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Rajiv Gandhi University



MAPOLS-408

# Government and Politics in Arunachal Pradesh

MA POLITICAL SCIENCE

2nd Semester

**Rajiv Gandhi University**

[www.ide.rgu.ac.in](http://www.ide.rgu.ac.in)

# **GOVERNMENT AND POLITICS IN ARUNACHAL PRADESH**

**MA [Political Science]**

**Second Semester**

**MAPOLS - 408**



**RAJIV GANDHI UNIVERSITY**

Arunachal Pradesh, INDIA - 791 112

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## About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

## About IDE

The formal system of higher education in our country is facing the problems of access, limitation of seats, lack of facilities and infrastructure. Academicians from various disciplines opine that it is learning which is more important and not the channel of education. The education through distance mode is an alternative mode of imparting instruction to overcome the problems of access, infrastructure and socio-economic barriers. This will meet the demand for qualitative higher education of millions of people who cannot get admission in the regular system and wish to pursue their education. It also helps interested employed and unemployed men and women to continue with their higher education. Distance education is a distinct approach to impart education to learners who remained away in the space and/or time from the teachers and teaching institutions on account of economic, social and other considerations. Our main aim is to provide higher education opportunities to those who are unable to join regular academic and vocational education programmes in the affiliated colleges of the University and make higher education reach to the doorsteps in rural and geographically remote areas of Arunachal Pradesh in particular and North-eastern part of India in general. In 2008, the Centre for Distance Education has been renamed as "Institute of Distance Education (IDE)."

Continuing the endeavor to expand the learning opportunities for distant learners, IDE has introduced Post Graduate Courses in 5 subjects (Education, English, Hindi, History and Political Science) from the Academic Session 2013-14.

The Institute of Distance Education is housed in the Physical Sciences Faculty Building (first floor) next to the University Library. The University campus is 6 kms from NERIST point on National Highway 52A. The University buses ply to NERIST point regularly.

### **Outstanding Features of Institute of Distance Education:**

- (i) At Par with Regular Mode  
Eligibility requirements, curricular content, mode of examination and the award of degrees are on par with the colleges affiliated to the Rajiv Gandhi University and the Department(s) of the University.
- (ii) Self-Instructional Study Material (SISM)  
The students are provided SISM prepared by the Institute and approved by Distance Education Council (DEC), New Delhi. This will be provided at the time of admission at the IDE or its Study Centres. SISM is provided only in English except Hindi subject.
- (iii) Contact and Counselling Programme (CCP)  
The course curriculum of every programme involves counselling in the form of personal contact programme of duration of approximately 7-15 days. The CCP shall not be compulsory for BA. However for professional courses and MA the attendance in CCP will be mandatory.
- (iv) Field Training and Project  
For professional course(s) there shall be provision of field training and project writing in the concerned subject.
- (v) Medium of Instruction and Examination  
The medium of instruction and examination will be English for all the subjects except for those subjects where the learners will need to write in the respective languages.
- (vi) Subject/Counselling Coordinators  
For developing study material, the IDE appoints subject coordinators from within and outside the University. In order to run the PCCP effectively Counselling Coordinators are engaged from the Departments of the University. The Counselling-Coordinators do necessary coordination for involving resource persons in contact and counselling programme and assignment evaluation. The learners can also contact them for clarifying their difficulties in their respective subjects.

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# INTRODUCTION

In comparison to other states of India, the North-Eastern states have fewer voters (3.8% of the country's total population). These states have been allocated 25 out of a total of 543 seats in the Lok Sabha (meaning 4.6% of the total number of seats). Recently, it has been broadly acknowledged by policy makers and financial analysts of the region that the key impediment to economic growth of the North-Eastern region is the inconvenient geographical location.

The topic of dispute is the prevalent globalization that is dissolving territories and creating a world without borders, which is usually linked to economic integration. North-East India has better scope for development in the era of globalization, as it shares the major part of its borders with other countries. Consequently, a new policy developed among intellectuals and politicians that the North-Eastern region must be looked upon as the new venue for development and political integration with the rest of India and economic integration with the rest of Asia; more importantly, the East and Southeast Asia. This followed the reasoning that the policy of economic integration with the rest of India was not reaping the expected dividends.

Similar to other states of North-East India, Arunachal Pradesh also heavily relies on the Central Government's assistance. There are two constituencies in Arunachal Pradesh; Arunachal West and Arunachal East. The major political parties are BJP, INC, AC, AITC, SP, SAP, etc. Arunachal Pradesh has transitioned to an electoral democracy in a short period of time. The basic challenges facing the state today include that of secularizing governance and democratizing development. In Arunachal Pradesh, the biggest challenge in developing a fair-for-all framework for governance, without sacrificing the basic rights of the people, is setting right particularistic demand within the scaffold of collective standards. This, on any account, is a difficult task faced by the present and future decision-makers.

This book – *Government and Politics in Arunachal Pradesh* – has been designed keeping in mind the self-instruction mode (SIM) format and follows a simple pattern, wherein each unit of the book begins with an Introduction followed by Unit Objectives for the topic. The content is then presented in a simple and easy-to-understand manner, and is interspersed with Check Your Progress questions to reinforce the student's understanding of the topic. A list of Questions and Exercises is also provided at the end of each unit. Summary, Key Terms and Activity further act as useful tools for students and are meant for effective recapitulation of the text.

This book has been divided into five units

**Unit 1:** Discusses the identity question and the problem of insurgency

**Unit 2:** Elaborates on traditional self-governing political institutions in Arunachal Pradesh

**Unit 3:** Explains constitutional development in Arunachal Pradesh (from British period to statehood)

**Unit 4:** Provides an introduction to Panchayati Raj

**Unit 5:** Describes the working of Panchayati Raj

## NOTES

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# UNIT 1 IDENTITY QUESTION AND PROBLEM OF INSURGENCY

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## NOTES

### Structure

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## 1.0 INTRODUCTION

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North-East India has earned the questionable merit of being home to Asia's longest running insurgency. The geographically tactical setting of the region surrounded by Bhutan and China (Tibet) in the north, Myanmar in the east and south and Bangladesh in the south and west and approximately 4000 square kilometres of porous international borders, adds to the security threat. The growth of incidents of rebellion has raised doubts on the various security efforts carried out by the central government in the North-East region.

The identity problem is associated with the aspirations of various tribal groups in the territory and results in assertion of rights by these groups. Demonstrations by student groups, political developments as well as rebel groups are seen to revolve round the problems of identity of the people they seek to represent. Even though there are other aspects like absence of progress or non-existence of sufficient employment prospects, governance visibly has been a major issue in both the growth of these apprehensions in addition to dispelling the concerns and insecurities of communities in the region.

The unit examines the challenges of identity, ethnicity, sovereignty and insurgency in North-Eastern India.

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## 1.1 UNIT OBJECTIVES

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After going through this unit, you will be able to:

- Discuss the refugee issues prevalent in North-East India
- List the causes and salient features of the Bodoland Movement
- Explain the problems of ethnic issues and insurgency

## 1.2 REFUGEE ISSUES

### NOTES

A refugee is a victim of political events; a person uprooted from his homestead and country, who finds himself in a strange land where he is homeless, often stateless, and poverty-stricken. The essence of homelessness as the problem of a refugee lies in its dimensions and its dynamism. It is one of the tragedies of the refugee problem that so much of it is the consequence of, and incidental to, world-shaking events whose progress and dangers preoccupy the public mind to the exclusion of all thought for, and often any recognition of their human consequences.

### 1.2.1 Assam

Since the beginning of the present century, the problem of migration has been a central issue in North-East. In Assam there are about six and half million migrants who have come to settle. These new migrants in their different ways have monopolised or dominated virtually all new opportunities for resource exploitation or for jobs in the modern sectors of the economy and in government sectors.

The migration has been so large as to threaten to transform the indigenous Assamese into a minority. This was the greatest controversy in Assam, which during the post independence period took the form of a directly political conflict between the indigenous Assamese and the Bangladesh illegal migrants especially during the Pakistan Civil war in 1971, which lead to considerable influx of both Hindu and Muslim Bangladesh is into the state.

The problem was that those who were given shelter during this incident created havoc to the people of Assam in the job sector, the right to acquire land, the right to vote and especially the activities in trying to have a say in the Politics of Assam. Thus, in 1985 when the Assam Accord was signed between the central government and the leaders of the AASU, who were fighting to chase and to deport the illegal migrants to their own land. The Accord provided the leaders for identification, detection and deletion of all migrants from the electoral roll and ultimately their expulsion from the state. The election which followed brought the Asom Gana Parishad to power no doubt, but the removal of the so called illegal migrants or refugee from the foreign country is still going on and will continue so long as a particular group tries to protect itself and its people from others.

### 1.2.2 Chakmas Refugees

The Chakmas of Arunachal Pradesh belong to a tribal group that has for centuries inhabited the Chittagong Hill Tracts (CHTs) of Bangladesh. Despite the fact that most of the inhabitants of the CHTs are either Buddhist or Hindu, the region became a part of Pakistan with the partition of India in 1947. In 1964, communal violence and the construction of the Kaptai hydroelectric dam displaced nearly 100,000 Chakmas.

A large number of these displaced people sought refuge in India. Nearly 1,000 members of the Hajong tribe, a Hindu group from the Mymensingh district of Bangladesh were also settled in these areas. In the more than 45 years since their resettlement, the Chakmas and Hajongs have built villages, developed the land granted to them and paid state taxes on their land. Additionally, they have become integrated into the social fabric of Arunachal Pradesh and established strong ties to the region.

## NOTES

Many of these Chakmas and Hajongs, who now number about 65,000, were born in India and know no other home. Though they were migrants at the time of partition and even before and after; they have been granted the Scheduled Tribe status and are enjoying the consequent benefits in most parts of India; and last but not the least, they are 'refugees' in Arunachal Pradesh and are still fighting for equal rights to vote and for being able to utilize the natural resources and being the part and parcel of the political process and the political space of Arunachal Pradesh.

In 1964, the Government of India granted migration certificates into the country to approximately 35,000 Chakmas and 1,000 Hajongs. The migrants were settled by the Government of India in the erstwhile North-East Frontier Agency, an area that comprises the present-day districts of Lohit, Changlang and Papumpare in Arunachal Pradesh. These certificates indicated legal entry into India and the willingness of the Government of India to accept the migrants as future citizens. Additionally, under the Indira-Mujib Agreement of 1972, it was determined that India and not Bangladesh would be responsible for all migrants who entered India before 25 March 1971.

Further, the dominant Bengalis have been systematically depriving the Chakmas and the Hajongs (Chakma-Hajong) of their lands through transfer and submergence. After the construction of Kaptai hydro-electric project in 1964, about 66,000 Chakmas and Hajong were settled by Government of India in Arunachal Pradesh. The Chakmas had to leave their homes in the Chittagong Hill Tract due to the hydro-electric project and the Hajongs from the Mymensing and Sylhet districts and to escape religious persecution. P.N. Luthra has rightly mentioned the opinion of Dr. Hauven, a former United Nations High Commissioner for refugees. Dr. Hauven has said, 'Persecution and fear chased thousands of peoples from their homes and sent them across the border of their Fatherlands walking into an unknown and uncertain future.' There is also the issue of displacement due to development and a deprived status and finally the problem of identity.

In 1986, another 55,000 people entered the state of Tripura as refugees. Until recently, the Indian Government provided assistance only to 53,400 Chakma refugees located in Tripura, beginning in 1994; approximately 63,000 displaced Chakmas have been repatriated under a bilateral agreement between India and Bangladesh in 1998. Here, the issue is of nationhood and identity. The same can be said in terms of the political vs. cultural nationhood, or political equality, or the cultural majority question. So, the minority Buddhists (Chakma-Hajongs) had to suffer at the hands and the policies of the majority in Bangladesh. This is not a unique situation in Asia. The cases of Bihari Muslims, Chinese, Tibetans, Tamils and Kashmiri Pandits are the living examples of the majority-minority problem and the issue of identity in South East Asia. Mahmood Mamdani states, 'It is important to recognize that the raw material of political identities may be taken from the cultural sphere – common language, common religion and so on. However, once these identities are crafted into political identities, enforced within a territorial state and reproduced through the mechanism of the law, they in turn recognize their bearers as particular subjects, they become rather more complicated. It then becomes extremely important to distinguish between political and cultural identity because political identity, unlike cultural identity as enforced by the state through law, is singular and uni-dimensional. Whereas, cultural identity is not only multiple but also cumulative and it is not really territorial – something now widely acknowledged. It may have a territorial resonance, but it is not reducible to a territorial dimension, nor is it reducible to

The Reangs or Brus, according to the 1931 census report, had entered Tripura through Chittagong Hill tract and settled at Amarapur and in the southern part of Kailasahar. In course of their migration and movements many Bru have immigrated to the Mizo Hills in search of fertile land. However, unfortunately their migration did not prove to be beneficial for themselves where in the year 1997 when the Bru Autonomous District Council was formed it was vehemently opposed by many political parties use the Mizoram civil society, the Mizo Zirlai Pawl (MZP), the Young Mizo Association (YMA), etc.

The MZP categorically demanded the abolition of the Autonomous Council of the Bru, as the Bru declined to do so. A Quit Mizoram notice was served by the MZP. Further, there were killings due to the killing of a Mizo game watcher under Mizoram Forest Department inside Dampa Tiger Reserve in Mamit by the Bru National Liberation Front (BNLF). This resulted in a series of attacks against the innocent Brus by organized Mizo mobs across Mizoram. The communal attack led to mass exodus of about 45,000 Brus, in which they were displaced to Tripura and Assam. Though they were initially accommodated in various camps, the problems existed due to intolerance by both the ethnic groups.

It can be seen that steps were taken by the central and the Mizoram Government, in consultation with major political parties and NGOs, and there has been resumption of repatriation of Bru refugees lodged in the six relief camps in North Tripura. The repatriation of Bru refugee's was stalled during June 2011 as political parties and NGOs demanded rehabilitation of displaced Mizo families as was done to the repatriated Brus. Though no date was formally fixed for the resumption of repatriation, the state government thought that it should be conducted before the onset of monsoon of 2012.

## NOTES

### CHECK YOUR PROGRESS

1. Define the term 'refugee'.
2. What was the greatest controversy in Assam in the post independence period?
3. When was the Assam Accord signed between the Central Government and the leaders of the AASU?
4. What was the reason for the displacement of nearly 100,000 Chakmas in 1964?
5. Why did the Chakmas have their homes in the Chittagong Hill Tract?
6. Name the two groups of the Brus.

## 1.3 BODOLAND MOVEMENT

North-East India had evolved through several centuries with its distinct identity and uniqueness. The problem of the people of this region is to distinguish themselves from people of other parts, based on ethnicity, where ethnicity means nation, people, caste, tribe and such other. M.M. Gordon defines ethnicity as a group with shared feelings of peoplehood as an ethnic group.

## NOTES

Ethnicity seems to be a new term in the sense of community level consciousness and solidarity. The expression 'ethnicity' was used for the first time in 1953. However, it took some time before it appeared, even in the anthropological literature. Ethnicity affects the human society in various aspects. It promotes cultural stability, encourages uniformity and social integration within an ethnic group. Ethnocentrism encourages fealty and conformity, discouraging mixing with other cultural groups and justifies and perpetuates the status quo.

The year 1947 was a watershed in the political history of Assam. The tide of reorganizations was rising consecutively almost at the dawn of the independent process of reorganization that began in 1947. It resulted in the formation of seven states from Assam. The Bodos have been demanding a separate statehood, namely, Udayachal and later Bodoland, which is a sudden spurt of interest in ethnic affiliation. This feeling of faction by the Bodo and other plain tribal groups can be traced back to 4 January 1929 when a four-point memoranda was submitted to the Simon Commission, which was a phase of protectionist behaviour. Autonomy aspiration has been ascertained with the birth of the Plains Tribal's Council in Assam (PTCA) in 1967, where a more distinct phase began.

### 1.3.1 Causes of Bodoland Movement

The denial of Sixth Schedule status for the Bodos, which would have given them constitutional protection when they needed it most to protect their land and identity, can be seen as one of the primary causes leading to the alienation of tribal land in the post-independence years. The Bangladesh war added to the changing demographic scenario of the state, with several lakhs of immigrants, mostly Bengali Muslims, staying back in the Brahmaputra Valley. Finally, when the Assam Movement against foreign nationals erupted in 1979, the land issue proved to be the central one.

Discussing this, M S Prabhakara writes:

The land question in Assam is extremely complicated and even more so than the 'ethnic' dimension and the 'threat to identity'. It was the land question which invested the Assam agitation with a measure of legitimacy. Vast areas of the state have for years been settled upon and cultivated by people who have no formal claims on the land. Thus, Assam has long been caught in the time warp and what we are witnessing today in the Bodoland Territorial Autonomous District (BTAD) area is the result of failure as well as unwillingness on the part of the government to act decisively with a political will to put an end to the alienation of tribal land. As for the Assamese middle class, it was too occupied with the language question to give time to the progressive alienation of tribal land owing to continuous immigration, the strong and unambiguous stand that the Assam Congress leaders took during the Assembly debates before and after Partition notwithstanding. Any attempt, therefore, to understand the present situation in the BTAD must take into account the fact that the Bodos have been a community long accustomed to shifting cultivation and their transition to settled farming is of relatively recent origin. During the colonial days the Bodo and other Assamese tribal communities were known to be averse to acquiring permanent tenure over land. This lack of formal tenure often made them appear as encroachers on government forestland and helped the immigrant non-tribal peasants to permanently occupy the land which was once the preserve of the tribal farmer. During the initial years of migration of peasants from the then East Bengal which was actively encouraged by the colonial state to meet its commercial needs, communities like the Bodos could still move within their land and practise their non-commodity production. The colonial

administration was not happy with such cultivators because they practised temporary cultivation and were unwilling to pay land revenue. However, as the flow of migration increased in the immediate years before and after Independence, tribal land was increasingly acquired by non-tribal immigrants who secured permanent tenure. Therefore, it was a losing battle for the Bodos who were pitted against the sedentary farmers who started raising cash crops. However, in the developments like the PCTA, a need was felt for recognizing the rights of the Bodo's who are one of the Plains Tribes of Assam, the achievement of statehood by many hill tribe is like an aspiration to get recognition for their need, a new political experiment has set in motion in Assam with the leaders of the Bodoland movement, signing a memorandum of understanding with the union and state government for the creation of a Bodoland Autonomous Council (BAC) within the state of Assam.

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However, the articulate section of the Bodo middle class was not at all satisfied with these vague concessions as they had been given and once again, started vigorous movement through both peaceful and violent means, under leadership of Bodo Liberation Tigers (BLT) and All Bodo Students Union (ABSU) for the creation of a Separate Bodoland State. Under tremendous pressure in the form of bloodshed movement of the aspirant Bodo middle class, the NDA (National Democratic Alliance) government was compelled to sign another Memorandum of Understanding with the Bodo leaders on 10th February 2003, to create Bodoland Territorial Council (BTC) by dissolving the former BAC.

Nevertheless, as a reaction to the formation of the BTC, the non-Bodo people expressed apprehension about the motive of the Bodo leaders and fear of losing their rights under the BTC and consequently non-Bodo people living under the BTC started counter-agitation for survival. Moreover, despite this sort of autonomy to the Bodos, the National Democratic Front of Bodoland (NDFB) an extremist Bodo outfit which was formed in 1990, demanding independent Bodoland, continues its violent movement ignoring the constitutional concessions in the form of a Bodoland Territorial Council.

### 1.3.2 Recent Violence

The present clashes between the Bodos and the immigrant Muslim settlers have a long history. Ever since the movement for a separate Bodoland started in March 1987, the question of Bodo identity has been linked to land and demography. The build-up to the present violence began with a string of protest programmes taken up by the non-Bodo organizations against what they have been long describing as the discriminatory policies of the BTAD administration against the other communities residing in the BTAD area. The Bodo leadership has been repeatedly encouraging a policy of intimidation and extortion against non-Bodo sections of the population. It is signifying that as long as Bodo militancy was at its height, efforts by non-Bodo communities to organize themselves did not meet with much success.

However, once militancy started ebbing with even the dreaded National Democratic Front of Bodoland (NDFE) faction led by Ranjan Daimary going in for a ceasefire and willing to open talks with the Government of India, the non-Bodo communities drew courage to organize themselves under the umbrella organization called the Non-Bodo Protection Forum (NBPF) which included representatives from the ABMSU, the All Assam Koch-Rajbongshi Students Union, Bengali Students Federation, the All Assam Gorkha Students Union and the All Assam Tea Tribes Students Union. Amongst these components, the ABMSU which was a wing of the



All Assam Minority Students Union (AAMSU) and which represented the Muslim settlers was an influential presence.

However, of late, a process of talks between the NDFB and the Central Government is in the offing. One perceptive scholar has observed rightly that 'if within the shortest possible time the leadership cannot forge ahead with the toiling people cutting across tribal-non tribal boundaries, the much publicized memorandum of settlement will be hijacked from within and neither Dispur nor Delhi, nor the caste Hindu Assamese can be blamed for that. Bodoland is in fact, in the threshold of a much bigger challenge to Assam today.'

## NOTES

### CHECK YOUR PROGRESS

7. What is the basic problem of the people of the North-East?
8. How does ethnicity affect the human society?
9. What caused alienation of the Bodo tribe in the post-independence years?
10. When did the NDA sign a Memorandum of Understanding with the Bodo leaders to create Bodoland Territorial Council (BTC)?

