this effect in 1953.

The Village Court

According to the Garo Hills District Council (Administration of Justice) Rules, 1953, each Village Court consist of the Laskar who is the ex-officio President of the Village Court and two members of the village Council elected by the Village Council and three members of the Village Council appointed from amongst themselves who sit as a Bench. It has also a Secretary appointed by the District Council who keeps records of all cases. From its inception, the Village Courts numbering 55 in all had been trying various kinds of cases excluding the Criminal Cases involving between the tribal and the tribal and having the Power to fine up to Rs. 50 only.

The Subordinate District Council Court

With its headquarters at Tura, it has both Original and Appellate jurisdiction. It is competent to try all cases and suits in which both the Parties belong to Scheduled Tribes and residents within its jurisdiction and is Presided over by a judicial Officer.

The District Council Court

It is a Court of appeal in respect of all suits and cases from the Subordinate District Council Court and the Village Court. It is presided over by a judicial Officer who also exercises original jurisdiction to try cases involving members of the Scheduled Tribes only.⁶

Many of the civil cases, such as the Succession to Nokmanship, Divorce, Inheritance, Inter-Nokma boundary dispute have been settled by this Court.

Observations

The main idea of the Sixth Schedule was to provide the tribal of North East India with a simple Administrative set up which could safeguard their customs and ways of life and could secure for them maximum autonomy in the management of their own affairs.⁷ B.R. Ambedkar, Chairman of the Drafting Committee said that the Policy towards the Sixth Schedule was similar to the U.S. Government Policy towards the Indians. The Hills People of Assam were not Hinduised and therefore, had a Culture very different from the rest of Assam.⁸ Therefore, the real purpose of attaching the Sixth Schedule to the Constitution of India was to create opportunities for the tribal for the preservation of their traditional laws and custom which were completely different from the so-called main Stream and which, it is feared that they might be wiped out by the sheer number of the plains people, if not protected.

The Garo Hills Autonomous District Council was started on 14th April, 1952 in the true spirit of the Sixth Schedule. The whole population of Garo Hills District was enthralled by this boon. Many thought that the step motherly treatment meted out by the Government of Assam would be made up by this new Institution. Therefore, the first five Elections to the Garo Hills Autonomous District Council witnessed comfortable victories for the Garo National Council (GNC) and the APHLC, the parties that brought the District Council and the State of Meghalaya respectively.

The Garo Hills Autonomous District Council with its headquarters at Tura also started with great spirit and hope to

execute the Provisions contained in the Sixth Schedule. The Office Secretariat cum Legislative Assembly Hall was constructed. The Official Bungalows for the Executive Members and the Officers were also constructed with a beautiful Park at the centre. Besides concrete buildings, market-stalls and sheds at different localities at Tura and in the rural market areas were constructed by the Civil works Department. The Rural Development Branch undertook the works of construction of roads, culverts, Ring-Well etc. Transport Department was started in a big way by running Buses on important routes of the District. The Department was looked after by the Transport Superintendent with a central workshop run by the Technical Staff. The Buses also carried Mails of the Postal Department to and from the District. In accordance with the Provision of the Sixth Schedule, all the Lower Primary Schools have been transferred to the District Council in 1961. Before the District Council came into being, the total number of L.P. Schools in Garo Hills District was only 277 with an enrollment of 7667 Pupils and 643 teachers. But with the transfer of all the L.P. Schools to the District Council, the number rose to 886 with 39,00 pupils in 1965. Besides these Schools, the Garo Hills District Council also opened more than 200 L.P. Schools on its own. The medium of the L.P. Schools was in Mother tongue and Garo, Bengali, Assamese and Nepali languages are the medium of L.P. Schools.

In matters of Legislation, a variety of Acts, Rules and Regulation as mentioned before were passed to preserve their cultural identity to protect their lands and promote their economic well-being. These Acts, Rules and Regulations were amended from time to time to keep pace with the change of time and situation.

With regard to the working of the Judiciary branch, it has been able to dispose of many Civil suits like the question of succession to Nokmaship, Inheritance, Divorce, Elopments, inter-Nokmaship boundary disputes and other petty cases of theft, quarrels etc.

Despite some benefits that the Garo Hills Autonomous District council has bestowed on the people, it had to confront with a number of limitations in the course of its functioning. Though the Garo Hills District Council started functioning from 1952, the Council was faced with the reality of having to work within the

constraints of the Rules framed under the Sixth Schedule. One glaring feature was the presence of the non-tribal members nominated by the Governor of Assam apart from the elected members. This Act of the Governor was taken by the tribals as an attempt to submerge the tribal interests. This kind of attitude of the Governor of Assam along with other policies culminating in the passing of the language Bill in 1960 resulted in the demand for a separate State and simultaneously for the amendment of the Sixth Schedule with wider powers for the District Governments.

Human weakness like greed for money and chair also mellowed down the enthusiasm and enchantment with which it was started. The funds allotted for running the Council have been diverted to meet their own selfish ends without going to the actual fields for which it was sanctioned. The power struggle for chairs and wooing the members and the electorates ate away the developmental funds. The Secretariat is overstaffed and the corruptions among the Executive Members and the M.D.Cs have been percolated to the officers. The Forest Department deforested the unreserved forests and no measure was taken up for regeneration. The Transport Department, after a good start, had to be closed down due to mismanagement. The L.P. school had to be surrendered to the State Government due to misappropriation of funds sanctioned for the department and due to lack of its own financial resources. Transfer of land and License for trading were given by the Members in Authority surreptiously to the non-tribal for their own gains or due to pressure. Land Revenues, Taxes and tolls were not collected properly. No land settlements were done for the last several years resulting in gross loss of Income.

The District Council also could not augment its own resources to finance the Council. It had therefore to depend heavily for financial assistance on the State Government which they release late after having received them from the Centre.

The Judiciary branch also met the same fate. Though it was intended to settle the cases speedier, other bureaucratic processes delayed the processes. One loophole in this branch was that it opened a scope for appeals to the High Court which deprived the poor people from getting justice. Its other defect

was that it could try cases between the tribal and the tribal only and as such, it had no right to try the cases of theft, robbery, adultery, etc. committed by the non-tribals.

Besides, the Council has not produced enough trained manpower. As a result, no project involving technical personnel could be taken up by the Council. The people also became too dependent on the Government for their development and there is still public lack of awareness and vigilance to put the District Council in its rails. Besides, there is a lack of political will among the politicians in order to fulfill the goal set in the Sixth Schedule.

However, despite the weaknesses mentioned above, the District council is not without strength and opportunities. The District Council has become part and parcel of the political life of the people of Garo Hills and its existence is firmly rooted. It has become now an important platform for voicing and exercising their political ambition and aspiration and thus a good training ground for political workers in leadership. It has also carried the Administration near to the people thereby involving people's participation in the development processes as is envisaged in the 73rd Amendment of Indian Constitution. The experiences of the District Council may be thus a pointer to the newly started Panchayati Raj.

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