## 1.4 ETHNIC ISSUES AND INSURGENCY

The British sowed the seeds of separateness and secessionism in the region. Their policy for gradual segregation of the tribals and the non tribals, hills and plains, segregation of the tribal population by introduction of the Inner Line regulation, creation of non-regulated, backward and excluded areas tracts was able to break centuries of historical, cultural, social and religious continuum and connectedness.

The colonial theories; the myth of race core fringe conflict isolation – colonial misinterpretation of history and culture further deepens the impact. The lies of exploitation and hegemony increased the suspicion of the segregated population.

### Causes for rise of self-determination

The right of self-determination is based on several factors. Some of the most important ones are:

1. Ethnic distinctiveness
2. Distinct social life, way of living, laws and customs
3. Different religion; Christianity and Animism

### 1.4.1 Insurgency

One of the major challenges for the modern state of India is the rise of self-determination and a consciousness of being different which was the attitude that was developed since the colonial period. This is reflected in rise of insurgency of various groups in North-East India. To have a better understanding let us discuss some of the important groups prevalent in the region.

### United Liberation Front of Asom (ULFA) - Assam

The origin of secessionist movement and ethnic conflict in Assam is deeply rooted in the history of Assam. The annexation of semi tribal and semi feudal society of

Assam by the colonial rulers in 1926 brought about a change in social structure by ending her long isolation from the mainstream. High caste groups enjoyed success in terms of higher education in Dhaka and Calcutta and acquiring large tracts of land compared to the non caste groups. Influx of Bengalis into Assam brought with it a multi dimensional complex problem.

Western educated Bengalis were encouraged by the British to immigrate into Assam. They grabbed government jobs, developed tea estates and provided labour also. Bengali was deemed to be the superior language and made the state language. From abundant land and sparsely populated province it became scarce land and thickly populated. Bengalis identified themselves with the ruling class and Assamese people were being marginalized in their own homeland. As a result of conflict between Asomya and Non-Asomya groups, the growth of Asomya nationality got distorted. However, after partition, in 1947, the Assamese started asserting their control over their land in various forms when they became the majority group.

The main issue involved in the present conflict in Assam can be due to various reasons. Some writers point out that economic backwardness was a result of lopsided development due to distorted government policy, negligence by the centre, discontentment of people with the centre, a sense of deprivation by the Assamese at large, caused anguish, despair and unfulfilled aspirations. Even after independence, the problem of migration from Bangladesh or Nepal was being looked at as reason that led to the rise of the ULFA committed to securing the liberation of Assam from India.

This organization was born in Sibsagar, in 1979, in upper Assam. This group had risen due to failure of the government machinery to fulfil its obligations towards the people. It can be stated that the formation has developed a fear psychosis, not only for the people but also for the government, which is trying its level best to secure peace through peace accord, dialogue, conference, etc. Though, there were more than thousands who had come to surrender, the division of the ULFA into two factions in recent times is an anguish that is hovering in the minds due the indiscriminate killings of innocent people. These people have now taken refuge in Bangladesh, and even their base support is getting eroded.

### **NSCN (National Socialist Council of Nagaland)**

Since 1953, the Naga Hills went into the grip of disturbance and disorder caused due to armed conflict between the Indian forces and the Nagas who had gone underground to evade arrest and fight guerrilla wars against the government of India under the leadership of Angami Zapu Phizo. The main plea was that Naga Hills had never been a part of India. The demand for independence after the departure of the British was logical and not baseless.

Those who were part of the NNC, after the killing of Sakhire and sudden escape of Phizo from India in 1956 affected the unity of the NNC. It was said that the granting of full statehood to Nagaland, nor the subsequent Shillong Accord, in which the NNC accepted the Indian constitution, diffused the separatist impulse in Nagaland. Those Nagas who viewed the Shillong Accord as a sell-out of the Naga cause went on to found the NSCN, which gained the allegiance of many Naga nationalists. After 1975, the NNC was reduced to a marginal player.

What was missing in the Shillong Accord was a final settlement that would define the Nagas' relationship with India and something that would address the

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issue of a unified Naga political entity. Both of these issues became rallying points for the NSCN, established in 1980 by younger activists of the NNC — namely Isaac Swu, Thuingaleng Muivah and S.S. Khaplang. Like movements before it, the NSCN too split along tribal lines in 1988 with Khaplang forming the NSCN-K. In 1997, the NSCN-IM reached a ceasefire agreement with the Indian government. This was followed in 2000 by the NSCN-K.

Talks between the Indian government and the NSCN-IM had begun earlier with Indian Prime Minister P.V. Narasimha Rao in the mid-1990s and were then followed up by subsequent Prime Ministers before a formalized structure of negotiations began between the Government delegation led by a representative of the Prime Minister and the Naga group led by Thuingaleng Muivah, who is the Kilo Kiloner or Prime Minister of the 'Government of the Republic of Nagaland.' The motivations for reaching a ceasefire on all sides are many. Both factions have been under considerable pressure from civil society to participate in a political process that leads to a final solution.

Decades of conflict have inflicted severe human and economic costs on the Nagas. Both parties have also suffered attrition at the hands of Indian and Myanmar security forces. From an Indian perspective, the Naga insurgency is the Gordian knot of North-Eastern insurgency. To untangle it would bring benefits not just for the region, but also to the entire country. First, the Naga insurgency — the NSCN-IM, in particular — provides the logistical and philosophical underpinnings for most of the other groups in the region — including the ULFA, NFLT and the Bodo groups. Without NSCN support, most of these groups would cease to function effectively. Indeed, two other armed separatist groups in North-East India, namely the United Liberation Front of Asom (ULFA) and the National Democratic Front for Bodoland (NDFB) have recently reached ceasefire agreements with the Indian government. Second, a permanent solution would open the region up for investment; in particular its untapped potential for hydro-electric power might considerably ease the country's energy burden.

### **Challenges Ahead**

A final agreement remains elusive, but there have been some significant attempts at reconciliation. Despite statements that represent movement away from earlier positions, recent pronouncements by the NSCN-IM indicate growing impatience with the slow pace of negotiations. The NSCN-IM has been insistent on the integration of Naga-inhabited areas into a greater Nagaland — which they call Nagalim — thereby pressing a demand of partition of three states — Assam, Manipur and Arunachal Pradesh — and require their consent, the federal government will find it very difficult to offer concessions on this issue without involving the relevant states. The second main issue of 'a special federal relationship' is likely to be more easily resolved.

Speaking in Bangkok in January 2005, Thuingaleng Muivah elaborated this demand, which represents a significant and pragmatic shift from the positions enunciated earlier by both the NNC and NSCN. He indicated that they were prepared to explore an appropriate federal relationship made sacrosanct in an agreement that cannot be changed unilaterally by either side in future.

Furthermore, the NSCN-IM was willing to discuss how various competencies can be shared in such a way that they serve the interest of both New Delhi and the

Nagas. In stating the Indian government's determination to explore 'new initiatives,' Mr. Oscar Fernandes, the Indian Minister overseeing the process, underscored the seriousness of India's response to the NSCN's offers. Furthermore, the retention of former Union Home Secretary K. Padmanabhaiah as India's interlocutor by the then Congress Party led government shows how important the whole process is to India.

One of the greatest hurdles to finding a permanent and comprehensive solution is deep-rooted tribalism within the Naga groups. The NSCN-IM's insistence that it speaks for all Nagas has been challenged not just by Khaplang but by several NGOs and church groups. There are significant tribes such as the Angamis, Aos and Konyaks whose interests are not represented by the NSCN-IM. Muivah is a Thangkul from Manipur and his tribe has virtually no physical presence within Nagaland.

Similarly, Isaac Swu represents one faction of the Sema tribe. The Konyaks, the single largest tribe, is represented by NSCN-K, which has some basis for demanding a say in any final settlement. The biggest challenge for the Indian government is arriving at a future settlement that is both inclusive and comprehensive, and doesn't repeat the shortcomings of the Shillong Accord. Given the past instances of arriving at innovating administrative arrangements (hill councils, territorial councils, etc.), the precedent exists for finding solutions that meet the aspirations of disaffected people. The challenge in Nagaland should not be underestimated and is sure to test the creativity of both Indian and Naga negotiators as well as the resilience of Indian federalism.

### **HNLC (Hynniewtrep National Liberation Council) - Meghalaya**

The Meghalaya state was carved out of the Assam state, with an aim to address the unique needs of the major tribes in the region: the Garos, the Jaintias and the Khasis. However, discontent grew among the tribals due to the alleged high-handedness of the security forces, the youth unemployment and the inability to compete with non-tribal businesses. This led to the rise of several insurgent groups in the state.

The origins of HNLC lie in the Hynniewtrep Achik Liberation Council (HALC), the first militant organization in Meghalaya, which claimed to be a representative of the three major tribes of the state. After a split occurred in the HALC over tribal differences, the Garo members formed a new outfit called Achik Matgrik Liberation Army (AMLA), while the Khasi and Jaintia members formed the Hynniewtrep National Liberation Council (HNLC) in 1993.

The original HNLC leadership consisted of Julius K Dorphan - Chairman, Cheristerfield Thangkhiew - General Secretary, M. Diengdoh - Publicity Secretary and Bobby Marwein - Commander-in-Chief. The HNLC primarily operates in the Khasi Hills region, and has carried out a number of activities in Shillong, the capital of Meghalaya. The top HNLC leadership is based in Dhaka, the capital of the neighbouring country Bangladesh. Some of its camps are also located in Bangladesh, mostly in the Chittagong Hill Tracts. The State Government and the Meghalaya police have accused HNLC of indulging in a number of illegal activities, including killing, abduction, robbery, arms smuggling, cattle smuggling and extortion in the Jaintia Hills coal belt. It has also been accused of circulating fake currency in the state, supported by the Inter Services Intelligence (ISI) of Pakistan.

HNLC has claimed that it has tried to help the Khasi people and to make the society better. It launched Operation Kyllang (hurricane) to publicly punish rapists

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by torturing them, and claims to have reduced the crime in the Khasi Hills. It also calls for the boycott of the Indian Independence Day celebrations every year. It is opposed to the civil polls in Meghalaya, alleging that the elections would make the traditional tribal institutions powerless. Several of the HNLC members have surrendered over the years.

Julius K Dorphan, the former chairman of the outfit, who surrendered in 2007, claims that 'HNLC is nothing now', with only 55 cadres left in Bangladesh as of 2010. The outfit has expressed desire to hold political dialogues with the Meghalaya Government, since August 2010. The Shillong Khasi Jaintia Church Leaders Forum was designated as the official negotiator with HNLC.

Besides the above militant groups there are militant group like the Mizo national front in Mizoram, the All Tripura People Liberation Organization (ATPLO) etc.

### CHECK YOUR PROGRESS

11. Who sowed the seeds of separateness and secessionism in the region?
12. List three factors that formed the basis of the right to self-determination.
13. When did the NSCN-IM reach a ceasefire agreement with the Indian government?

### ACTIVITY

Conduct a survey on how many people from North-Eastern states leave their homes to find jobs in other states. You can use the Internet for your survey.

### DID YOU KNOW

The whole of Mizoram is a notified backward region and is categorized under 'No Industry State'. The state is possibly the most industrially backward state in India.

## 6.1 SUMMARY

In this unit, you have learnt that:

- India has been witness to substantial incursion of refugee populations all through its history.
- Refugees have created a crisis which has taken precedence over everything else. The refugees need much more in addition to clothing, vessels, additional food, soap and kerosene. However, the Indian government is not in a position to even try for any aid of this type because, millions of Indians survive on much lesser than this.
- In Assam, the number of refugees soared from 31 to 34 per cent of the state's overall population. The state government consequently requested the Central Government to seal Assam's borders to thwart additional inflow of migrants.

- The Chakma refugees migrated from the Chittagong Hill Tract (CHT) of East Bengal (the present Bangladesh) to the Mizo hills. They are settled largely in the states of Mizoram, Tripura, Assam, Arunachal Pradesh, Meghalaya and West Bengal.
- The Bru can be found primarily in the North Tripura, Dhalai and the South Tripura districts of Tripura state. nevertheless, they might also be found in Mizoram, Assam, Manipur and Bangladesh.
- In May 2010, about 1115 displaced Reang indigenous people (also known as the Bru) came back home to Mizoram from relief camps in Tripura; on 3 November, further 53 families returned home. These initial two groups of people to return, it is expected will be followed by the remaining of the 37,000 Reang, displaced in 1997, after assaults by the ethnic-majority Mizo in Mizoram.
- Bodoland is proposed state comprising areas situated in the farthest north of north bank, of the Brahmaputra, in the state of Assam. It is at the foothills of Bhutan and Arunachal Pradesh; populated mostly by the Bodo people.
- The formal Bodoland Movement for a self-governing state of Bodoland began on 2 March 1987, to establish a separatist group with the purpose of moving Bodos away from Assam.
- In July 2012, violence in the Indian state of Assam broke out with riots between native Bodos and Muslims. The first occurrence was reported to have taken place on 20 July 2012. Following this, on 8 August 2012, 77 people were killed and more than 400,000 were forced to flee to 270 relief camps, after being displaced from nearly 400 villages.
- The North-East is physically located in such a way that it is culturally, linguistically and ethnically very different from the other states of India.
- Currently rebellious movements are active in Assam, Manipur, Nagaland and Tripura.
- United Liberation Front of Asom was formed to set up an autonomous socialist Assam, through an armed struggle.
- The National Socialist Council of Nagaland (NSCN) was set up against the Shillong Accord and to establish a 'Greater Nagaland' ('Nagalim' or the People's Republic of Nagaland), on the basis of Mao Tse Tung's philosophy.
- The Hynniewtrep National Liberation Council (HNLC) has been formed to convert Meghalaya, as a province, solely for the Khasi tribe and free it from control by the Garo tribe. One more intent was to fight against the presence of foreigners, as the HNLC believes that the Khasi youngsters are denied the opportunities of development in the state.

## NOTES

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### 1.6 KEY TERMS

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- **Refugee:** A person uprooted from his homestead and country
- **Assam Accord:** A Memorandum of Settlement (MoS) signed between representatives of the Government of India and the leaders of the Assam Agitation in New Delhi on 15 August 1985

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- **Disenfranchised:** Deprived of power; marginalized
- **Election Commission:** A commission delegated to supervise an election
- **Tiger Reserve:** A facility where tigers are brought to live and be protected for the rest of their lives
- **Ethnocentrism:** Belief in the superiority of one's own ethnic group
- **Immigrants:** A person who comes to live permanently in a foreign country
- **Sedentary farmers:** Farmers who remain in the same place throughout the year

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### 1.7 ANSWERS TO 'CHECK YOUR PROGRESS'

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1. A refugee is a victim of political events; a person uprooted from his homestead and country, finds himself in a strange land where he is homeless, often stateless, and poverty-stricken.
2. The greatest controversy in Assam, during the post independence period took the form of a directly political conflict between the indigenous Assamese and the Bangladesh illegal migrants especially during the Pakistan Civil war in 1971. This led to considerable influx of both Hindu and Muslim Bangladeshi into the state.
3. The Assam Accord was signed between the Central Government and the leaders of the AASU in 1985.
4. In 1964, communal violence and the construction of the Kaptai hydroelectric dam was the reason that nearly 100,000 Chakmas were displaced.
5. The Chakmas had to leave their homes in the Chittagong Hill Tract due to the hydro-electric project and the Hajongs from the Mymensing and Sylhet districts and to escape the religious persecution.
6. There are two groups among the Brus:
  - (i) Meska and Mechak
  - (ii) Marchi or Malchhui
7. The problem of the people of this region is to distinguish themselves from other people of parts, based on ethnicity, where ethnicity means nation, people, caste, tribe and such other.
8. Ethnicity affects the human society in various aspects, it promotes cultural stability, encourages uniformity and social integration within an ethnic group.
9. The denial of Sixth Scheduled status for the Bodos, which would have given them constitutional protection when they needed it most to protect their land and identity, can be seen as one of the primary causes leading to the alienation of tribal land in the post-independence years.
10. The NDA (National Democratic Alliance) government signed a Memorandum of Understanding with the Bodo leaders on 10th February 2003, to create Bodoland Territorial Council (BTC).
11. The British sowed the seeds of separateness and secessionism in the region.
12. The right of self-determination is based on several factors. Some of the most important ones are:

- (i) Ethnic distinctiveness
- (ii) Distinct social life, way of living, laws and customs
- (iii) Different religion; Christianity and Animism

13. In 1997, the NSCN-IM reached a ceasefire agreement with the Indian government.

## NOTES

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## 1.8 QUESTIONS AND EXERCISES

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### Short-Answer Questions

1. In Nagaland, before the formation of the NSCN, which was the body involved in the activities of Naga Movement?
2. In a few lines, discuss the initiatives taken by the Government of India to bring members of the NSCN (IM) to the dialogue table.
3. The NSCN (IM) has been insistent on the integration of Naga-inhabited areas into a greater Nagaland. Which are these areas?
4. What is the cause for discontentment of the Bru and the Mizo?
5. What was the name suggested to the initial stage of the Bodo Movement?
6. Who was the chairman of the NDFB?
7. What were the different student non-Bodo unions that emerged after the cease fire of the NDFB?
8. The question of Bodo identity is based on demography. Explain briefly.
9. Do you think that granting of statehood to the Bodos is justified? Give reasons for your answer.

### Long-Answer Questions

1. Summarize the reasons that have led to the growth of insurgency in North-East India.
2. The origin of secessionist movement and ethnic conflict in Assam is deeply rooted in the history of Assam. Do you agree? If yes, then what are the reason that led to the formation of the ULFA in Assam?
3. What was the main reason that affected the leadership among the members of the NNC?
4. In your opinion will the activities of the NSCN hamper development in Nagaland? Answer in detail.
5. In Meghalaya, there exists an organization known as HNLC. What are their main programmes or agenda?
6. As long as Bodo militancy was at its height, efforts by Non-Bodo communities to organize themselves did not meet with much success. Do you agree? Justify your answer.
7. What were the reasons for the migration of Bangladeshis to North-East? \*
8. Who are the Chakmas? What were the reasons that led to displacement of this group?



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9. What steps have been taken by the government to protect the Chakmas in Arunachal Pradesh?
10. List the steps taken by the central and state governments, for repatriation of the Bru settled in Tripura and Assam.
11. Do you think that the refugee problem a universal phenomenon? If yes/ no cite the reason giving relevance facts and answers.

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### 1.9 FURTHER READING

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Barpujari, H.K.; *Problems of the Hill Tribes of North-East India (Vol I, II and III)*, Basanti Prakash, Gauhati, 1976.

Chattopadhyaya, S.K.; *Tribal Institutions of Meghalaya*, Gauhati, 1985.

Choube, S.K.; *Hill Politics in the North-East India*, Orient Longman, Calcutta, 1974.

M. Horam; *Naga Policy*, B. R. Publications, Delhi, 1975.

Mackenzie, A.; *North-East Frontier of India*, Mittal Publishers, Delhi.

Narain Iqbal (ed.); *State Politics in India, Chapter 18 and 19*.

Rao, V.V.; *A Century of Tribal Politics in North-East India*, S. Chand and Co., Delhi, 1976.

Sangma, Milton, S.; *History and Culture of the Garos*, Book Today, New Delhi, 1981.

Bhuyan, B.C. (ed); *Political Development of the North-East*, Omsons, New Delhi, 1989.

Paken, B, (ed); *Ethnicity, Nationality and Cultural Identity*, Omsons, New Delhi, 1989.

Varrier, Elwin, *Democracy in NEFA (NEFA, Shillong)*.

Talukdar, A.C.; *Political Transition in the Grassroot in Tribal India*, Omsons, New Delhi.

Mahanta, Bijan; *Administration Development of Arunachal Pradesh*, Uppal Publishing, New Delhi.

Luthra, P.N.; *Constitutional Development in NEFA*, Research Department, Arunachal Pradesh Government, Itanagar.

Gogoi, P.D.; *NEFA Local Polity*, Delhi University, New Delhi, 1971.

Mukherjee, Amitabh; *Genesis of the Indian National Congress*, in B.N Pande, A Centenary History of the Indian National Congress. Volume 1 1885-1919, Published by All India congress Committee, Vikas Publishing House Private Limited, Delhi, 1985.

Oliver Heath, Anatomy of BJP's Rise to Power; Social, Regional and Political Expansion in 1990s, in Zoya Hassan, Parties and Party Politics in India, Oxford University Press, New Delhi, 2002.

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# UNIT 2 TRADITIONAL SELF- GOVERNING POLITICAL INSTITUTIONS IN ARUNACHAL PRADESH— TYPOLOGIES, CHARACTERISTICS AND RELEVANCE

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*Traditional Self-  
governing Political  
Institutions in Arunachal  
Pradesh—Typologies,  
Characteristics and  
Relevance*

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### Structure

- 2.0 Introduction
- 2.1 Unit Objectives
- 2.2 Formation of Tribes
  - 7.2.1 Approaches to Study the Tribal Political System
  - 7.2.2 Major Tribes in Arunachal Pradesh and their Political Institutions
- 2.3 Political Institutions in Arunachal Pradesh
  - 7.3.1 Chieftainship
  - 7.3.2 Democratic Village Councils
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  - 7.3.4 Characteristics
  - 7.3.5 Relevance of Political Institutions
- 2.4 Traditional Political Institutions of the Nocte, Wancho and Khampthi
  - 7.4.1 Nocte
  - 7.4.2 Wancho
  - 7.4.3 Khampthi Mukchum
- 2.5 Political Institutions of the Adi, Apatani and Monpa
  - 7.5.1 Adi Kebang
  - 7.5.2 Apatani Buliang
  - 7.5.3 Monpa Tsorgan
- 2.6 Political Institutions of Nyishi, Mishmi and Tagin
  - 7.6.1 Nyishi Nyele/Yallung
  - 7.6.2 Mishmi Abbela/Pharai/Kabaya
  - 7.6.3 Tagin Gindung
- 2.7 Summary
- 2.8 Key Terms
- 2.9 Answers to 'Check Your Progress'
- 2.10 Questions and Exercises
- 2.11 Further Reading

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## 7.2 INTRODUCTION

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The term 'self-governing institution' is very controversial, because the conceptual connotation of the term 'self' is intriguing in many cases. If we consider the 'self' to refer to the tribe as a whole, then the political arrangement is coterminous with the village that divides the 'self', i.e., the tribe into spatial categories.

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Traditional self-governing political institutions also have their limitations in understanding the political arrangement in its totality for a tribe, when viewed from the general perspective. This is because the exclusion of women reduces the 'self' of the tribe to include only adult males. However, 'self' here refers to governance following one's own mores and usages without any influence of other forms of governance.

In Arunachal Pradesh, even today, traditional self-governing political institutions are considered to be an important factor playing a significant role in the form of institutions. The political career of the people is characterized by these institutions and so is the internal organization of individual villages. In this unit, we look at the intricacies of the traditional self-governing political institutions of Arunachal Pradesh.

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## 2.1 UNIT OBJECTIVES

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After going through this unit, you should be able to:

- Explain the nature and characteristics of the various political institutions of the tribes in the Arunachal Pradesh
- Recognize various self-governing traditional political institutions in Arunachal Pradesh
- Discuss the relevance of traditional political institutions of the Nocte, Wancho and Khampti
- Enumerate the typologies of the political institutions of the Adi, Apatani and Monpa
- Explain the self-governing political institutions of Nyishi, Mishmi and Tagin

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## 2.2 FORMATION OF TRIBES

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During the foraging phase in human evolution, people moved in groups from place to place in search of food, due to which their behaviour was not regulated. These groups were known as tribes. The animals they hunted for food, had to be shared with the women, children and old people, who could not participate in hunting.

The social norms of regulation in course of time evolved into a power structure in early human society. Different societies, however, displayed different structures depending upon the societal needs in course of their adaptation to environment. In this section, we shall discuss the political structure of the tribes with some examples to understand the tribal political system.

We know that the origins of tribe lay in the earlier stages of human evolution. They are called tribes because the life they led at that time was similar to the life of the groups of people whom we call tribes at present. This is what we understand by the idea of evolution of human beings. Here we have not used the concept of social evolution to study the origin of power structure.

In the early stage of human evolution, people lived in small groups and hunting and fishing were the effective adaptation strategies. We know that agriculture as an organized way of life started some 10,000 years back. By contrast, the emergence of human beings as hunter gatherers occurred some five millions years ago. The

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origin of the power structure dates back to the hunting gathering stage of life. Broadly, the power structure includes relations of power and authority, strategies of decision-making and the structure for social control.

Relations of power and authority usually refer to different bases of power and how one individual or group derives power and authority. It also refers to the forms of power such as influence, coercion, etc. The authority may be a democratic one, thereby delivering judgement on the basis of deliberation. It can be also autocratic like the chiefs. The decision-making process often may not be gender sensitive, especially in patriarchy where women are not allowed to participate in the deliberation. The structure of power for social control also varies and includes bands, tribes, chiefdoms and states.

Hence, we also find different types of political associations among the tribes. Vidyarthi and Rai (1985) have outlined three characteristics to which we can add one more feature; so in all, they become four. These are:

1. Political association based on clan/lineage;
2. Political association based on the village as unit;
3. Political association of a group of villagers of a territory;
4. Political association at the tribe level

From the discussed characteristics, the structure of the tribal political system can be outlined. Vidyarthi and Rai (1985) have provided the following structure of the political system existing in the tribal world of India (some examples are added):

- The Council of Elders, a temporary body of selected villagers, generally coincides with clan elders to look into cases brought before them. (Sometimes all village elders in principle are members of the village council as is the case with the Adis).
- The Village Headman, a hereditary post and/or subject to villagers opinion if and when required. (The Khampti village chief or the Tangsa village chief is a hereditary head).
- The Village Panchayat, a body of the panchs headed by the village Headman. The panchs are elected by the villagers directly. (There can be also a village council with an elected head. For example, each Khasi village had its Village Council called *Durbar Shnong* headed by *Rangbah Shnong*).
- The Union of Villages, a regional panchayat headed by the regional head (Can also be a body of selected members from village councils like the *Bango Kebang* of the Adis. It can also be a territorial council with the elected head, as is the case of the Khasi. The territorial organization called *Durbar Raid* has elected head called *Basan* or *Lyngdoh*).
- The Tribal Chief, a hereditary post of supreme judicial authority at the tribal level. (The tribe level chief can also be an elected head like the *Syiem* in Khasi state, the tribe level political organization of the Khasis).

### 2.2.1 Approaches to Study the Tribal Political System

We know that the tribes display diversities. They are at different levels of socio-economic development. Therefore, we have hunter-gatherers and chieftainship type communities. Scholars of tribal studies have come across different tribes in the course

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of their research and provided different perspectives to study the political system. The following are some of the perspectives to study the tribal body politics:

### **The typological approach**

This approach is based on the evolutionary perspectives as we have discussed in Unit 2. The political organizations have been visualised from simple to complex ones. As we have seen, Elman Service has defined four stages of social evolution which are also the four levels of political organizations: hunter-gatherer, tribe, chiefdom and state.

### **The terminological approach**

M.G. Smith has emphasised on the concepts over the types of political organization as an approach to study tribal political system. He has used such concepts as political action and political power, authority, administration, etc. to explain Nigerian state politics. He was of the view that the concepts are applicable to all types of political systems.

### **Factionalist approach**

Functionalism is associated with the names Bronislaw Malinowski and A.R. Radcliffe-Brown, among other scholars on tribal studies. The perspective is concerned with finding (a) reasons why people act the way they do, and (b) interrelations between different aspects of culture. Radcliffe-Brown emphasises the study of interrelations between social systems, namely politics, kinship, economics and religion. To study political system, he emphasises the ways in which politics and governance relate to other aspects of social structure like religion, economics and kinship.

### **Structuralist approach**

This approach is based on the study of Sir Edmund Leach. Leach (1954) in his book *Political Systems of Highland Burma* informs us of the social processes which create oscillation between two types of social organizations among the Kachin of Burma. These two organizations are *gumsa*, the hierarchical organization and the *gumlao*, the egalitarian organization. He has discussed social relations in the context of Kachin structures of belief. He has described the part believed to be played by ancestral spirits in the political order of the Kachin community. That is why his approach is labelled the structuralist approach.

### **The dynamic approach**

Max Gluckman does not find the functionalist approach adequate to explain the tribal political system. He is critical about the oversimplification of the political system by the functionalist who finds traditional societies to be simple and static. To him, society and thus the political system is not static; instability is regarded as normal and rebellion is a permanent process. So the study of political system needs a dynamic approach.

Generalization of any approach to study tribal political system has its own limitations. However, the approaches provide the basis to understand the system from different perspectives.

## 2.2.2 Major Tribes in Arunachal Pradesh and their Political Institutions

Arunachal Pradesh is a land of multi-ethnic groups. It is believed that there are around 26 major tribes and more than 100 minor tribes. Mentioned below in the table are some of the communities and names of their political institutions.

*Table 7.1 Major Communities of Arunachal Pradesh and their Political Institutions*

Sl. No.	Communities	Political Institution
1	Adi	Kebang
2	Aka	Mele
3	Apatani	Buliang
4	Bugun	Nimiyang
5	Digaru Mishmi	Kabaya
6	Miju Mishmi	Pharai
7	Idu Mishmi	Abbela
8	Galo	Keba
9	Khamba	Khampshu and Tsondi
10	Khampti	Mukchum
11	Meyor	Tsongo
12	Monpa	Tsorgan
13	Nocte	Ngonthung
14	Nyishi	Nyele/Yallung Dupam
15	Nah	Keba
16	Sherdukpen	Jung-me
17	Singpho	Tra-tangdai or Shiphang-tangdai
18	Tagin	Gindung
19	Tangsa	Ruung, Rangtun, Rungkathin etc.
20	Wancho	Ngojowa

### CHECK YOUR PROGRESS

1. Why were people in the earlier stages of human revolution divided into tribes?
2. Which were the effective adaptation strategies of the people in the early stage of human revolution?
3. Name the different types of political institutions among the tribes, as outlined by Vidyarthi and Rai.

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## 2.3 POLITICAL INSTITUTIONS IN ARUNACHAL PRADESH

As mentioned earlier, each group has its own system of governance. It is often based on kinship, networks and alliances between extended families and clan groupings. The clans may be sharing a common ancestor or may have their respective ancestors. Broadly, the traditional systems of governance can be classified as chieftainship, democratic village councils and gerontocracy.

On the basis of the form of power structure, a tribal society in Arunachal Pradesh can be broadly divided into *cephalous* and *acephalous*. In *cephalous* communities the chief may be for the whole tribe (Khamptis), for a territorial section of the tribe (Noctes), or for each individual village of the tribe (Tangsa). In former two cases each village also has a chief (Khamptis, Singphos and Noctes).

The authority in *cephalous* communities may be a secular head or a religious head. The religious head combines the judico-administrative power to govern his people and then the form of governance takes a theocratic form. In many cases, however, the religious head is different from the tribal/clan/lineage head. Naturally, the political system is said to be secular in nature. The secular-theocratic distinction also may exist in *acephalous* communities. In such communities, the power structure varies from the role of individuals to village elites and to all village elders. The role of individual is important in clan/lineage based villages. Usually the clan or lineage head is the decision maker as is the case among the Kaman Mihsmis.

In such communities, the role of arbiter is also important. The Gindu/Gindung (middleman, arbiter) in Nyishi and Tagin communities has an important role to play in organizing Nyele/Yallung Dupam, a council of elders, when the need arises. Even arbiter(s) can mediate between two disputing parties. In multi-clan villages, with a sort of stratification, the members of higher social division (gerontocracy) form the body politics. The *Buliang* of the Apatani or the *Jung* of the Sherdukpen can be taken as examples. Among the Adis, Galo and Apatani, the councils exist at village, territory and often at tribe levels.

### 2.3.1 Chieftainship

The Nocte, Wancho, Singpho and Khampti tribes follow the chieftainship system. Among the Khamptis, there is a chief for the whole tribe called the *Chou-pha Konmung* and a chief for each village called the *Chou-man*. However, the Noctes, Singphos and the Wanchos do not have a chief at the tribe level; these communities have territorial chiefs. For example, the Ningroo chief and Bisa Gam are territorial chiefs in the Singpho community. Among the Noctes, a number of villages come under the Namsang and Borduria chiefs (Namsang and Borduria are two big villages in the Nocte community).

Along with the chiefs, there are councils. The council of the Khamptis is known as *Mukchum*; and that of the Noctes is known as *Ngongwang*. When members of a tribe do not have a common ancestor, then each group, with its distinct dialect/language, may have a different name for the village council. The traditional village council of the Koro group of the Akas in East Kameng District is called *Nelley*, while that of Hrusso group of the Akas in West Kameng District is called *Malley/Mele*. Similarly, in the Tangsa tribe it is known as *Ruong*, *Rangtun* and *Rungkathin* by the Longchang, Muklum and Yogli sub-tribes respectively.

### 2.3.2 Democratic Village Councils

The democratic village councils are of two categories: The first one is the council of the Monpas with an elected head of the council called *Tsorgen*. The second is a council of all the adult members of the village, popularly known as *Kebang* among the Adis. However, in practice, elderly men with knowledge of tradition and skill in oration actively participate during any session of the council. The membership is not permanent and the council is held when the need arises. The system has extended beyond the village to cover a group of villages and finally to all the villages. This system is popular among the Galos and Adis—the council for a group of villages is practically a territorial body known as *bango*; for all villages of the tribe, it is known as *bogum bokang*.

The *bogum bokang* is the apex body and is a tribe level institution. The concepts of *bango* and *bogum bokang* are not new. In Adi mythology, it has been mentioned that *bango* and *bogum bokang kebangs* were held to settle territorial disputes or those disputes involving the entire community including animals. During the time of independence, the tribal councils were organized at village, territorial and tribe levels.

### 2.3.3 Gerontocracy

Gerontocracy prevails among the Apatanis and Sherdukpens. The village organization of the Apatanis is called *Buliang* whose members (the *Buliangs*) are more or less hereditary. The *Buliang* also exists at the inter-village and tribe levels. Besides, there is the *Gondu* who acts as an intermediary between conflicting parties. He is authorized to settle disputes without calling the *Buliang*. But when a matter relates to the whole tribe, a *supung dapo*—a tribe-level organization—is organized.

According to Sherdukpen mythology, the descendent of a Tibetan chief established the community. The Sherdukpen community has two social divisions, namely *Thong* and *Chao*. The clans in the *Thong* group are the descendants of the chief who migrated and established the community. In a Sherdukpen village, the body politics is called *Jung*, which has a member from the *Thong* group of clans as the chief. The position of chief is not hereditary—chieftainship is not restricted to a family or a particular clan; rather it is held only by the upper division of the community, i.e., the *thong*.

Besides, there is a type of village council organized through a mediator. This practice prevails among the Nyishis and Tagins—the mediator or arbiter is called *Gingdung*. Among the Mishmis, the village or clan elder organizes the council inviting other members when the need arises.

Interestingly, similarity of religion does not assure similarity of village councils. The Khamptis are Buddhists of Hinayana sect and have a chieftainship type society. On the other hand, the Monpas who are Buddhists of Mahayana sect have a council for each territorial unit with an elected/selected head for a period of three years.

Traditional village councils settle various disputes and there are different ways of marking the occasion. In some tribes, a community feast is organized. But among the Akas, a formal memorial stone is erected to mark the settlement of any dispute.



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### 2.3.4 Characteristics

When we look at the political institutions of various communities of Arunachal Pradesh the following characteristics are visible:

1. There is a gender bias in almost all of the political institutions. Women in most of the tribes cannot be members of the council. Further, in many of the councils, for example the Buliang, women cannot participate in the proceedings either.
2. In the democratic type of governance, we usually find three levels—village, inter-village and all tribe councils. For example the buliang of the Apatani, the kebang of the Adi and the keba of the Galo are organized into these three levels. The councils have limited democracy and are not fully democratic institution. For example in most of the case the women are left out of the process of decision-making. Among the Monpa only males who own taxable land can contest for the office of the Tsorgan. Since the institution does not ensure participation of all the members of the community it is not a fully democratic institution.
3. In Arunachal Pradesh the political organization is more related to the pattern of migration than to kinship or relationship as found usually in African tribes.
4. In chieftainship type, the office is mainly hereditary within the clan.
5. Among the Buddhist tribes the political institution is never a theocratic institution.
6. The deliberations in village councils are characteristics of a deliberative democracy and interactions could be understood in terms of a dialogue of three parties—plaintiff, the accused and the mediating persons.
7. The traditional political institution is not a homogenous manifestation. It is broadly a bipolar division of acephalous and cephalous societies.

The characteristics may not be generalized, but specific to types which exist. For example a characteristic in democratic village council may not exist in a chieftainship type. The chieftainship type the society is stratified. In all types there is no egalitarianism in terms of participation in council.

### 2.3.5 Relevance of Political Institutions

No society is conflict free. The conflict arises in sharing the resources like hunting grounds. The conflict arises also in the violation of social order and harmony that is deviation from social norm. So, in order to maintain the harmony and stabilise the social order, a controlling mechanism is essential. The political system in Arunachal Pradesh serves the purpose.

Human societies are not homogenous. Each type of society has its opportunities and challenges to address. That is why, the political organizations are not of one type. The relevance of political organization varies from society to society. No doubt we have different types of political institutions.

Tribal societies are not specialized societies, in other words, different aspects of life are not separate entities. They are inter-related and integrated. Precisely, the political organization cannot be separated from other organization like social, religious etc.

The political institutions in Arunachal Pradesh, therefore, not only perform political duties but also take decisions on matters relating to development, agriculture, religious occasions, social issues and so on. In other words the relevance of the political institution and its function in tribal communities is the consistency with the holistic worldview of the people.

In absence of formal social control mechanism, the role of traditional political system bears greater significance which draws its authority on customs and traditions. Further, in absence of modern legal system the political organization is indispensable for dispensing justice and maintaining social harmony.

Even today in case of Arunachal Pradesh the traditional political institutions are important as their authority in dealing with cases of civil nature is recognised in the Assam Frontier (Administration of Justice) Regulation, 1945.

### **CHECK YOUR PROGRESS**

4. What is the system of governance of each group often based on?
5. Which are the broad headings that the traditional system of governance can be classified into?
6. What kind of an authority do the cephalous communities of the tribal society of Andhra Pradesh have?

## **2.4 TRADITIONAL POLITICAL INSTITUTIONS OF THE NOCTE, WANCHO AND KHAMPTI**

Khampti is the only tribe in Arunachal Pradesh that has chiefs at two levels; the tribal level and at the village level. Besides Tangsa and Wancho, the Nocte and Singpho have a territorial level chief and a village level chief but not the tribe level chief. Examples of the two paramount territorial chiefs among the Noctes are Borduria and Namsang Chief.

Wancho and Tangsa also have a chieftainship type of society but they do not have a tribe level chief or territorial level chief, but they do have village level chiefs. In some villages, the village level chief seems to be a territorial chief when the members of the original village migrate to different locations within the village and establish separate hamlets. For each hamlet there is also a chief but he is considered subordinate to the paramount chief of the original village. This could not be a territorial chief because this is a pattern different from chieftainship of Singphos and Noctes.

### **2.4.1 Nocte**

The Nocte (literally, village people) are one of the tribes of Arunachal Pradesh. Their population is around 33,000 and they live in the Patkai hills of Tirap district of Arunachal Pradesh. Racially, they hail from the Konyak Naga, whose genesis can be traced back to the Hukong Valley in Myanmar, from where they migrated, between 1670 and 1700. They are headed by chiefs who exercise their powers across the village. They work in consultation with the village elders and religious heads on all key social and religious ceremonies. Earlier, the Nocte practiced the faith of Theravada Buddhism and Animism, but later, they turned to Hinduism since the 18th century.

Loku, the meaning of which in literal terms is 'pushing out of the seasons of the passing year', is the biggest festival of the Nocte. In the festival, the duration of which is three days, cattle are slaughtered, there are amusement activities and food is gathered. Agriculture is the prime occupation of the Nocte and they plan their daily diet well. The

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prominent crops cultivated by them are rice and maize, as rice is also their staple diet. Their food also comprises leafy vegetables, fish and meat. Among beverages, local liquor made from rice, tapioca and millet is a favourite among the Nocte, though in recent times they have also started to drink tea.

It is a trend among the males of the tribe to shave the hair at the front of their head and tie the back tuft of hair into a chignon just above the nape. The women of the tribe have long hair which is tied into a bun and kept at the back of the neck, though widows, who decide not to marry again, cut their hair short. Similar to the Wancho, they tattoo their faces and bodies.

The Nocte build houses out of stilts, though the house belonging to the chief is made of carved massive blocks and has wooden pillars. Bachelors and unmarried women live in separate dormitories. As their tradition has it, elders train the children in traditional mythology, folklore and beliefs. As far as Christians of the tribe are concerned, their teachings are blended along with the tribal traditions, which can be seen in Catholic converts. One of the two titles is used to address chiefs: Namsang and Borduria.

### 2.4.2 Wancho

Wancho is the tribe that can be found in the Patkai hills of Tirap district in the state of Arunachal Pradesh. They have a population of 35,000. They are Naga by culture and are ethnically related to the Nocte and Konyak Naga of the Mon and Tirap regions. The language of the Wancho is the same as that of the Tibeto-Burman family.

In terms of religion, the Wancho, together with the Nocte and a small minority of the Konyak, still retain the beliefs of Animism. The beliefs of the Animist Wancho lie in two powerful deities, Rang and Baurang. Tattoos are very important among the people of the Wancho tribe. Traditionally speaking, a man is tattooed on his four limbs and all over his face, leaving aside specific areas around the eyes and lips. The women folk are heavily clad with necklaces and bangles and also have some tattoos.

As per their tradition, the Wancho are headed by a council of elderly chiefs, who are addressed as Wangham or Wangsa. Similar to majority of the neighbouring tribes, the Wancho build homes of wood and bamboo. The roofs of their houses are thatched and made up of dry leaves. Till 1991, the Naga tribes were actively involved in human headhunting. Thereafter, both, the government and missionaries took steps to ban the practice of headhunting. Now this is restricted to animals.

### 2.4.3 Khampti Mukchum

The Khamptis have a chieftainship type of society. This institution they brought with them from their place of migration. They migrated to India under the leadership of Chau-Ngi-Lungkeing-Kham. In India, they had a tussle with the Singpho chief Beesagam and they won it by their cleverness. It is said that the chief who termed the water of the river sour, as per the condition of the tussle, assumed the title Namchoom. Since then a member from the Namchoom clan becomes the chief of the tribe. When Chau-Ngi-Lungkeing-Kham migrated to India, he was accompanied by his two brothers, Chautang and Lungking.

Descendants of these two brothers are Chautang and Lungking clans in the Khampti community. Besides Chautang and Lungking, Manjey, Munglang, Manjekhun are also royal clans because their ancestors were chiefs in one or the other principality while they were living in Burma. But in India in a village, if a member of Namchoom clan is not available it is either Chautang or Lungking who becomes the chief.

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It is to be noted that the Khampti society is divided into three groups namely, Phanchau (members of royal clan), Paklung (members of common class) and Phane-on (member of lower clans). It is always the members of the Phanchau group who become the head of the village with preference to Namchoom followed by Lungking and Chautang.

Khamptis have a chief at the tribal level known as *Chaukha-Kongmong*. In addition to the tribal chief, each Khampti village has a chief known as *Chauman*. The chiefs have their own councils through which they discharge their various duties in the matter of settling disputes, organizing wars, and organizing economic pursuits. The council of the Khamptis is known as *Mukchum*. Only an adult male can become a member of *Mukchum*.

The tribe level chief *Chau-Fa-Konmung/Chaukha-Kongmong/Chau-Fa* may be called the defacto owner of the land of his area. The office of the *Chau-Fa* and *Chauman* is hereditary within the clan but not in the family. That means the office can be assumed by member of any family belonging to the royal clan. Generally first preference is given to members belonging to the Namchoom clan.

The *Chau-Fa* should always come from a royal clan. But in case of *Chauman*, if there is no royal family in the village, a member from the clan which has the highest status in the clan hierarchy assumes the office. A chief can hold the office till their death, or their relinquishing the post voluntarily or being incapacitated by old age.

Most of the affairs of the village fall under the jurisdiction of the *Chauman*. But he can consult the *Chau-Fa* if need arises. Behera (1994) has stated the following as the function of the *Chauman*:

- Allotment of land to individual households;
- Allotment of land to a newcomer who wants to settle in the village;
- Resolving internal disputes and quarrels of any sort in the village
- Allotment of land to the government
- Organizing cooperative activities for digging or repairing irrigation channels; common fencing etc.; and
- Imposing fines or punishment on the offenders of the customary law of the community and to those who practise witchcraft or sorcery.

The *Chauman* commands greatest respect in the village; he is the symbol of pride and prestige of the village. He is also given due respect by the headmen and common members of other Khampti villages.

Though the *Chau-Fa* is the head of the tribe he never interferes in the function of the *Chauman*. However, he is also the functional head of the tribe. The *Chau-Fa*'s permission is sought for in cases when:

- a new village is to be established;
- a tribal man other than a Khampti wants to settle in the area;
- the Government wants to occupy land which does not fall within the jurisdiction of any village. (Behera, *ibid*)

Further, he also settles the inter-village disputes, negotiates with outsiders on behalf of the community and he can also impose fines or punishments according to the *Thamsat* on the offender of the customary law. However, he consults the *Mukchum* in every

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matter. Efficient, intelligent persons of the community can become the members of the *Mukchum* and they are known as *Chau-Kan-Chau-Ho*.

The chief exercises his authority through a council of members chosen by the villagers in accordance with written rules of procedure known as 'Thamasat'. The Thamasat contains a good deal of legal measures pertaining to criminal law and procedure, law of contracts and civil procedure.' Verrier Elwin (1965-2007) in *Democracy in NEFA* describes the *Thamasat* as follows:

'The thamasat contains a good deal of secular law such as criminal law and procedure, law of contracts and civil procedure as well as rules of morality and religion. Through the ages, the principle of law as laid down in the *thamasat* has been used for deciding legal matters by interpreting it to suit the changing requirement of the people.

... the *thamasat* lays down that the minimum numbers of members who are to sit for the purpose of deciding any legal case shall not be less than six, and that they must have such qualities as noble birth, fluency of speech, knowledge of law, a sense of humour and an indifference to bribe.'

Before trying a case, the Khampti chief forms a *mokchum* (council of members recruited from people of various social statuses) and with concurrence from them fixes a date for the hearing. Before the proceedings both the parties offer flowers to the councillors as a token of honour to them.

The Chief then summons the plaintiff to state his case and all the important points of the statement made are recorded. After hearing the plaintiff and his witness they are allowed to leave the house and then the accused is called to give his statement for the case. In the absence of the plaintiff and the accused, the session among the councillors and the Chief begins and the sacred book *Thamasat* is consulted for determining the nature of any punishment to be administered.

The Khampti chiefs, though powerful, can never be autocrats because of their lineage and a check from royal class members.

### CHECK YOUR PROGRESS

7. What is the basis of the traditional political institutions of the Nocte, Wancho and Khampti?
8. Which is the only tribe in Arunachal Pradesh that has chiefs at two levels? Which are these levels?
9. What is the racial descent of the Nocte?

## 2.5 POLITICAL INSTITUTIONS OF THE ADI, APATANI AND MONPA

Although the political institution of the Adi, Apatani and Monpa is basically democratic, their forms are different. In all tribes, the political council is operational at three levels. Among the Adi and the Apatani there is village council, inter-village council and tribe council whereas among the Monpa, the council is operational at the segment level within the village, the village level and inter-village level.

All the members of a village become the members of *Adi Kebang*, through individual proficiency in Adi customary law and traditions. Those with good oratory skills

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can deliberate on the issue. However, no one is stopped from putting forward his opinion. While among the Monpa it is the *Tsorgan* and few invited people, among the Apatani it is only the *Buliang*. In terms of participation of women, there is no restriction on participation of women in Adi council or the Monpa council but they generally do not participate. While among the Apatanis, women are not allowed to participate in the *Buliang*. The membership becomes restrictive in nature among the Monpa as only individuals from families having taxable land can become a *Tsorgan* by election or selection. In the Apatani the *Buliang* has taken the form of gerontocracy where the office of the *Buliang* is inherited usually by the eldest son.

### 2.5.1 Adi Kebang

The history of *Kebang* is as old as the history of the origin of the tribe itself. Nobody has any concrete idea as to how the *Kebang* originated. The only sources from which we can draw a conclusion regarding the origin of the *kebang* are *Abang*. One of the legends states that at the very beginning there was no organized system of administration. Consequently a great confusion prevailed everywhere and in the chaotic situation, spirits, man and animal suffered alike. All beings, therefore, decided to have their own separate *Kebang* to regulate their affairs.

Thus, the animals have their own *Kebang* venue called *Lotta*, spirits have *Notko* and the human beings have *Musup* or *Dere*. Another story explains that *Pedong Nane* gave birth to numerous spirits, animals, birds, *Doni* (the first man), *Doro* (the father of *Robo*, the sylvan believed to be living in the hillock and peepal or fig tree), etc.

At that time there was no distinction between gods, spirits, men and animals. They lived together peacefully. But the growing population caused great congestion everywhere and consequently, quarrels and fights among them became a regular feature. To maintain peace and order, the wise men from all over the world held a *Kebang* and decided to apportion the land and wealth of the world. The property was therefore distributed to the millions of children of *Pedong Nane*. *Doni* or *Tani* the first ancestor of human being took active part in the *Kebang* and got the largest and best share. The *Adi* believe that the present tradition of *Kebang* system had been derived from the custom of *Doni*.

*Kebang* derives its power from the people of ancient times and the fact that it is the expression and will of the entire people. It has not only social sanction but also supernatural sanction. It is believed that giving false evidence and wrong judgement may incur the wrath of *Donyipolo* and *Gumin Soyin*, which can cause one to suffer in life or die young.

In *Padam* dialect, gatherings of people are called *adum*, *gidum* and *dudum* and the people present at the gathering are known as *adumsuna*, *gidunsuna* or *dudumsuna*. When *dudumsuna* is discussing, debating and taking decisions on certain subjects they are sitting in a *Kebang*. So *Kebang* is an institutionalised body that has the collective responsibility of taking decisions. The village elders present in the *Kebang* are collectively known as *Kebang Abu* and selected representatives of the clan are called *Gam Abu*.

*Kebang*, an institution developed and practised by the *padams* since time immemorial, exercises the highest legal and judicial powers of socio-political control. The *Kebang* regulates all the activities of the *padam* life. However, there is no fixed time for holding *Kebang*. It is arranged only when need arises. *Kebang* is generally convened for judicial, developmental and socio-religious purposes. In the *Kebang* all types of disputes

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arising in the village, inter-village and tribe are discussed, debated and decisions implemented within their respective jurisdiction.

Traditionally four types of *Kebang*, namely, the *Erang* or *Opin Kebang* (*Kebang* within the clan and sub-clan), *Dolung Kebang* (village *Kebang*), *Banggo Kebang* (inter-village *Kebang*) and *Bogum Bokang Kebang* (the highest and supreme body of the whole tribe) are practiced in the *Padam* society.

### **Erang or Opin Kebang**

The clan loyalty of the *Padams* is so strong that the members of the same clan or sub-clan are always trying to solve the problems that have arisen within the same clan or sub-clan through *Erang Kebang*. In this *Kebang* only the clan members are invited to settle all kinds of clan affairs like conflict among the clansmen, deceit, sharing of ancestral property, etc. The decision of *Erang Kebang* is always kept secret from other clans. The feeling of clan solidarity is more evident in *Damro* village where clan wise settlement still exists. However, when the clan fails to make a decision, the case is brought before the *Dolung Kebang*.

### **Dolung Kebang**

*Dolung Kebang* is the most effective body of the *Adi* society. It carries out the administrative, legislative and executive functions of the village. Its jurisdiction is limited within the boundary of a single village but it is the most powerful unit of the entire *Kebang* system and nothing can be done without its approval.

### **Banggo Kebang**

*Banggo Kebang* is the body of a particular administrative area comprising a group of villages as per geographical location (Megu, 1999:213). It formulates laws and policies concerning the *Banggo* besides resolving inter-village disputes and cases of more serious nature.

### **Bogum Bokang**

It is formed by all the *Banggos* of the *Adi* tribe and composed of influential elders. *Inter-Bango* disputes are settled in the *Bogum Bokang*. However, usually the discussion in the *Bogum Bokang* is mostly centred around issues relating to the tribe rather than disputes.

## **2.5.2 Apatani Buliang**

The *Apatani* legend holds that there was chaos all around and hence various *Buliangs* had to be constituted to maintain peace. It is said that *Sango* and *Hago* were the first *Buliang*. Further, four *Buliangs* are recognised by the *Apatani* from the earliest times. These are *Miido Buliang*, *Kiidi Buliang*, *Kiimer Buliang* and *Neha Buliang*. *Miido Buliang* was created to mediate between the gods of the Sky and humans. *Kiidi Buliang* mean *Buliang* who deal with soil and corpses; and their duty is burial of dead body. *Kiimer Buliang* are persons appointed to castrate pigs.

The pig is an important ritualistic animal and the *Apatani* believe that the spirits or gods do not accept un-castrated pigs. Such works are usually performed by women. *Neha Buliang* is constituted to settle dispute arising among humans. Therefore, *Buliang* can be termed as a politico-religious institution rather than just a political institution. The *Buliang* basically means mediator.

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Here we will discuss the Neha Buliang which is the political institution constituted to mediate and settle disputes arising between two persons. Buliang are said to have originated at a mythical place called Iipyo. There was chaos everywhere therefore Buliang had to be constituted to regulate the society. Since its origin is embedded in the origin myth of the Apatani, the Buliang has both the social and divine sanction. The members of Buliang are drawn from different clans of a village. Therefore, all the clans are represented in the Buliang.

Persons with in-depth knowledge of customs and traditions who also have good oratory skills are usually selected as Buliang. They are men with personal standing in the society, character and ability. Sometimes, depending on the wealth and status of a clan one or two Buliang may be selected from the clan. It is said that earlier, the Buliang was based on selection and election but now it has taken a hereditary form. Thus nowadays, Buliang come from a particular family.

The eldest son usually inherits the position and status but it also depends on the willingness of the father and the ability of the person. Women cannot become the member of the Buliang. Hence, in absence of son the nearest consanguineous male kin of the Buliang inherits his position and status.

The Buliang operates at three levels. The first is the clan level Buliang which represents the uru (phratry); second the village level Buliang and finally the community or the tribe council. But unlike the Adis, the Apatani do not have different nomenclature for these three levels and hence all are referred to as Buliang.

The Buliang consist of two structures. They are Buliang proper who are contributed by powerful families in a clan. The less powerful families of a clan are not left unrepresented. Hence, one or two representatives are chosen from these less powerful families of a clan. They are known as Miha Pello. The Miha Pellos are involved in all the deliberations and decisions of the Buliang.

However, in religious ceremonies they do not receive the same rewards/gifts called Buliang Amang. For instance, if the Buliangs get ₹100/-, the Miha Pellos will get ₹50/-. The Miha Pellos are also expert in tradition and customs of society but the main difference between them in terms of membership is that the Buliang is permanent and hereditary whereas Miha Pello is a temporary membership.

Buliangs are collective upholders of the customary usages. Though they do not have absolute power but they act primarily as the spokesmen of their own clan or clan group and not as a village headman invested with absolute authority. Their duties are those of arbiters rather than judges. They do not take action unless they are requested to intervene or the dispute has become a public issue, which must be dealt with by the community as a whole, either by mediation or by use of force.

The Buliang can only use absolute power when the disputes or problems disturb the peace of society as a whole. It acts as judicial body in settlements of disputes. They use the Koter (small split bamboo sticks) to count the points of merit and demerit during the proceeding of a case. Accordingly they award the punishment to the culprit and decide the case. In addition to it, certain social and welfare functions are also taken up by the Buliang, like providing social security to the people. The basic objective of the Buliang is social cohesion and stability through collective action.

The Buliang does not initiate resolving a dispute between individuals, families or clans until asked to. If a dispute arises, one of the parties or both persuade a Giitu-Giira (knowledgeable person) to act as a Gondu (mediator) and settle the dispute. When the



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case is not settled by the Gondu or an amicable solution is not arrived at in the sitting of the Gondus, one of the parties or both may appeal to the Buliang for settlement of the case.

The Buliang then send a message to other Buliangs of the village through the Miha Pello indicating the nature of dispute, the time, place and day for the meeting. When there is a large-scale dispute involving the entire community the message for deliberation on the issue is sent to all the Buliangs of the community. The deliberation usually takes place in the house of one of the disputants or his relatives or at the Lapang, the community platform. Each of the parties involved in the disputes are represented by village elders or in some cases disputants may represent himself. The representatives of the disputants put forward their respective case to the Buliang. Therefore, both the parties are allowed to put across their grievances.

Initially the dispute is taken up by the Buliang of the village and in most cases the disputes are resolved by the village Buliang. However, if the village Buliang is unable to come to an amicable solution, they seek the support of the Buliangs of other villages.

The Buliang settle all kinds of disputes ranging from dispute over resources to marital discord, theft, assault etc. Earlier when there was inter-village dispute, a man of the aggrieved village would put on the warrior dress and would demonstrate the war tactics. This form of demonstration is termed as Gyambo Sonii. Such demonstrations were performed in the agricultural fields of the village that were the cause of the grief.

The performance destroys the agricultural crops. Bower (1953), mentioned witnessing such a demonstration in the year 1947. The demonstration was carried out by the people of Dutta against Radhe Talang of Biila village to show their grievance regarding a cattle-related dispute. In such cases the Buliang takes initiative to settle the dispute.

The decision of the Buliang is usually accepted by the members of Apatani society. However, when a party or a person does not comply with the decision of the Buliang, the Buliang can initiate a Dapo (which is an instrument of coercion in terms of politico-judicial Buliang). The Dapo consists of the Buliangs, the Miha Pello (young Buliangs) and Giitu-Giira (knowledgeable persons). They gather together usually in the house of the disputant. Such gathering is termed Min-Parnii, where the decision are briefed to all the Buliang and Giitu-Giira, and it signifies the initiation of Dapo. Min-Parnii takes place in all the villages to deliberate on the decision and initiation of Dapo. Therefore, before initiating a Dapo the matter is thoroughly discussed in all the villages.

This gives a community sanction to the action to be undertaken by the Dapo. The Dapo has the right to punish an erring individual in the form of penalties or even corporal punishments. One case of execution of death penalty by Dapo in 1945 is reported by Haimendorf (1962). The thief Chigin Duyu of Duta village stole cows from both the Apatani and the Nyishi neighbours. This caused tension within the Apatani community and also between the Apatani and the Nyishis. He was caught red handed while stealing a cow from Hangu Village.

The Buliang of the Hangu village held a council and decided to enlist the support of other villages in dealing with the offender. Therefore, Min Parnii was conducted in all the villages except the village to which Chigin Duyu belonged. Dapo was initiated and the convict was arrested and death penalty executed at Talyang Lapang of Hangu village.

### 2.5.3 Monpa Tsorgan

The political institution of the Monpa is the *Tsorgan* system. But before the advent of Buddhism, they were under the administration of *Khyes*, the aristocratic class. The *Khyes* were men of noble blood who stayed in *Khars* or stone houses. Nothing much is known about the origin of the *Khyes*.

In the eleventh century, under the guidance of Terthun Pemalingpa, a monk, the Monpas embraced Buddhism. The villages were reorganized in the process and a self-governing system for both religious and secular purposes was established.

Elwin (2007) mentions that new settlements and building up of communications between them were of such magnitude that the *Khyes* were neither able to provide the requisite leadership nor were sufficient in number to do so. The settlements had to elect a village chief called *Tsobleh* (term used by Tawang Monpa) or *Michen* (term used by Dirang Monpa). Persons from prominent households of the village were selected as *Tsobleh* initially for a period of one month. Therefore, every member of every prominent household, had the chance to attain the status of *Tsobleh*.

The responsibility of the *Khyes* was to protect the area from attacks of neighbouring Tibet and Bhutan. Each time a new *Tsobleh* was elected, the *Khyes* were informed and the *Tsobleh* became the only person *Khyes* could contact for organizing measures concerning the tribe as a whole. Along with day to day affairs of the village, the *Tsobleh* was also entrusted with the responsibility of supervising the running of various religious shrines and ensuring that due ceremonies are performed. The position of the *Tsobleh* was honorary and no remuneration was paid to them.

The *Tsobleh* system continued till it was taken over by officers known as *Tsorgan*. Elwin (2007) states that such a change may have been made around the 16<sup>th</sup> century when the population of Tawang valley increased.

With the establishment of Tawang monastery, the monks virtually became the administrators. They were designated as *Dzongpons* (head of a district) and functioned from *Dzongs* (districts).

The *Dzongpons*, besides settling disputes, also supervised the village administration in the collection of revenue in form of *Khrei* (agricultural tax). That is why in many writings we find that the Monpa political system is categorised as theocratic. After the fall of Lhasa and establishment of regular administration by the Government of India, the *Dzongpon* system was given up and now the *Tsorgan* constitutes the political institution of the Monpas.

#### Structure

The *Tsorgan* is composed of *Tso-Tsorgan*, *Tsorgan*, *gomi*, *thumi* and *chupons*. In Monpa, *Tso* means traditional territorial division comprising of 5-10 villages. The word *Tsor* means chief and *gan* means responsibility. Therefore, *Tso-Tsorgan* is the chief of the *Tso* who has the responsibility to look after it and *Tsorgan* mean the chief of a village with responsibilities to look after the village.

Each village is further divided into *Kachungs* or segments for administrative convenience. Such segments are headed by the *gomi*, *thumi* or *tsobleh*. Different terminologies are used by different groups of Monpa due to dialectical variation. For example, instead of terms like *gomi*, *thumi* and *chupons* of Dirang Monpa, the Kalaktang Monpa use the term *gomdung* and *gopdulangpas*.

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The arrangement in different villages also varies. For example, Lhou village is divided into six kachungs and the gomi heads the kachungs. He is assisted by a few thumis. While in villages of Dakpaneng area, the village is either headed by Tsorgan or Thumi. The thumi selects two chupons as his assistants. He further selects few tsoblehs depending on the size of the village.

Therefore, we can say that the politico-judicial institution of the Monpas is structured into the dzong or district headed by Tso-tsorgan, the village head- tsorgan and subsidiary functionaries like the gomi, thumi etc.

### Composition

The Tso-Tsorgan is elected/selected by the Tso General Assembly called Tsopa. All the adult male members residing in a particular district/dzong automatically become members of the Tsopa. Therefore, the general council is headed by the Tso-Tsorgan. Tsorgan is selected by the village assembly called the mangma and all the adult male members of a village are its members.

However, a woman can also participate in the meeting of the tsopa or mangma. Hence the head of the village council is the Tsorgan. The tso-tsorgan or tsorgan is selected on the basis of his knowledge and versatility of traditional conventions and customary laws, oratory skills, integrity, social status, ability, experience etc.

The tso-tsorgan/Tsorgan can be from among the *Khrami* (those who own taxable land). Surmi/Naamtang, or those who do not own taxable land are not eligible for the post of Tsorgan. The post is not hereditary, but if the son of tso-tsorgan/Tsorgan is found capable he stands a better chance of being elected/selected. In principle, there is no restriction on women becoming tso-tsorgan/Tsorgan, but in practice no woman has ever occupied the office. The normal term of office of a tso-tsorgan/Tsorgan is 3 years, but some capable ones have continued in the office for a much longer term, more than 20 years.

On the basis of the above qualifications a list of names is prepared and finally an individual is selected from the list and the name is announced for the approval of the tsopa or mangma. In case there is more than one contender for the office, the name is drawn through lottery called gyan or jan. Such competitions are very rare as the status of tso-tsorgan/Tsorgan carries much responsibility without much material reward and remuneration.

However, mandatory contribution of food grains twice a year is given by the villagers to the Tso-Tsorgan or Tsorgan for the service rendered by him. This system of payment is called Tso-kheri. Such Kheri from each family consists of two *bres* (equivalent to 800-1000 gm) of barley and millet during summer and winter respectively. Further, the Tso-Tsorgan and Tsorgan is also entitled to one day free labour by each household of the village. Earlier, members of the village had to pay Tsorgan a fee for his service known as sangey-lacha. It usually consisted of food grains. The Tsorgan maintained detailed records of the same and had to submit it before the mangma or tsopa annually. Such collections do not exist now.

The Tso-Tsorgan and Tsorgan are the executive authority in a group of villages or the village respectively. Only the Mangma or the Tsopa can overrule or criticize his decisions.

Tsorgen's local representative in each hamlet or village under his jurisdiction is the tsobleh whose duty is generally analogous to those of his superior. Tsobleh may be

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authorised by the Tsorgan to dispose cases which he would normally deal with himself. The Tsobleh may settle all the matters which are within his own competence, without reference to the Tsorgan.

The Gomis may be selected by the Tsorgan himself or the mangma. The basic duty of the Gomis is to act as messengers or couriers. They hold the office for one year. In most of the villages, owing to the arduous nature of the duties, the appointment is given to each householder in turn year by year. In addition to his duty as the messenger the gomi also helps the Tsorgan in maintaining the accounts and collections to be made annually to the Tawang Monastery etc.

In case the tsobleh and the gomis are unable to discharge their duty efficiently, the Tsorgan may request the Mangma to elect a Thumi in addition. The Thumi's function is equivalent to the Gomi except that where a Thumi is appointed, the Gomi is merely a messenger and does not have any other function or power.

The tsoblehs, gomis and thumi are not salaried posts but they are entitled to one day of free service in his agricultural field by all the family of the village. This is just to re-compensate the loss of his time in service to the society.

### **Powers and Functions of the Tsorgan**

The tsorgan is vested with judicial, administrative, developmental and socio-cultural authority. In terms of developmental functions, the Tsorgan was responsible for mobilizing labour for community work like construction or repair of village path, porter tracks, bridges, community hall and construction and maintenance of village Gonpas (monastery) etc. They also supervise the fixation and collection of tax on pasturage, land tax, leasing out of community land, contribution towards village funds etc. Such funds were used for developmental and welfare purposes of the village and tso. They also monitored the traditional system of labour cooperation among the villagers.

The socio-cultural function of the Tsorgan includes periodic organization of seasonal rites and rituals, collection of offerings in terms of food grains for Tawang monastery, arrangement of cultural events like dances and pantomimes for visitors and guests, etc. They also decided the time for harvesting of crops. Without going in to details of the development and socio-cultural functions we will discuss the judicial functions of the Tsorgan.

The Tsorgan is considered competent enough to decide all civil and criminal cases under customary law. However, earlier cases of serious nature were referred to semi-judicial wing of Tawang monastery, dzongpons and above.

When a dispute takes place between two parties, both the parties initially try to solve the case mutually without referring it to the Tsorgan. If they fail, they would request a person who commands prestige and obedience based on charisma to act as *barmin/barmi* that is mediator. The mediator tries to bring both the parties to a compromise and the aggrieved party is compensated. Such compensation usually consists of ceremonial scarf called *khada* and three bottles of local brew known as *ara/arak*. However when one or both the parties are not satisfied with the decision then the case is referred to the council headed by the Tsorgan.

The meeting of the council usually takes place in the house of the Tsorgan. But it may also take place in the community hall (*mang-khyem/tso-brang*) or in an open space called *pang*. There is no fixed day or date for the council to take place. Whenever a

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case, dispute or decision regarding welfare of the village is to be discussed, the meeting is convened. The tsobleh, gomis, thumis and chupons do all the announcements regarding the place, date and time of the meeting. They also serve summons to the disputing parties and witnesses.

The complainant (dondhapa) first lodges his/her complaint (dondha) to the Tsorgan or Tso-Tsorgan by paying a fee. For major cases such fee included a khada and two silver coins (betang) and was termed shosum khada/josum khada. In petty cases, the court fee consist of an ordinary *khada*, two bottles of ara/arak and provisions like flour, rice, eggs etc., collectively called sumten/sumtsan. With the introduction to the monetary economy, the traditional forms of fees have been replaced by currency notes. Usually nowadays such fee ranges from ₹100 to ₹500, depending on the gravity of the case, and a *khada*.

Once a case is lodged, the Tsorgan would fix a date for the hearing. Though he is competent enough to try and pass a decisions, he normally invites some elders of the village who are well versed in customary laws and impartial, to aid him in adjudicating the case. However, trivial cases are referred back to the tsobleh, gomis or thumis for adjudication.

On the day of the council both the parties are allowed to present their respective cases. The parties may also hire a *khapa* (who acts as a lawyer) to argue their case. The case is recorded and both the parties are asked to present evidence and witness, if any. The deliberation on a case continues till a consensus is reached. This is followed by announcement of tamtha-chot (verdict) by the Tsorgan.

When a verdict involves paying of compensation to the aggrieved party, the fine is paid in presence of the Tsorgan and other members along with *khada*. If both the parties are found guilty, both are imposed fine. The use of such fine is under the discretion of the Tsorgan. He may use it to entertain members during the council sitting or may credit it to the mangma or tso fund or distribute it among all the persons present in the council who acted as jurors or assessors. Cases of general nature like hunting or fishing during prohibited period are directly taken up by the Tsorgen and a fine is imposed on the culprit.

One of the distinguishing features of the Monpa political council is that all the judgements or verdicts passed by the Tsorgan are recorded in Bhoti script. The system of recording is known as *gamja*. The parties involved in the dispute are required to sign the *gamja* in presence of the witnesses. A copy of *gamja* is given to both the parties. However, the decision of the Tsorgan is not binding. If a party or both are not satisfied with the decision he/she can appeal to the higher authority like the *she-nyeir* (it consists of two monks, preferably senior monk) etc.

### CHECK YOUR PROGRESS

10. What is the state of the participation of women in the Adi or the Monpa councils?
11. What do the Adi believe about the present tradition of Kebang system?
12. What are the terms to denote gathering of people in Padam dialect?

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Nowadays, the village headman, or the Gaonbura, also attends the village council by virtue of his position in the village and hence, plays a vital role in the village council. Besides, the Panchayat members also attend the village councils.

### Abbala of the Idu Mishmis

The village council that existed among the Idu Mishmi is known as Abbala. This council is composed of few elderly villagers prominent for their wisdom and sound judgement. There is no specific number for the members in the council. The members are chosen based on a person's prominence, oratory power, skill, experience etc. The Gaonbura is also a member of the council but the Gaonbura and other members must belong to the same village. In the Abbala of the Idus, a woman also can become a member and she has every right to put forward her decision in the right perspective. The council thus, does not show any discrimination towards women.

In the Abbala, all types of cases like land disputes, marriage disputes, adultery, theft, physical assault etc. are settled. The council also has power to settle inter village and inter tribal communal dispute.

For settling any kind of dispute, the village council meeting can be held in the house of the complainant, or in the house of the suspected culprit, or at the Gaonbura's house or in any prominent person's house where the members of both the parties assemble. Nowadays, in most of the cases, Abbala is convened at a particular place within the village, which is known as Reka.

### 2.6.3 Tagin Gindung

The Tagins do not have an organized political institution. There is no formal institutional set up of reinforcing authority. But there is the institution of *Gindung* or arbitrator who acts as legal instruments in settling disputes.

Tagin are individualistic in nature with a sense of cooperation within family and clan. The villages are clan or sub-clan based. There is no centralised authority in the village. The disputes within the family and clan are usually mutually resolved. However, when the need arises influential male member of the village, irrespective of age, may take a lead in organizing village level activities. Members of a village usually cooperate in the community activities.

Since among the Tagins there was no institutionalised political system, the administration of the village was carried out by the entire village community. The activities which needed the involvement of the community are intra-village and inter-village in nature. Intra-village activities include the *kirruk* (communal hunting), *pekia-yulu* (community rite), *nimak-silu-raknam* (village fencing for protection against enemy's raid), *potor uyi* (ritual for village safety).

Inter-village dispute includes any form of dispute between two villages. For example if an individual tries to clear a land for cultivation belonging to a village other than his, it will lead to inter-village dispute. Such disputes are settled by the influential elderly male members of both villages or the *gindung*.

Earlier the Tagins frequently engaged in inter-village disputes and raids. As mentioned earlier there was no formal local self-government but there was the informal institution of *Gindung*. It was not a formal or regular established powerful council like that of the Tsorgan of Monpa or the Buliang of the Apatani. It was an temporary council which was constituted to settle disputes between two parties.

## NOTES

The senior male members well versed in customary laws, oratory skill and influential constituted the *Gindung*. The office is not hereditary. It had the right to deliberate on cases of both civil and criminal nature.

All the matters concerning the village and inter-village disputes are referred to the *gindung*. Earlier when raids were common, the *gindung* also arranged ransom for freeing of the war captives. Though they can take decision regarding a case, they had no power to enforce their decision. There was no decision enforcing institution like that of the *musup kos* among the Adi or the *dapo* among the Apatani. Through free and frank discussion, they could persuade the contending parties to arrive at a amicable settlement.

When dispute between two parties arises, they would select a *lampo* (go-between) to negotiate and settle the dispute. But if amicable settlement is not arrived at the case is referred to the *gindung*. The *gindung* will hold an assembly to deliberate on the issue. Such assembly is called *dapo*.

The *dapo* consists of the parties in conflicts, the *gindung* and other important members of the village. There is no specific place to hold a *dapo*. It takes in a place which is convenient for most of the member. Both the disputing parties are given equal chance to put its argument.

In such deliberations the disputants try to prove give reasons for their action as per traditional customary law for the settlement of the disputes and conflicts. They use split bamboo sticks known as *kothir* for enumerating the losses sustained and the compensation made in the past. The *gindung* are paid in kind for their service by both the parties. Such payment is termed *lampu jonam*. Nowadays, such payments in kinds have almost been replaced by payment of money.

### CHECK YOUR PROGRESS

13. What is the source of the term 'Nyishi'?
14. How did the British address the Nyishi?
15. Give one difference between the village council of olden days and that of the present times.

### ACTIVITY

Speak to some women from Arunachal Pradesh in and around your vicinity and find out the situation of women's rights in the state. Make a report based on your findings.

### DID YOU KNOW

Arunachal Pradesh shares international boundaries with 4 countries; Bhutan, Tibet, China and Myanmar to the west, north-east, north and east respectively and two Indian states: Assam and Nagaland.

## NOTES

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## 2.7 SUMMARY

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In this unit, you have learnt that:

- During the phase of transition in human evolution, people formed groups for security and social needs, to move from place to place in search of food. These groups were known as tribes.
- Some approaches to study tribal body politics, discussed in this unit are:
  - o Typological approach
  - o Terminological approach
  - o Factionalist approach
  - o Structuralist approach
- In general, the traditional systems of governance of the political institutions of Arunachal Pradesh can be classified into chieftainship, democratic village councils and gerontocracy.
- The Nocte, Wancho, Singpho and Khampti tribes follow the chieftainship system.
- Democratic village councils are of two categories: The first one is the council of the Monpas with an elected head of the council called *Tsorgen*. The second is a council of all the adult members of the village, popularly known as *Kiang* among the Adis.
- Gerontocracy is prevalent among the Apatanis and Sherdukpens.
- The characteristics of the political institutions of various communities are not generalized, but they are specific to each of them.
- Political institutions are relevant because they are organizations that build, implement and apply laws.
- Traditional political institutions the Nocte, Wancho and Khampti were led by village chiefs.
- The political institutions of the Adi, Apatani and Monpa were based on different forms of democracy. Each of them were democratic in their own way, which was different from the other.
- The political institutions of the Nyishi, Mishmi and the Tagin are based on the system of arbitration.

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## 2.8 KEY TERMS

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- **Self-governing institutions:** Institutions that are politically independent or autonomous
- **Typology:** A classification according to general type, especially in archaeology, psychology, or the social sciences
- **Social evolution:** a sub discipline of evolutionary biology that is concerned with social behaviours
- **Durbar:** A ceremonial court assembly
- **Chiefdom:** A type of complex society of varying degrees of centralization that is led by an individual known as a chief



- **Hunter-gatherer:** A member of a nomadic people who live chiefly by hunting, fishing, and harvesting wild food
- **Theocratic:** That which is related to the belief in government by divine guidance
- **Gerontocracy:** A state, society, or group governed by old people

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## 2.9 ANSWERS TO 'CHECK YOUR PROGRESS'

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1. People in the earlier stages of human revolution divided into tribes, because the life they led at that time was similar to the life of the groups of people whom we call tribes at present.
2. In the early stage of human revolution, hunting and fishing were the effective adaptation strategies of the people.
3. The different types of political associations among the tribes, as outlined by Vidyarthi and Rai, are:
  - (i) Political association based on clan/ lineage;
  - (ii) Political association based on the village as unit; and
  - (iii) Political association of a group of villagers of a territory and
  - (iv) The political association at tribe level.
4. The system of governance of each group is often based on kinship networks and alliances between extended families and clan groupings.
5. Broadly, the traditional systems of governance can be classified as chieftainship, democratic village councils and gerontocracy.
6. The cephalous communities of the tribal society of Andhra Pradesh have a secular head or a religious head as the authority.
7. Chieftainship is the basis of the traditional political institutions of the Nocte, Wancho and Khampti.
8. Khampti is the only tribe in Arunachal Pradesh that has chiefs at two levels; the tribal level and at the village level.
9. Racially, the Nocte hail from the Konyak Naga, whose genesis can be traced back to the Hukong Valley in Myanmar, from where they migrated, between the 1670 and 1700.
10. In the Adi or the Monpa councils, there is no restriction of participation of women. However, they generally do not participate.
11. The Adi believe that the present tradition of Kebang system had been derived from the custom of Doni.
12. In Padam dialect, gathering of people is called adum, gidum and dudum and the people present at the gathering are known as adumsuna, gidunsuna or dudumsuna.
13. The source of this term is a combination of two words; i.e., 'Nyi' or 'Nyia' and 'Shi' or 'Shing'. Nyi means human lineage of Aathu/Aatoh Nyia, the offspring of the Aabhu/Abho Thanyi, while 'shi' or 'shing' means life form.

## NOTES

14. The British addressed the people of the Nyisi tribe as 'unruly hills men', who lived in the 'unadministered frontiers'.
15. In olden days, the village council could settle both civil and criminal cases. However, now the councils can settle only civil cases.

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## 2.10 QUESTIONS AND EXERCISES

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### Short-Answer Questions

1. What is the structure of the political system of the existing tribals of India, as provided by Vidyarathi and Rai (1985)?
2. What is the functionalist approach to study the tribal political system?
3. Describe the chieftainship system of tribal governance, followed by the Nocte, Wancho, Singpho and Khampti tribes.
4. What are the functions of the Chauman, as stated by Behera (1994)?
5. Define the terms, Dolung Kebang, Banggo Kebang and Bogum Bokang.
6. Tagin are individualistic in nature with a sense of cooperation within family and clan. Comment on the statement.

### Long-Answer Questions

1. Explain the various approaches to study the tribal political system of Arunachal Pradesh.
2. Discuss the system of Gerontocracy that is prevalent among the Apatanis and Sherdukpens.
3. List and explain the visible characteristics of the political institutions of various communities of Arunachal Pradesh.
4. What are the salient features of the traditional political institutions of the Nocte, Wancho and Khampti?
5. Give a detailed account of the outstanding aspects of the political institutions of the Adi, Apatani and Monpa.

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## 2.11 FURTHER READING

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- Elwin, Verrier; *Democracy in NEFA*, Directorate of Research, Govt. of Arunachal Pradesh, Itanagar, 1965.
- Haimendorf, C.V.F; *The Apatani and Their Neighbours*, Kegan Paul, London, 1962.
- Bower, Ursula Graham; *The Hidden Land*, Allied Publication, New Delhi, 1978.
- Dubey, Sanjay; *Dynamics of Tribal Local Polity and Panchayati Raj in Arunachal Pradesh*, Premiere Publishing House, New Delhi, 1991/1998.
- Elwin, Verrier; *A Philosophy for NEFA*, Directorate of Research Government of Arunachal Pradesh, Itanagar, 1957/1988.
- Barpujari, H.K.; *Problems of the Hill Tribes of North East India (Vol I, II and III)*, Basanti Prakash, Gauhati, 1976.

**NOTES**

- Chattopadhyaya, S.K.; *Tribal Institutions of Meghalaya*, Gauhati, 1985.
- Choube, S.K.; *Hill Politics in the North East India*, Orient Longman, Calcutta, 1974.
- M. Horam; *Naga Policy*, B. R. Publications, Delhi, 1975.
- Mackenzie, A.; *North East Frontier of India*, Mittal Publishers, Delhi.
- Narain Iqbal (ed.); *State Politics in India, Chapter 18 and 19*.
- Rao, V.V.; *A Century of Tribal Politics in North East India*, S. Chand and Co., Delhi, 1976.
- Sangma, Milton, S.; *History and Culture of the Garos*, Book Today, New Delhi, 1981.
- Bhuyan, B.C. (ed); *Political Development of the North East*, Omsons, New Delhi, 1989.
- Paken, B. (ed); *Ethnicity, Nationality and Cultural Identity*, Omsons, New Delhi, 1989.
- Varrier, Elwin, *Democracy in NEFA (NEFA, Shillong)*.
- Talukdar, A.C.; *Political Transition in the Grassroot in Tribal India*, Omsons, New Delhi.
- Mahanta, Bijan; *Administration Development of Arunachal Pradesh*, Uppal Publishing, New Delhi.
- Luthra, P.N.; *Constitutional Development in NEFA*, Research Department, Arunachal Pradesh Government, Itanagar.
- Gogoi, P.D.; *NEFA Local Polity*, Delhi University, New Delhi, 1971.
- Mukherjee, Amitabh; *Genesis of the Indian National Congress*, in B.N Pande, A Centenary History of the Indian national Congress. Volume 1 1885-1919, Published by All India Congress Committee, Vikas Publishing House Private Limited, Delhi, 1985.
- Oliver Heath, Anatomy of BJP's Rise to Power; Social, Regional and Political Expansion in 1990s, in Zoya Hassan, Parties and Party Politics in India, Oxford University Press, New Delhi, 2002.

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# UNIT 3 CONSTITUTIONAL DEVELOPMENTS IN ARUNACHAL PRADESH (FROM BRITISH PERIOD TO STATEHOOD)

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*Constitutional Developments in Arunachal Pradesh (from British Period to Statehood)*

## NOTES

### Structure

- 8.0 Introduction
- 3.1 Unit Objectives
- 3.2 The Assam Frontier (Administration of Justice) Regulation, 1945
- 3.3 North East Frontier Agency (Administration) Regulation, 1954
- 3.4 The State of Arunachal Pradesh Act, 1986
- 3.5 Summary
- 3.6 Key Terms
- 3.7 Answers to 'Check Your Progress'
- 3.8 Questions and Exercises
- 3.9 Further Reading

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## 3.0 INTRODUCTION

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Arunachal Pradesh has undergone remarkable social and economic changes within a comparatively short period of time. The relatively isolated economies of the tribal communities of the area, which were later reorganized as Arunachal Pradesh, were gradually integrated into the larger economy only after independence, and more particularly after the Indo-China war of 1962. Apart from the relatively late exposure to modernization, another specificity of the historical transformation of the Arunachal economy was the role of the State as the prime mover in this process of gradual transformation and integration of the economy. The State's economy has not only experienced a remarkable growth over the past decades, it has diversified from agriculture and forestry based subsistence economy into a market economy. In this unit, you will learn about the various Regulations that have contributed to the growth of Arunachal Pradesh into a full-fledged state.

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## 3.1 UNIT OBJECTIVES

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After going through this unit, you will be able to:

- Identify the provisions of the Assam Frontier (Administration of Justice) Regulation, 1945
- Describe the North East Frontier Agency (Administration) Regulation, 1954
- Discuss the State of Arunachal Pradesh Act, 1986

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or criminal, from one [Assistant Commissioner] to another or from an [Assistant Commissioner] to himself [Jurisdiction of Assistant Commissioner].

5. (1) The [Deputy Commissioner] shall appoint such persons as he considers to be the members of a village authority for such village or villages as he may specify and may modify or cancel any such order of appointment and may dismiss any person so appointed.
- (2) In any area for which no village authority has been constituted under the provisions of sub-section (1), the powers and functions of village authority as provided by this Regulation, shall be exercisable and performed by the [Deputy Commissioner] or by any [Assistant Commissioner] authorized by him in this behalf.

### CHAPTER II – POLICE

6. (1) **Public duties of village authorities:** The ordinary duties of police in respect of crime shall be discharged by the village authorities. They shall maintain peace and order within their jurisdiction.
  - (2) The village authorities shall not be deemed to be police office for purposes of Section 25 and section 26 of the Indian Evidence Act, 1872 or the section 162 of the Code of Criminal Procedure 1898 (since 1974 repealed by Act II of 1974).
  - (3) The village authorities shall watch and report on any vagrant or any bad or suspicious character found within their jurisdiction and may apprehend any such person if they have reasonable grounds for suspecting that he has committed or is about to commit an offence and shall hand over any person so apprehended to the Deputy Commissioner or an Assistant Commissioner.
7. **Control of police:** Every Civil Police station shall be under the control of the Deputy Commissioner but its administration with regard to the pay, allowances, clothing, transfer and discipline or the staff shall be vested in the Superintendent of Police of the district which furnished the staff or such other police officer as the Government may appoint in this behalf, provided that transfer shall be made in consultation with the Deputy Commissioner.
  8. **Occurrence of heinous offence:** On the commission of any heinous offence within their jurisdiction the inhabitants of the village shall at once, if possible apprehend the offender and in any case shall at once inform the village authority who if the offender has not been apprehended, shall proceed without delay to the place where the offence was committed and enquire into it.
  9. **Reports by village authority:** It shall be the duty of the village authorities to report to the Deputy Commissioner and Assistant Commissioner as soon as possible all crimes, violent deaths, and serious accidents occurring within their jurisdiction, and all occurrences whether within or beyond their jurisdiction, which may come to their knowledge and which are likely to affect the public peace: and to arrest and deliver up offenders as soon as may be [within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest] to the court having jurisdiction to try them.

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10. **Pursuit and arrest of offenders:** A village authority may pursue beyond their jurisdiction any offender or vagrant or bad or suspicious character whom they consider it necessary to apprehend under the provisions of sub-section (3) of Section 6. They shall not, however, ordinarily arrest the offender or such person without informing the village authority within whose jurisdiction he is found and inviting their assistance but may do so if there is a reasonable apprehension that he may otherwise escape.
11. **Procedure when arrest is impossible:** When a village authority is unable to arrest an offender; they may apply to the Deputy Commissioner or an Assistant Commissioner or any officer empowered to make arrests, for assistance.
12. **Aid to village authorities:**
  - (1) All inhabitants of the Tracts are bound to aid the village authority when required to do so for the maintenance of order of apprehending offenders and are liable to fine for failing to give such assistance.
  - (2) Such fine if imposed by the village authority shall not exceed ₹500/- and if imposed by the Deputy Commissioner or an Assistant Commissioner shall not exceed ₹2000/-.
  - (3) An appeal shall lie from an order passed under Section (2) by a village authority to the Assistant Commissioner and from an order passed under sub-section (2) by an Assistant Commissioner to the Deputy Commissioner.
  - (4) If it appears that the community is to blame and that particular offenders cannot be discovered, a fine not exceeding ₹5,000/- may be imposed upon the community by the Deputy Commissioner.
  - (5) Any fine imposed under sub-section (2) or sub-section (4) shall be recovered by distraint of the property of the person or persons on whom it is imposed.
13. **Punishment of members of a village authority:** Without prejudice to any punishment to which he may be liable under any other law, a member of a village authority shall, for any misconduct in the exercise of his functions under this Chapter, be punishable with fine which may extend to ₹1000/- or with imprisonment of either description for a term which may extend to six months on conviction by the Deputy Commissioner or an Assistant Commissioner. An appeal shall lie from an order of Assistant Commissioner under this Section to the Deputy Commissioner.
14. **Revision:** The Administrator may at any time call for the proceedings in any matter under Section 12 or Section 13 and may modify or set aside an order of a village authority passed under sub-section (2) of Section 12 or an original or appellate passed by the Deputy Commissioner or an Assistant Commissioner under either of those sections.

### CHAPTER III – CRIMINAL PROCEEDINGS

15. **Administration:** Criminal justice shall be administered by the Deputy Commissioner the Assistant Commissioner and the village authorities.
16. **Appointment of Additional Deputy Commissioner:** The Administrator may appoint an [Additional Deputy Commissioner] for the trial of particular cases

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- when he thinks fit, and may direct that such Additional Deputy Commissioner shall for the purpose, exercise all or any of the powers of the Deputy Commissioner.
17. **Powers of Deputy Commissioner:** The Deputy Commissioner shall be competent to pass any sentence warranted by law.
  18. **Powers Assistant Commissioner:** The Assistant Commissioner shall exercise any powers not exceeding those of a Magistrate of the 1st Class as defined in the Criminal Procedure Code, with which they may be invested by the Administrator.
  19. **Jurisdiction of village authorities:** The village authorities may try any case involving any of the under mentioned offences in which the person or persons accused is or are resident within their jurisdiction:
    - Theft including theft in a building,
    - Mischief not being mischief by fire or any explosive substance, Simple hurt,
    - Criminal trespass or house trespass, assault or using criminal force.
  20. **Powers of village authorities:** A village authority may impose a fine not exceeding ₹3000/- for any offence which they are competent to try, and may also award payment in restitution or compensation to the extent of the injury sustained; such fines and payments may be enforced by distraint of the property of the offender.
  21. **Compensation:** The Deputy Commissioner or an Assistant Commissioner may order compensation to be paid to any person in a criminal case out of the proceeds of fines imposed in the case.
  22. **Disposal of cases by village authorities and powers to compel attendance:** The village authorities shall decide all cases in open Darbar in the presence of at least three independent witnesses and of the complainant and the accused. They are empowered to order the attendance of all the foregoing and of the witnesses to be examined in the case, and to impose a fine not exceeding ₹200/- on any person failing to attend when so ordered.
  23. **Procedure by village authorities after sentence:** If any person on whom a fine has been imposed by a village authority fails to deposit the amount at once, or within such further time as the village authority may allow, the village authority shall send him to an Assistant Commissioner to be dealt with in such manner as he may deem fit, unless the accused person gives notice of his intention to appeal against the decision.
  24. **Appeals from village authorities:** Any party aggrieved by a decision of a village authority may appeal within thirty days to the Assistant Commissioner who on receipt of such appeal, shall try the case de novo.
  25. **Appeals from Assistant Commissioner:** An appeal shall go from an original decision of an Assistant Commissioner to the Deputy Commissioner.
  26. **Appeal to the High Court:** An appeal shall lie to the High Court against sentences of three years imprisonment and upward and sentences of death or transportation. In other cases there shall be no right of appeal, but the High Court may entertain an appeal by special leave.

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### 27. **Limitation for appeals:**

- (1) All appeals under section 25 or 26 must be presented within thirty days from the date of the order appealed against excluding the time taken in procuring a copy of the order. Provided that an appeal from a sentence of death shall be preferred within seven days from the date of the sentence, excluding the time taken in procuring a copy of the order.
- (2) The Deputy Commissioner shall on passing a sentence of death, inform the person sentenced of the provisions of sub-section (1).

28. **Power of revision:** The High Court or Deputy Commissioner may call for the proceedings of any officer subordinate to it] and reduce, enhance or cancel any sentence passed or remand the case for retrial but no offence shall be punished by a sentence exceeding that warranted by law.

29. **Transfer of cases:** The High Court may for any reason which it considers proper transfer any original case, pending or under trial before any Court to any other Court competent to try it, which is governed by this Regulation.

30. (1) **Confirmation of Sentence:** All sentences of death, transportation, or imprisonment for seven years or more shall be subject to confirmation by the High Court and the proceedings of all cases in which any such sentence has been passed shall be submitted to the High Court forthwith.

(2) In any case submitted under sub-section (1), the High Court—

- (a) may confirm the sentence or pass any other sentence warranted by law
- (b) may annul the conviction and convict the accused of any other offence of which the Deputy Commissioner] might have convicted him; or
- (c) may order a new trial on the same or an amended charged; or
- (d) may acquit the accused person; provided that no order of confirmation shall be made until the period allowed for preferring an appeal has expired or if an appeal is presented within such period until such appeal is disposed of.

31. (1) **Sentence of death:** When a sentence of death passed by the Deputy Commissioner is confirmed by the High Court the Deputy Commissioner shall on receiving the order of confirmation, cause such order to be carried into effect by issuing a warrant in the form given in item No. XXXV of Schedule V if the Code of Criminal Procedure, 1898 and taking such steps as may be necessary.

(2) The Deputy Commissioner shall fix the time and place of execution and the time fixed shall not be less than 21 or more than 28 days from the date of issue of warrant.

32. **Criminal Procedure Code (V of 1898):** The High Court, the Deputy Commissioner and the Assistant Commissioner shall be guided in regard to procedure by the principles of the Code of Criminal Procedure, 1898 so far as they are applicable to the circumstances of the district and consistent with the provisions of this Regulation. The chief exceptions are:

- (a) Verbal orders or notice only shall be requisite in any case except when the regular police are employed or when the person concerned is not a



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- resident of or in the district at the time but orders of summons shall in every case be for a fixed day and the order shall be made known to the person concerned or to some adult member of his family and failing this shall be openly proclaimed at the place where he is, or was last known to be, in sufficient time to allow him if he sees fit, to appear.
- (b) The proceedings of the village authorities need not be recorded in writing, nor shall it be necessary that examinations before the Deputy Commissioner, Assistant Commissioner be signed by the parties examined but the Deputy Commissioner, Assistant Commissioner may require the village authority to report their proceedings in any way which appears suitable.
  - (c) There shall be no preliminary enquiries by regular or village police unless the Deputy Commissioner or Assistant Commissioner sees fit to direct one.
  - (d) Recognizance to appear shall not be taken unless it appears necessary to the Deputy Commissioner or an Assistant Commissioner.
  - (e) Proceeding before the Deputy Commissioner or Assistant Commissioner shall be recorded in English only.
33. Omitted.
34. (1) **Suspension and remission:** The President may either upon or without conditions, suspend the execution of or remit any sentence of death and the Administrator may in like manner suspend the execution of or remit any sentence.
- (2) If any sentence has been suspended or remitted upon conditions and in the opinion of the President or the Administrator as the case may be these conditions have not been fulfilled the President or the Administrator may cancel the suspension or remission and thereupon the person whose sentence has been suspended or remitted may if at large be arrested by any police without warrant and remanded to undergo the unexpired portion of his sentence or made to undergo the punishment.
35. **Commutation:** The President may commute any sentence of death and the Administrator may commute any one of the following sentences for any other mentioned after it : death (imprisonment for life), confiscation of property, rigorous imprisonment, whipping, simple imprisonment, fine.

#### CHAPTER IV – CIVIL PROCEEDINGS

36. **Administration:** Civil Justice shall be administered by the Deputy Commissioner, the Assistant Commissioner and the village authorities.
37. **Powers of Deputy Commissioner and Assistant Commissioner:** The Deputy Commissioner may try suits of any value. The Assistant Commissioner may try suits not exceeding ₹50000 in value.
38. (1). The Deputy Commissioner and Assistant Commissioner shall in every case in which both parties indigenous to the Union Territory of Arunachal Pradesh endeavour to persuade them to submit to arbitration by a panchayat. \*
- (2) If the parties agree each party shall nominate an equal number of members of the panchayat and the Deputy Commissioner or Assistant Commissioner

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- shall either choose, or direct the panchayat to choose a further person as umpire.
- (3) The names and addresses of the members of the panchayat and umpire and a statement of the matter in dispute shall be recorded and the Deputy Commissioner or Assistant Commissioner shall direct the village authority or some other person to assemble the panchayat and witnesses within such time as he may specify and also fix a date on which the decision of the panchayat shall be announced before him.
  - (4) The umpire shall have no vote as a member of the panchayat but shall enter on and decide the matter in dispute if the panchayat or a majority of its members are unable to agree on their decision before the date fixed under sub-section (3).
  - (5) On the date fixed for the announcement of the decision, the umpire and the parties shall appear before the Court which directed the arbitration and the Court shall record the decision together with any order which it considers reasonable for the payment or apportionment of the costs of the panchayat's proceedings.
  - (6) The decision so recorded shall be enforceable as if it was a decision of the Court recording it and shall be final.
39. (1). **Arbitration in other cases:** In cases in which neither or only one of the parties is indigenous to the Union Territory of Arunachal Pradesh, the Deputy Commissioner or Assistant Commissioner may with the consent of both parties order that the case be referred to arbitration by a panchayat and the provisions of sub-section (2) to (5) inclusive of section 38 shall then apply except that the Deputy Commissioner or Assistant Commissioner shall give the parties an opportunity to object the decision.
- (2) Any such objection must be made within ten days of the day on which the decision of the panchayat or umpire is recorded and if made, shall be considered by the Deputy Commissioner whose decision shall be final.
  - (3) If no such objection is made the provisions of sub-section (6) of Section 38 shall apply.
40. **Powers of authorities:** The village authorities shall try all suits without limit of value in which both the parties are indigenous to the Union Territory of Arunachal Pradesh and live within their jurisdiction and which are not submitted to arbitration under the provisions of section 38. All other suits which are not submitted to arbitration under the provisions of section 39 shall be tried by the Deputy Commissioner or an Assistant Commissioner.
41. **Powers to enforce attendance:** The village authorities shall have power to order the attendance of the parties and of witnesses and to fine up to a limit of ₹500/- persons failing to attend when ordered to do so.
42. **Unfounded and vexatious suits:** The village authorities shall have power to award costs, as well as compensation not exceeding ₹5000/- in any case to defendants for unfounded or vexatious suits brought against them.
43. The village authorities may appoint one or more assessors to assist them in coming to a decision and when they do so shall record but shall not be bound by the opinion of the assessor or assessors.

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44. (1) **Hearing of cases:** All suits tried by the village authorities shall be decided in open Darbar in the presence of the parties and at least three independent witnesses.
- (2) The Deputy Commissioner or an Assistant Commissioner may direct a village authority to report their proceedings in any case or class of cases in any way which may appear to him to be suitable. Save as required by such direction, no record of any proceedings shall be maintained.
- (3) After hearing both parties and their witnesses, if any the village authority shall forthwith pronounce a decision.
45. (1) Unless any party having a right of appeal against a decision of a village authority gives notice, when such decision is pronounced, of his intention to appeal against it, the village authority shall carry out the decision forthwith, and for such purpose may proceed by distraint of any property belonging to any person liable to pay any sum under the decision, unless such person furnish security to the satisfaction of the village authority.
- (2) If notice of intention to appeal is given, the village authority shall send the parties and witnesses to the Deputy Commissioner or an Assistant Commissioner forthwith, and one of the members of the village authority or one of the independent witnesses shall accompany them.
46. (1) **Appeals from village authorities:** Any person aggrieved by a decision of a village authority may appeal to the Assistant Commissioner in suits not exceeding ₹500/- in value and to the Deputy Commissioner in suits exceeding that value.
- (2) If such an appeal is filed, a record shall be made of the matter in dispute and of the decision of the village authority.
- (3) The appellate court shall, if necessary, examine the parties, and, if the decision appears to be just, shall affirm and enforce the decision as its own. If the appellate court sees grounds to doubt the justice of the decision, it shall try the case de novo or refer to a panchayat; in any case so referred, the provisions of section 38 shall apply as if the parties had agreed to submit to arbitration.
47. **Appeals from Assistant Commissioner:** An appeal shall go to the Deputy Commissioner from any decision original or appellate of an Assistant Commissioner.
48. **Appeals from Deputy Commissioner:** An appeal shall lie to the High Court from an original decision of the Deputy Commissioner if the value of the suit is not less than ₹500/- or if the suit involves a question of trial of rights or customs or of the right to, or possession of, immovable property.
49. **Presentation of appeals:** An appeal which lies to the Deputy Commissioner or High Court may be presented to the Assistant Commissioner who shall, if it is in order and presented in due time, endorse upon it the date of receipt and transmit it with the records of the case to the Deputy Commissioner.
50. **Powers of revision:** The High Court may, on application or otherwise call for the proceedings of any original case or appeal decided by the Deputy Commissioner and not appealable under this Regulation and may pass such orders as it may deem fit.

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51. **Limitation and other conditions:** Every petition of appeal under section 47 or section 48 and every application under section 50 shall be accompanied by a copy of the order against which the appeal or application is made, and shall be filed within thirty days of the date of such order, excluding the time taken in procuring a copy of the order.
52. **Act IX of 1908:** The High Court, the Court of Deputy Commissioner, Assistant Commissioner shall be guided by the spirit, but shall not be bound by the letter of the Code of Civil Procedure, 1908 and shall follow subject to any express provisions of these rules, the principles of the Indian Limitation Act, 1908, in disputes between persons who are not indigenous to the Union Territory of Arunachal Pradesh.
53. (1) **Execution of decrees:** If any decree is modified or amended as a result of an appeal or of an order under section 50 the decree as so modified or amended shall for the purposes of execution be deemed to be the decree of the original Court.
- (2) Decree against persons resident beyond the jurisdiction of the Court, if satisfaction cannot be obtained within the Union Territory of Arunachal Pradesh shall be transferred for execution to a Court having jurisdiction.
54. **Exemption from execution:** Houses, necessary clothing, cooking utensils or implements whereby the owner or his family subsist shall not be attached sold or transferred in execution of a decree, unless the house or other thing so exempted is the actual subject matter of the suit. Land may be sold or temporarily transferred where custom admits of individual rights in it being recognized.
55. **Imprisonment for debt:** No person shall be imprisoned for debt, except when the Deputy Commissioner is satisfied that he has made a fraudulent disposition or concealment of property. In such case the debtor may be detained for a period not exceeding six months.
56. (1) **Representation:** No pleader shall be allowed to appear in any case before the village authorities.
- (2) No pleader shall be allowed to appear in the Court of the Deputy Commissioner or Assistant Commissioner except with the Deputy Commissioner's permission. Such permission shall not be refused if the defendant at the time the cause of action arose resided beyond the jurisdiction of the Court in an area where the appearance of pleader is not restricted.
- (3) The High Court may by special leave permit any pleader to appear in any case before it.

## CHAPTER V – EVIDENCE

57. (1) **Oaths:** In criminal cases before the Deputy Commissioner, Assistant Commissioner oaths shall be administered to all witnesses when the accused is charged with murder, but not in other cases unless either party so require or the Court so determines.
- (2) In civil suits before the Deputy Commissioner, Assistant Commissioner oaths shall not be administered to parties or witnesses unless either party so requires, or the Court so determines.

(3) When an oath is administered it shall be in the manner which the Court considers most binding on the conscience of the person making it.

58. **False Evidence:** Any person who gives false evidence in any criminal case or civil suit, whether as a party or a witness, and whether after an oath has been administered to him or otherwise, shall be deemed to have given false evidence within the meaning of the Indian Penal Code, 1860.
59. **Guidance with regard to Evidence Act I of 1872:** The Deputy Commissioner, Assistant Commissioner shall in all criminal cases and civil suits be guided by the general principles of the Indian Evidence Act, 1872.

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### **3.3 NORTH EAST FRONTIER AGENCY (ADMINISTRATION) REGULATION, 1954**

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The birth of the territory, which has come to be known as Arunachal Pradesh, may be traced back to the notification issued on September 25, 1914 (Regulation 2 of 1914) by the government of India, foreign and political department. This notification extended Assam Frontier Tracts Regulation 1880 to the hill areas of Assam. Thus North East Frontier Tracts was formed by separating hill areas of Darrang and Lakhimpur districts of the province of Assam. North East Frontier Tracts consisted of the central and eastern sections, the western section, and the Lakhimpur Frontier Tract.

The central and eastern sections were renamed as Sadiya Frontier Tract and the western section as Balipara Frontier Tract in 1919. Lakhimpur Frontier Tract, however, continued to be known as such. This arrangement remained till 1937.

Under the provision of section 91(1) of the Government of India Act, 1935, these frontier tracts were collectively known as Excluded Areas of the Province of Assam. This was given effect in 1937 by the government of India (excluded and partially excluded areas) order, 1936. These excluded areas were administered by governor of Assam in his discretion under section 92 of the above act through political officers and deputy commissioner of Lakhimpur.

This administrative arrangement lasted till 1947. According to India (provisional constitution) order of August 15, 1947, these areas were administered by the governor of Assam on the advice of his cabinet and according to his discretion till January 25, 1950. When the Constitution came into effect on January 26, 1950, the governor of Assam administered these areas as agent of the President and acted in his discretion according to provisions of paragraph 18 of the Sixth Schedule of the Constitution. The constituent assembly had made special provisions for the administration of these North-East Frontier Tracts in the Sixth Schedule of the Constitution.

In the meantime, Tirap Frontier Tract was created in 1943 with some part of Lakhimpur Frontier Tract and Sadiya Frontier Tract with a separate political officer at Margherita. Also, Balipura Frontier Tract was bifurcated into Sela sub-agency and Subasiri area in 1946. In 1948, remaining portion of Sadiya Frontier Tract was bifurcated into Abor Hills district and Mishmi Hills district. The above areas under North East Frontier Tracts were included in part B of the table and appended below paragraph 20 of the Sixth Schedule to the Constitution of India.

According to the North East Frontier areas (administration) regulation, 1954, the areas under North East Frontier Tract was renamed as North East Frontier Agency

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(NEFA). According to provisions of regulations of 1954, the administrative units were renamed with redefined boundaries as Frontier Divisions. Thus, they were known as — Kameng Frontier Division, Subansiri Frontier Division, Siang Frontier Division, Lohit Frontier Division and Tirap Frontier Division.

A three-tier Panchayati raj system was introduced in 1969 with an agency council, then known as North East Frontier Agency (NEFA). Unlike in other parts of the country, introduction of Panchayati raj in Arunachal Pradesh preceded introduction of universal adult franchise. The modern democratic process of representative government, formal election, universal adult suffrage, decisions by majority were not yet known to the people. Following the introduction of Panchayati raj, a distinct and discernible political transition began.

Introduction of the three-tier Panchayati raj gave a blow to the traditional political systems in the societies of Arunachal Pradesh. This political change brought about a change in the political leadership of the societies. Earlier societies in Arunachal Pradesh were managed by elderly persons well-versed in traditions and customs of the society. This helped maintain social cohesiveness in the village.

However, with the introduction of new political changes, the social cohesiveness of the villages was disturbed due to the appearance of different political ideologies. Village leadership was taken up by youths who are mostly dropouts of schools and colleges.

They were neither well-versed in customs nor traditions of their societies nor well-trained in democratic ideologies or practices. As a result they commanded very little legitimacy among their people.

Thus, the youths who are exposed to new political arrangements are losing touch with traditional arrangements, which had governed their society earlier. Nor are they at ease with the new political ideologies, processes, norms and procedures. Hence, they are at the crossroads of the society, totally confused and lost.

The new political arrangements have brought a lot of changes in the economic life of the people of Arunachal Pradesh. Economic activities in earlier days were essentially for personal consumption. It was never for accumulation.

But due to the various development projects, new models, technology and inputs were introduced in economic activities. This has alienated the youth from their traditional economic activities, which to a great extent demanded physical labour. Thus gradually the youth of Arunachal Pradesh are drifting towards an easy life without bothering about the means to adopt it.

Another issue confronting the youth is student-politician nexus. Due to lack of any discernible political culture, politics has been taken as a means of earning one's livelihood. Most of the problems faced by the youths of Arunachal Pradesh are products of models imported to this part of the country from outside.

The planners need to do something urgently in order to prevent repetition of situations obtained in other northeastern states today.

Local political and social institutions should be encouraged to function as they were, with suitable adaptations to changing times. Elders of the villages should be allowed to function as per the traditional norms. The young people should only support the elders by executing whatever they are told to do so. This will help reduce the generation gap and also help in the process of socialization.

## CHECK YOUR PROGRESS

1. What was the rule regarding false evidence given by an individual in the Assam Frontier (Administration of Justice) Regulation 1945?
2. What were the parts of the Tirap Frontier Tract created in 1943?

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### 3.4 THE STATE OF ARUNACHAL PRADESH ACT, 1986

This is to provide for the establishment of the State of the Arunachal Pradesh and for matters connected there with.

BE it enacted by Parliament in the Thirty seventh Year of the Republic of India as follows:

#### PART I PRELIMINARY

1. This Act may be called the State of Arunachal Pradesh Act, 1986.
2. In this Act, unless the context otherwise requires,
  - (a) “**Administrator**” means the Administrator appointed by the President under article 239;
  - (b) “**appointed day**” means the day which the Central Government may, by notification in the Official Gazette, appoint;
  - (c) “**article**” means an article of the Constitution;
  - (d) “**Election Commission**” means the Election Commission appointed by the President under article 324;
  - (e) “**existing Union territory of Arunachal Pradesh**” means the Union territory of Arunachal Pradesh as existing immediately before the appointed day;
  - (f) “**law**” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing Union territory of Arunachal Pradesh;
  - (g) “**sitting member**”, in relation to either House of Parliament or the Legislative Assembly of the existing Union territory of Arunachal Pradesh, means a person who, immediately before the appointed day, is a member of that House or that Assembly;
  - (h) “**treasury**” includes a sub-treasury.

#### PART II ESTABLISHMENT OF THE STATE OF ARUNACHAL PRADESH

3. On and from the appointed day, there shall be established a new State, to be known as the State of Arunachal Pradesh comprising the territories which immediately before that day were comprised in the existing Union territory of Arunachal Pradesh.

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4. On and from the appointed day, in the First Schedule to the Constitution,-
  - (a) under the heading "**I. THE STATES**", after entry 23, the following entry shall be inserted, namely:

"24 Arunachal Pradesh The territories specified in section 7 of the North- Eastern Areas (Reorganization) Act, 1971,";
  - (b) Under the heading "**II. THE UNION TERRITORIES**", entry 8 relating to Arunachal Pradesh shall be omitted.

### PART III REPRESENTATION IN THE LEGISLATURES *The Council of States*

5. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,-
  - (a) entries 24 and 25 shall be re-numbered as entries 25 and 26 respectively, and before entry 25 as so re-numbered, the following entry shall be inserted, namely:

"24. Arunachal Pradesh.....I";
  - (b) entry 26 shall be omitted.
6. (1) On and from the appointed day, the sitting member of the Council of States representing the existing Union territory of Arunachal Pradesh shall be deemed to have been duly elected under clause (4) of article 80 to fill the seat allotted to the State of Arunachal Pradesh in that Council.  
(2) The term of office of such sitting member shall remain unaltered.
7. On and from the appointed day, in section 27A of the Representation of the People Act, 1950, in sub-section (4), for the words "The electoral college for each of the Union territories of Arunachal Pradesh and Pondicherry", the words "The electoral college for the Union territory of Pondicherry" shall be substituted.

### *The House of the People*

8. (1) On and from the appointed day, the allocation of seats to the State of Arunachal Pradesh in the House of the People shall be two; and the First Schedule to the Representation of the people Act, 1950, shall be deemed to be amended accordingly.  
(2) On and from the appointed day, the two Parliamentary constituencies of the existing Union territory of Arunachal Pradesh shall be deemed to be the Parliamentary constituencies of the State of Arunachal Pradesh and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be construed accordingly.
9. The sitting members of the House of the People representing the constituencies which, on the appointed day, by virtue of the provisions of section 8 become the constituencies of State of Arunachal Pradesh shall be deemed to have been elected under sub-clause (a) of clause (1) of article 81 to the House of the People by those constituencies.

### *The Legislative Assembly*

10. On and from the appointed day, the total number of seats in the Legislative Assembly of the State of Arunachal Pradesh to be filled by person, chosen by



direct election from assembly constituencies shall be forty; and the Second Schedule to the Representation of the People Act, 1950, shall be deemed to be amended accordingly.

11. (1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the State of Arunachal Pradesh), on and from the appointed day and until the Legislative Assembly of that State has been duly constituted and summoned to meet for the session, there shall be a provisional Legislative Assembly which shall consist of members elected by the territorial constituencies of the Legislative Assembly of the existing Union territory of Arunachal Pradesh.
- (2) The period of five years referred to in clause (1) of article 172 shall, in the case of the provisional Legislative Assembly referred to in sub-section (1), be deemed to have commenced on the day on which the duration of the existing Legislative Assembly of the Union territory of Arunachal Pradesh commenced under section 5 of the Government of Union territories Act, 1963.
- (3) The provisional Legislative Assembly constituted under this section shall for so long as it is in existence, be deemed to be the Legislative Assembly of the State of Arunachal Pradesh and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution.
12. The persons who immediately before the appointed day are the Speaker and the Deputy Speaker of the Legislative Assembly of the Union territory of Arunachal Pradesh, shall be the Speaker and the Deputy Speaker, respectively, of the provisional Legislative Assembly of the State of Arunachal Pradesh on and from that day.
13. The rules of procedure and conduct of business of the Legislative Assembly of the existing Union territory of Arunachal Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the provisional Legislative Assembly of the State of Arunachal Pradesh, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

#### *Delimitation of constituencies*

14. (1) The Election Commission shall, in the manner herein provided, distribute whether before or after the appointed day, the seats assigned to the Legislative Assembly of the State of Arunachal Pradesh under section 10 to single-member territorial constituencies and delimit them having regard to the provisions of the Constitution and to the following provisions, namely:-
- (a) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience; and
- (b) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

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(2) For the purpose of assisting it in the performance of its functions under sub-section (1), the Election Commission shall associate with itself as associate members,

- (a) the sitting members of the House of the People referred to in section 9; and
- (b) such six of the members of the Legislative Assembly of the existing Union territory of Arunachal Pradesh or, as the case may be, the provisional Legislative Assembly referred to in section 11 as the Speaker thereof may nominate:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(3) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (2).

(4) The Election Commission shall-

- (a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Official Gazette and in such other manner as the Commission may consider fits together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;
- (b) consider all objections and suggestions which may have been received by it before the date so specified;
- (c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(5) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the existing Union territory of Arunachal Pradesh or, as the case may be, the provisional Legislative Assembly referred to in section 11.

15. (1) The Election Commission may, from time to time, by notification in the Official Gazette,-

- (a) correct any printing mistake in any order made under section 14 or any error, arising therein from inadvertent slip or omission;
- (b) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the existing Union territory of Arunachal Pradesh, the provisional Legislative Assembly referred to in section 11 or the

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Legislative Assembly of the State of Arunachal Pradesh, as the case may be.

16. (1) On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the First Schedule.
- (2) On and from the appointed day, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, shall stand amended as directed in the Second Schedule.
17. (1) On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Third Schedule.
- (2) On and from the appointed day, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, shall stand amended as directed in the Fourth Schedule.

**PART IV  
HIGH COURT**

18. (1) On and from the appointed day,
- (a) there shall be a common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh to be called the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh) (hereinafter referred to as the common High Court);
- (b) the Judges of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.
- (2) The expenditure in respect of the salaries and allowances of the Judges of the common High Court shall be allocated amongst the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura in such proportion as the President may, by order, determine.
19. (1) On and from the appointed day,
- (a) in the Advocates Act, 1961, in section 3, in sub-section (1), for clause (b), the following clause shall be substituted, namely:
- “(b) for the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh;”;
- (b) the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall be deemed to be the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.
- (2) Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall be entitled to practise as an advocate in the common High Court.
- (3) All persons who, immediately before the appointed day, are advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura

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and Mizoram shall, as from that day, become advocates on the roll of the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh.

- (4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram:
- Provided that as among the Advocates-General of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, the right of audience shall be determined with reference to their dates of enrolment as advocates.
20. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply in relation to the common High Court.
21. The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with the necessary modifications, apply with respect to the custody of the Seal of the common High Court.
22. The law in force immediately before the appointed day with respect to the form of writs and other process used, issued or awarded by the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram shall, with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court.
23. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the common High Court.
24. (1) The principal seat of the common High Court shall be at the same place at which the principal seat of the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram is located immediately before the appointed day.
- (2) The President may, by notified order, provide for the establishment of a permanent bench or benches of the common High Court at one or more places within the territories to which the jurisdiction of the High Court extends, other than the principal seat of the High Court, and for any matters connected therewith:
- Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the common High Court and the Governor of the State in which the bench or benches is or are proposed to be established.
- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judges and division courts of the common High Court may also sit at such other place or places in the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh as the Chief Justice may, with the approval of the Governor of the State concerned, appoint.

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25. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the common High Court.
26. (1) All proceedings pending in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram immediately before the appointed day shall, from such day, stand transferred to the common High Court.
- (2) Every proceeding transferred under sub-section (1) shall be disposed of by the common High Court as if such proceeding was entertained by that High Court.
27. For the purposes of section 26,-
- (1) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revisions and petitions for writs; and
- (2) references to a High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.
28. Any person who, immediately before the appointed day, is an advocate entitled to practise in the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura and Mizoram and was authorised to appear or to act in any proceedings transferred from the said High Court to the common High Court under section 26 shall have the right to appear or to act, as the case may be, in the common High Court in relation to those proceedings.
29. Nothing in this Part shall affect the application to the common High Court of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provisions.

**PART V  
AUTHORISATION OF EXPENDITURE AND  
DISTRIBUTION OF REVENUES**

30. (1) The President may, at any time before the appointed day, authorise by order such expenditure from the Consolidated Fund of the State of Arunachal Pradesh as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State of Arunachal Pradesh:
- Provided that the Governor of Arunachal Pradesh may, after the appointed day, authorise by order such further expenditure as he deems necessary from the Consolidated Fund of the Arunachal Pradesh for any period not extending beyond the said period of six months.

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- (2) The President or, as the case may be, the Governor of Arunachal Pradesh shall make separate orders under sub-section (1) in respect of periods falling in different financial years.
31. (1) The reports of the Comptroller and Reports Auditor-General of India referred to in section 49 of the Government of Union Territories Act, 1963, relating to the accounts of the existing Union territory of Arunachal Pradesh in respect of any period prior to the appointed day, shall be submitted to the Governor of Arunachal Pradesh who shall cause them to be laid before the Legislative Assembly of the State.
- (2) The Governor may, by order,-
- (a) declare any expenditure incurred out of the Consolidated Fund of the existing Union territory of Arunachal Pradesh on any service in respect of any period prior to the appointed day during the financial year 1986-87 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and
- (b) provide for any action to be taken on any matter arising out of the said reports.
32. The allowances and privileges of the Governor of Arunachal Pradesh shall, until the Governors (Emoluments, Allowances and Privileges) Act, 1982, comes into force, be such as the President may, by order, determine.
33. The President shall, by order, determine the grants-in-aid of the revenues of the State of Arunachal Pradesh and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Union Duties of Excise (Distribution) Act, 1979, the Estate Duty (Distribution) Act, 1962 and the Constitution ((Distribution of Revenues) Order, 1985 in such manner as he thinks fit.

## PART VI ASSETS AND LIABILITIES

34. (1) All such property and assets within the existing Union territory of Arunachal Pradesh as are held immediately before the appointed day by the Union for purposes of governance of that Union territory shall, on and from that day, pass to the State of Arunachal Pradesh, unless the purposes for which such property and assets are so held are Union purposes:  
Provided that the cash balances in the treasuries in the existing Union territory of Arunachal Pradesh before the appointed day shall, as from that day, vest in the State of Arunachal Pradesh.
- (2) All rights, liabilities and obligations (other than those relating to, or in connection with, a Union purpose), whether arising out of any contract or otherwise, which are, immediately before the appointed day,-
- (a) the rights, liabilities and obligations of the Central Government arising out of, or in connection with, the governance of the existing Union territory of Arunachal Pradesh; or

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- (b) the rights liabilities and obligations of the Administrator of the existing Union territory of Arunachal Pradesh in his capacity as such, or of the Government of that Union territory, shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Arunachal Pradesh.
- (3) The right to recover arrears of-
- (a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or
  - (b) any duty referred to in article 268; or
  - (c) any tax under the Central Sales Tax Act, 1956,
- Which have fallen due in the existing Union territory of Arunachal Pradesh, shall pass to the State of Arunachal Pradesh.
- (4) The provisions of this section shall not apply to, or in relation to,-
- (a) any institution, undertaking or project the expenditure in relation to which is, immediately before the appointed day, met from and out of the Consolidated Fund of India.
  - (b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Arunachal Pradesh subject to the condition that the ownership thereof will continue to vest in the Union.

**Explanation.** - For the purposes of this section-

- (a) “**liability**” includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;
- (b) “**Union purposes**” means the purposes of Government relatable to any of the matters mentioned in the Union list.

**PART VII  
PROVISIONS AS TO SERVICES**

35. Every member of the Indian Administrative Services; the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Arunachal Pradesh shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Arunachal Pradesh on the same terms and conditions of service as are applicable to him under the relevant cadre rules:

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

**Explanation.**- In this section, “cadre rules” means the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

36. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the existing Union territory of Arunachal Pradesh shall, unless otherwise directed by an order of the Central Government, be deemed

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to have been allocated for service as from that day in connection with the affairs of the State of Arunachal Pradesh:

Provided that no directions shall be issued under this section after expiry of a period of one year from the appointed day.

(2) The provisions of this section shall not apply in relation to persons to whom the provisions of section 35 apply.

37. (1) Nothing in this section or section 36 shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Arunachal Pradesh:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 36 shall not be varied to his disadvantage except with the previous approval of the Central Government

(2) All services prior to the appointed day rendered by a person deemed to have been allocated under section 36 in connection with the administration of the existing Union territory of Arunachal Pradesh, shall be deemed to have been rendered in connection with the affairs of the State of Arunachal Pradesh for the purposes of the rules regulating his conditions of service.

38. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory of Arunachal Pradesh shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, the State of Arunachal Pradesh on the same terms and conditions of appointment and on the same tenure as he was holding the post or office immediately before that day:

Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.

39. The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to-

(a) the discharge of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

40. Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order:

Provided that the Central Government may *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.



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(b) the rights liabilities and obligations of the Administrator of the existing Union territory of Arunachal Pradesh in his capacity as such, or of the Government of that Union territory, shall, on and from the appointed day, be the rights, liabilities and obligations of the Government of the State of Arunachal Pradesh.

(3) The right to recover arrears of-

(a) any tax or duty being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution; or

(b) any duty referred to in article 268; or

(c) any tax under the Central Sales Tax Act, 1956,

Which have fallen due in the existing Union territory of Arunachal Pradesh, shall pass to the State of Arunachal Pradesh.

(4) The provisions of this section shall not apply to, or in relation to,-

(a) any institution, undertaking or project the expenditure in relation to which is, immediately before the appointed day, met from and out of the Consolidated Fund of India.

(b) any property which has been placed by the Union at the disposal of the administration of the existing Union territory of Arunachal Pradesh subject to the condition that the ownership thereof will continue to vest in the Union.

**Explanation.** - For the purposes of this section-

(a) “**liability**” includes liability in respect of any civil deposit, local fund deposit, charitable or other endowment, provident fund account, pension or actionable wrong;

(b) “**Union purposes**” means the purposes of Government relatable to any of the matters mentioned in the Union list.

## PART VII PROVISIONS AS TO SERVICES

35. Every member of the Indian Administrative Services; the Indian Police Service and the Indian Forest Service who, immediately before the appointed day, is holding any post in the existing Union territory of Arunachal Pradesh shall, until otherwise directed by the Central Government, be deemed to be on deputation, on and from the appointed day, to the Government of the State of Arunachal Pradesh on the same terms and conditions of service as are applicable to him under the relevant cadre rules:

Provided that the period of such deputation shall in no case extend beyond a period of three years from the appointed day.

**Explanation.** - In this section, “cadre rules” means the Indian Administrative Service (Cadre) Rules, 1954, the Indian Police Service (Cadre) Rules, 1954 or the Indian Forest Service (Cadre) Rules, 1966, as the case may be.

36. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the Union under the administrative control of the existing Union territory of Arunachal Pradesh shall, unless otherwise directed by an order of the Central Government, be deemed

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to have been allocated for service as from that day in connection with the affairs of the State of Arunachal Pradesh:

Provided that no directions shall be issued under this section after expiry of a period of one year from the appointed day.

- (2) The provisions of this section shall not apply in relation to persons to whom the provisions of section 35 apply.
37. (1) Nothing in this section or section 36 shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the State of Arunachal Pradesh:
- Provided that the conditions of service applicable immediately before the appointed day in the case of any person referred to in section 36 shall not be varied to his disadvantage except with the previous approval of the Central Government
- (2) All services prior to the appointed day rendered by a person deemed to have been allocated under section 36 in connection with the administration of the existing Union territory of Arunachal Pradesh, shall be deemed to have been rendered in connection with the affairs of the State of Arunachal Pradesh for the purposes of the rules regulating his conditions of service.
38. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the existing Union territory of Arunachal Pradesh shall continue to hold the same post or office and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, the State of Arunachal Pradesh on the same terms and conditions of appointment and on the same tenure as he was holding the post or office immediately before that day:
- Provided that nothing in this section shall be deemed to prevent a competent authority on or after the appointed day from passing in relation to such person any order affecting his continuance in such post or office.
39. The Central Government may, by order, establish one or more Advisory Committees for the purpose of assisting it in regard to-
- (a) the discharge of its functions under this Part; and
- (b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.
40. Notwithstanding anything to the contrary contained in any law or rule for the time being in force, no representation shall lie against any order passed under the provisions of this Part on the expiry of three months from the date of publication or service, whichever is earlier, of such order:
- Provided that the Central Government may *suo motu* or otherwise and for reasons to be recorded, re-open any matter and pass such orders thereon as may appear to it to be appropriate if it is satisfied that it is necessary so to do in order to prevent any miscarriage of justice to any affected person.

41. The Central Government may give such directions to the Government of the State of Arunachal Pradesh as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

**PART VIII  
LEGAL AND MISCELLANEOUS PROVISIONS**

42. On and from the appointed day,-
- (a) in article 210, in clause (2), in the second proviso, for the words "Legislature of the State of Mizoram", the words "Legislatures of the States of Arunachal Pradesh and Mizoram" shall be substituted;
  - (b) in article 239A, in clause (4), for the words, "Pondicherry and Arunachal Pradesh", the words "and Pondicherry" shall be substituted;
  - (c) in article 240, in clause (1),-
    - (i) entry (g) shall be omitted;
    - (ii) in the provisions, for the words "Pondicherry or Arunachal Pradesh", the words "or Pondicherry" shall be substituted.
43. On and from the appointed day, in the Armed Forces (Special Powers) Act, 1958, in the long title and in sub-section (2) of section 1, for the words "Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh", the words "Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura" shall be substituted.
44. On and from the appointed day, the Government of Union territories Act, 1963,-
- (i) in clause (h) of sub-section (1) of section 2, for the words "Pondicherry and Arunachal Pradesh", the words "and Pondicherry" shall be substituted;
  - (ii) in section 33, in sub-section (2); the proviso shall be omitted;
  - (iii) in section 44, sub-section (2) shall be omitted.
45. On and from the appointed day, in the North-Eastern Council Act, 1971,-
- (a) in section 2, for clauses (b) and (c), the following clause shall be substituted, namely:-
    - (b) "north-eastern areas" means the area comprising the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.;
  - (b) in section 3, in sub-section (1), for clause (b), the following clause shall be substituted namely:-
    - (b) the Chief Ministers of the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura."
46. (1) All laws in force, immediately before the appointed day, in the existing Union territory of Arunachal Pradesh shall continue to be in force in the State of Arunachal Pradesh until altered, repealed or amended by a competent Legislature or other competent authority.
- (2) For the purpose of facilitating the application in relation to the State of Arunachal Pradesh of any law made before the appointed day, the appropriate Government may, within two years from that day, by order,

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make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and there upon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed, or amended by a competent Legislature or other competent authority.

**Explanation:** In this section, the expression "appropriate Government" means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government and as respects any other law, the Government of the State of Arunachal Pradesh.

47. Notwithstanding that no provision or insufficient provision has been made under section 46 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Arunachal Pradesh, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.
48. All courts and tribunals and all authorities discharging lawful functions throughout the existing Union territory of Arunachal Pradesh or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority, continue to exercise their respective functions.
49. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.
50. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:  
Provided that no such order shall be made after the expiry of three years from the appointed day.  
(2) Every order made under this section shall be laid before each House of Parliament.
51. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.  
(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## THE FIRST SCHEDULE

[See section 16 (1)]

### AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

*Constitutional  
Developments in  
Arunachal Pradesh (from  
British Period to  
Statehood)*

#### NOTES

In the Constitution (Scheduled Castes) Order, 1950,-

- (1) in paragraph 2, for the figures "XX", the figures "XXI" shall be substituted;
- (2) in the Schedule, after Part XX, the following Part shall be inserted, namely:-

#### **"Part XXI- Arunachal Pradesh**

1. Bansbhor
2. Bhuimali or Mali
3. Brittial Bania or Bania
4. Dhupi or Dhobi
5. Dugla or Dholi
6. Hira
7. Jalkeot
8. Jhalo, Malo or Jhalo-Malo
9. Kaibartta or Jaliya
10. Lalbegi
11. Mahara
12. Mehtar or Bhangi
13. Muchi or Rishi
14. Namasudra
15. Patni
16. Sutradhar".

## THE SECOND SCHEDULE

[See section 16 (2)]

### AMENDMENTS TO THE CONSTITUTIONS (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

In the Constitution (Scheduled Castes) (Union Territories) Order, 1951

- (1) in paragraph 2, for the words and figures "Parts I to III", the words and figures "Parts I and II" shall be substituted;
- (2) in paragraph 4, for the figures "1956," the figures and word "1956 and" shall be substituted and the portion beginning with the words "and any reference to a Union territory", and ending with the words, brackets and figures "the North- Eastern Areas (Reorganisation) Act, 1971" shall be omitted;
- (3) in the Schedule, PART III, *Arunachal Pradesh* shall be omitted.

**NOTES**

**THE THIRD SCHEDULE**

[See section 17 (1) ]

**AMENDMENTS TO THE CONSTITUTION  
(SCHEDULED TRIBES) ORDER, 1950**

In the Constitution (Scheduled Tribes) order, 1950,-

- (1) in paragraph 2, for the figures "XVIT", the figures "XVIII" shall be substituted;
- (2) in the Schedule, after Part XVII, the following Part shall be inserted, namely:-

**"PART XVIII. - Arunachal Pradesh**

All tribes in the State including:-

1. Abor
2. Aka
3. Apatani
4. Dafla
5. Galong
6. Khampti
7. Khowa
8. Mishmi
9. Momba
10. Any Naga tribes
11. Sherdukpen
12. Singpho."

**THE FOURTH SCHEDULE**

[See section 17 (2)]

**AMENDMENTS TO THE CONSTITUTION  
(SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951**

In the Constitution (Scheduled Tribes) (Union Territories) Order, 1951,-

- (1) in paragraph 2, for the words and figures "Parts I and II", the word and figure "Part I" shall be substituted;
- (2) in paragraph 3, the portion beginning with the words "and any reference", and ending with the words, brackets and figures "the North-Eastern Areas (Reorganisation) Act, 1971" shall be omitted;
- (3) in the Schedule, PART II, - *Arunachal Pradesh* shall be omitted.

## NOTES

### CHECK YOUR PROGRESS

3. State whether the following statements are true or false:
  - (a) As per the State of Arunachal Pradesh Act 1986, constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.
  - (b) The provisions of the State of Arunachal Pradesh Act 1986 shall have effect notwithstanding anything inconsistent therewith contained in any other law.

### 3.5 SUMMARY

In this unit, you have learnt that:

- The Assam Frontier (Administration of Justice) Regulation, 1945 aims to consolidate and amend the law governing the administration in the frontier tracts of Assam. It extends to the whole of the Balipara, Lakhmipur, Sadiya and Tirap Frontier tracts.
- According to the North-East Frontier areas (administration) regulation, 1954, the areas under North East Frontier Tract was renamed as North East Frontier Agency (NEFA). According to provisions of regulations of 1954, the administrative units were renamed with redefined boundaries as Frontier Divisions. Thus, they were known as— Kameng Frontier Division, Subansiri Frontier Division, Siang Frontier Division, Lohit Frontier Division and Tirap Frontier Division.
- A three-tier Panchayati raj system was introduced in 1969 with an agency council, then known as North East Frontier Agency (NEFA). Unlike in other parts of the country, introduction of Panchayati raj in Arunachal Pradesh preceded introduction of universal adult franchise. The modern democratic process of representative government, formal election, universal adult suffrage, decisions by majority were not yet known to the people. Following the introduction of Panchayati raj, a distinct and discernible political transition began.
- The State of Arunachal Pradesh Act 1986 is meant to provide for the establishment of the State of the Arunachal Pradesh and for matters connected with it.

### 3.6 KEY TERMS

- **Administrator:** the administrator of the Union Territory of Arunachal Pradesh appointed by the President under Article 239 of the Constitution.
- **Sitting member:** in relation to either house of Parliament or the Legislative Assembly of the existing Union Territory of Arunachal Pradesh, means a person who, immediately before the appointed day, is a member of that House or that Assembly.
- **Election Commission:** It refers to the Election Commission appointed by the President under Article 324.

## NOTES

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### 3.7 ANSWERS TO 'CHECK YOUR PROGRESS'

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1. The rule was that any person who gives false evidence in any criminal case of civil suit, whether as a party or a witness, and whether after an oath has been administered to him or otherwise, shall be deemed to have given false evidence within the meaning of the Indian Penal Code, 1860.
2. Tirap Frontier Tract, created in 1943, was concerning some part of Lakhmipur Frontier Tract and Sadiya Frontier Tract with a separate political officer at Margherita.
3. (a) True  
(b) True

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### 3.8 QUESTIONS AND EXERCISES

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#### Short-Answer Questions

1. How have the various Acts helped in the upliftment of the people of the state of Arunachal Pradesh?
2. How did the introduction of the Panchayati Raj help the villages and change the leadership pattern in the state?

#### Long-Answer Questions

1. Give a detailed overview of the Assam Frontier (Administration of Justice) Regulation, 1945.
2. Give a detailed overview of the State of Arunachal Pradesh Act, 1986.

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### 3.9 FURTHER READING

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- Barpujari, H.K.; *Problems of the Hill Tribes of North East India (Vol I, II and III)*, Basanti Prakash, Gauhati, 1976.
- Chattopadhyaya, S.K.; *Tribal Institutions of Meghalaya*, Gauhati, 1985.
- Choube, S.K.; *Hill Politics in the North East India*, Orient Longman, Calcutta, 1974.
- M. Horam; *Naga Policy*, B. R. Publications, Delhi, 1975.
- Mackenzie, A.; *North East Frontier of India*, Mittal Publishers, Delhi.
- Narain Iqbal (ed.); *State Politics in India, Chapter 18 and 19*.
- Rao, V.V.; *A Century of Tribal Politics in North East India*, S. Chand and Co., Delhi, 1976.
- Sangma, Milton, S.; *History and Culture of the Garos*, Book Today, New Delhi, 1981.
- Bhuyan, B.C. (ed); *Political Development of the North East*, Omsons, New Delhi, 1989.



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- Paken, B, (ed); *Ethnicity, Nationality and Cultural Identity*, Omsons, New Delhi, 1989.
- Varrier, Elwin, *Democracy in NEFA (NEFA, Shillong)*.
- Talukdar, A.C.; *Political Transition in the Grassroot in Tribal India*, Omsons, New Delhi.
- Mahanta, Bijan; *Administration Development of Arunachal Pradesh*, Uppal Publishing, New Delhi.
- Luthra, P.N.; *Constitutional Development in NEFA*, Research Department, Arunachal Pradesh Government, Itanagar.
- Gogoi, P.D.; *NEFA Local Polity*, Delhi University, New Delhi, 1971.
- Mukherjee, Amitabh; *Genesis of the Indian National Congress*, in B.N Pande, A Centenary History of the Indian national Congress. Volume 1 1885-1919, Published by All India Congress Committee, Vikas Publishing House Private Limited, Delhi, 1985.

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# UNIT 4 INTRODUCTION TO PANCHAYATI RAJ

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## NOTES

### Structure

- 4.0 Introduction
- 4.1 Unit Objectives
- 4.2 Daying Ering Committee Report, 1965
- 4.3 NEFA-Panchayati Raj Regulation Act, 1967
  - 9.3.1 Gram Panchayat
  - 9.3.2 Anchal Samiti
  - 9.3.3 Zilla Parishad
  - 9.3.4 Agency Council
- 4.4 73rd Amendment and Arunachal Pradesh Panchayati Act, 1997
  - 9.4.1 The 73rd Constitutional Amendment
  - 9.4.2 29 Subjects as per Eleventh Schedule (Article 243G)
- 4.5 Arunachal Pradesh Panchayati Raj Act, 1997
  - 9.5.1 Finance and Budgeting of Panchayats
- 4.6 Summary
- 4.7 Key Terms
- 4.8 Answers to 'Check Your Progress'
- 4.9 Questions and Exercises
- 4.10 Further Reading

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## 4.0 INTRODUCTION

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Mohandas Karamchand Gandhi, the father of our nation, had advocated the revival of traditional panchayats, which would result in turning *Gram Swaraj* into a reality. According to him, panchayats were potent instruments for creation of the base of a nation's governance.

Gandhiji had said,

Independence [of India] must begin at the bottom.....every village will be a republic or a panchayat, having full powers.....every village has to be self-sustained and capable of managing its affairs.

Since the time of independence, India has made constant efforts to achieve Gram Swaraj through Panchayati Raj. A panchayat is a constitutional body, which is a decentralized unit of rural governance. It is elected in a democratic manner. The purpose of such a body is to have participation of the people in the process of decision-making and in local self-management.

India is a nation that has a representative democracy, which functions on the principle: of the people, by the people, for the people. For the purpose of taking democracy right down to the village level, Panchayati Raj institutions have been set up at three levels—district, block and village. The strength of this system rests on the 'Gram Sabha', which enables direct involvement and participation of village communities.

When panchayats were included under the Directive Principles of State Policy in Article 40, the initiative was considered to be a landmark. It was mentioned that 'the state shall take steps to organize village panchayats to endow them with such powers and authority, as may be necessary to enable them to function as units of self-governance'.

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In early 1960s, the Panchayati Raj was introduced as an important move forward, towards an institutional building process that finally became the base for democratic decentralization. This process was furthered by the 73rd Constitutional Amendment of 1992.

Panchayati Raj is looked upon as being the government's third tier after the central and state governments. It enables people's participation in democratic decision-making, planning and implementation of development programmes. Panchayati Raj increases and strengthens the representation system in democratic polity and provides autonomy in decision-making for self-governance and managing respective affairs. It facilitates dissemination of information across all levels and enables villagers to have easy access to the units of governance. It also strengthens and provides better delivery of services to the people. Additionally, the Panchayati Raj system provides training ground to acquire the management skills to address development needs and aims at empowerment of the weaker sections of the society, in particular.

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### 4.1 UNIT OBJECTIVES

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After going through this unit, you will be able to:

- List the recommendations Daying Ering Committee Report, 1965
- Discuss the NEFA-Panchayati Raj Regulation Act, 1967
- Discuss the 73rd Amendment and Arunachal Pradesh Panchayati Act, 1997

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### 4.2 DAYING ERING COMMITTEE REPORT, 1965

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The Daying Ering Committee, created on 14 May 1964, was a committee formulated by the Government of Assam. It was a 4-member committee chaired by Daying Ering who was a nominated MP from NEFA (North-East Frontier Agency). He was also the Parliamentary Secretary in the External Affairs Ministry. The purpose of the Committee was the exploration of feasibility of decentralization of NEFA. The below mentioned aspects were examined by the Committee, as per the reference terms:

- The pattern and scope of the functions and authority that the indigenous tribal institutions exercised at all levels, right down to the village level.
- The best way to enlarge or modify the indigenous political institutions, which were already in existence so that democratic working could be introduced in administration, local development and judiciary.
- The ascertaining of the level of advancement that each tribe and village council had attained.

The committee was to make recommendations pertaining to the following:

- The type of bodies, which would be appropriate at the level of the village and above.
- The nature and extent of the jurisdiction of such bodies.
- The phases to implement the committee's recommendations in the light of the different levels of development attained by the different tribes.

The Committee undertook tours of the NEFA region and studied public opinion as well as official views across the various levels and then prepared a report which contained landmark recommendations. The report was submitted by the Committee in January of 1965.

The recommendation of the Daying Ering Committee was to set up 4-tier, organically linked representative bodies for NEFA and present Arunachal Pradesh. These bodies were recommended to be set up at agency/territory, district, circle and village levels. It is significant to note that at the village, circle and district level, these bodies were aligned with all India Panchayati Raj patterns which had been created on the recommendations put forth by the Balwant Rai Mehta Committee.

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Despite the fact that the use of the term Panchayati Raj was not made by the Ering Committee, this system was plainly recommended by the Committee as NEFA's first modern political institution. To quite an extent the political structures that were proposed were assigned names that were found all across India, like Zilla Parishad, Anchal Samiti and Gram Panchayat. The Daying Ering committee, in its democratic decentralization scheme, recommended that:

- At the village level, a council should be set up. The tribal councils that already exist should be looked upon as Gram Panchayats. Their functioning needs to be on the lines of customary law of the tribals and they must perform functions which are developmental, judicial and general in nature.
- At the circle level, the Anchal Samiti should be formed with sub-divisional officers acting as the ex-official chairpersons. The main task of the Anchal Samitis would be conducting developmental functions.
- At the district level, Zilla Parishads should be formed with 24 to 30 members. The Zilla Parishad would be chaired by the concerned district's Deputy Commissioner.
- At the Apex level, a 20 member agency council would be formed with each district sending 4 members. The task of the Agency council would be to provide advice regarding NEFA's development and administration to the Governor.

The Committee's few other recommendations were:

- Introducing a district system
- Creating a separate service cadre for NEFA officers
- Specifying an election mode for Members of Parliament from NEFA
- Creating a police for NEFA
- Moving NEFA to Ministry of Home Affairs from Ministry of External Affairs

People do consider Daying Ering to be the father of Panchayati Raj, all because of the Committee's recommendations for its far-reaching effects. He is also responsible for Arunachal Pradesh's modern politico-administrative institutions.

Nevertheless, the Committee's recommendations were not without mixed reactions. It was criticized by Assam's local press:

The Ering Committee's recommendations do not envisage any major change in the political setup of NEFA, but the District Council and the Agency Advisory Board to be created contain in them the nucleus of a separate state.

With the Ering Committee having created means for democratic de-centralisation and also provided for the entire NEFA a political setup, the criticism levied on it did not hold much water. The committee's recommendations, slightly modified, were accepted by the government and even incorporated in the 1967 North-East Frontier Agency Panchayati Raj Regulation Act.

In 1967, they were then implemented by the Indian Government. Based on the Act's provisions, an agency council was set up at the apex level, and at the District level it was the Zilla Parishads, at the Block level it was the Anchal Samitis and at village level

## NOTES

the Gram Panchayat. Under the North-East Frontier Administration of Justice Regulation, 1945, all recognized traditional village councils got the Gram Panchayat status.

On 21 January 1971, NEFA became the Union Territory of Arunachal Pradesh as a follow up of the North-East Frontier Areas (Reorganization) Act of 1971. Following this, Pradesh Council which was then held on 1978 replaced the Agency Council. Then, the Pradesh Council replaced the Union Territory and in 1975 it was itself made the Legislative Assembly. The first election to 30-member Assembly was held on 1978. Then on 20 February 1978, state of Arunachal Pradesh was formed. Currently, it has a 60 member strong State Legislative Assembly.

### CHECK YOUR PROGRESS

1. When and who formulated the Daying Ering Committee?
2. What was the purpose of the Daying Ering Committee?
3. When did the Daying Ering Committee submit a report that contained landmark recommendations for NEFA?
4. Why do people consider Daying Ering to be the father of Panchayati Raj?

## 4.3 NEFA-PANCHAYATI RAJ REGULATION ACT, 1967

The North-East Frontier Regulation Act, 1967 was promulgated by the President of India under the power conferred on the President by article 240 of the Indian Constitution. It created in NEFA a political structure which was both democratic and 3-tiered. The structure's 3 tiers comprised Anchal Samitis, Zilla Parishads and the Agency Council. Under the regulation, the village councils were given the status of Gram Panchayat. The purpose was to give to the tribes an opportunity to participate effectively in NEFA's development administration. The aim of the Regulation was to set up a panchayati system for local governance in which the villages and the village people would get linked with the level of the Agency or with the territorial level. The ultimate aim of the Regulation was to create in NEFA a democratic political system that comprised 4 tiers.

### 4.3.1 Gram Panchayat

With the 1976 Regulation, the status of Gram Panchayat was given to all village authorities that had been created under the Assam Frontier Regulation, 1945. However, there was no separate provision for a Gram Panchayat. The traditional village councils that existed got converted to Gram Panchayats that only aided the Electoral College for the purpose of the Anchal Samiti. Under the regulation, the Gram Panchayat was not given specific functions except that of aiding the executive to implement developmental activities as also helping to mobilize human resources for implementing the activities.

### 4.3.2 Anchal Samiti

Under the Regulation, there was to be constituted at block level an Anchal Samiti, effective from the date specified by the Assam Governor. Anchal Samiti is the Panchayat system's

intermediary body. The Anchal Samiti has its jurisdiction over a community development block which could comprise upto 25 villages. According to the Regulation, the Samiti would be composed of ex-officio, nominated and elected members. An Anchal Samiti must:

1. Have a maximum of 25 members, who need to be elected by the Gram Panchayat.
2. Have a representative, who is a person nominated by the chairman of the co-operative society located in the block.
3. Have a maximum of 5 persons, from those tribes who have failed to obtain representation. These are nominated by the Deputy Commissioner.
4. Have the ex-officio President of the Anchal Samiti, who will be the area's sub-divisional officer belonging to the area to which the Anchal Samiti belongs.
5. Have officers to be ex-officio members as needed and to be appointed by the Deputy Commissioner. Such members will not have voting rights.

Every Anchal Samiti will have a Vice President elected by the members who will come from amongst the Samiti's elected members.

The Regulation has assigned a three years term for the Anchal Samiti. It is important to note that the vision that was evolved for the Anchal Samiti was for it to be a democratic institution which was modern and had significant functions, funds and powers as far as the developmental schemes' planning and implementation was concerned.

### 4.3.3 Zilla Parishad

According to the Regulation, the Zilla Parishad would be a Panchayat body set up at the level of the district. The Zilla Parishad would play both advisory and supervisory role for the Anchal Samitis and Gram Panchayats that fell in the Zilla Parishad's district. The Zilla Parishad was also seen as the highest body for the district's programmes and plans finalization. The composition of the Zilla Parishad would be:

1. its ex-officio members would be the district's every Anchal Samitis' Vice Presidents.
2. a single elected member from each Anchal Samiti within that district to be an ex-officio member.
3. a maximum of 6 members whom the governor nominates from those tribes who have failed to obtain representation in the Zilla Parishad.
4. the district's Deputy Commissioner to be the Parishad's ex-officio President.

From amongst the members, the Parishad elects a Vice President. Also, it is possible to include in the Zilla Parishad, the development departments' district heads.

The Regulation has assigned a term of three years to the Zilla Parishad. The role of the Zilla Parishad is to provide the Governor with advice on all issues that concern the Gram Panchayats and the Anchal Smitis. The Zilla Parishad is also responsible for creating district plans and also to come up with recommendations pertaining to budget estimates, allocation of funds, distribution of funds and grants-in-aid for the Samitis. With the type of role it has to perform, the Zilla Parishad holds the position of being a district's apex Panchayat body.

### 4.3.4 Agency Council

At the level of the territory for all of NEFA, the 1967 Regulation made provision for an Agency Council. This council was to be set up through notification by the Governor. The composition of an Agency Council was to be:

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1. The Governor
2. Those members of Parliament who were representing NEFA
3. Every Zilla Parishad's Vice President
4. Each Zilla Parishad's 3 representatives who were elected from amongst the members of the Parishad for the Agency council
5. The Governor's advisor as ex-officio member

An Agency Council's meetings are presided over by the Governor. The Governor consults the Council regarding all matters pertaining to, for example NEFA administration, the five year plans and annual plan proposal for NEFA's development, NEFA's estimated expenditures and receipts and legislature proposals pertaining to matters listed in the state list according to the Constitution's Seventh Schedule. To be more precise, the Agency Council was envisaged by the Regulation to be much like NEFA's legislature.

The NEFA Panchayati Raj Regulation Act, 1967 became effective from 2 October 1968. Based on the proposal of the Regulation, it was in 1969 that the constitution of the Panchayati bodies took place. There was no requirement for creating new Gram Panchayat since the village councils which were already in existence were given that status. The Anchal Samitis were set up by 1969, mid September.

Further, the Zilla Parishad elections were also concluded before end of October 1969. Nevertheless, both Thrap district's Miao-Vijyanagar sub-division and Kameng district's Seppa sub-division remained bereft of the operation of the Panchayati Raj Regulation. It was on 3 December 1969 that the formal inauguration was done by the Governor of Assam of the Panchayati Raj institutions in NEFA.

A list of NEFA's 1969 Panchayati Raj body's status is shown in Table 9.1.

*Table 9.1 Panchayat Bodies Constituted in NEFA in 1969*

Districts	Zilla Parishads	Anchal Samitis	Gram Panchayats*
Kameng	1	5	NA
Subansiri	1	12	NA
Siang	1	11	NA
Tirap	1	3	NA
Lohit	1	8	NA
<b>Total</b>	<b>5</b>	<b>39</b>	<b>838</b>

\*As Anchal Samiti Constitutencies

*Source: NEFA Information, August 1969, pp 32-33; Kurukshetra, Vol 20, No. 3 Number, 1967, p.12.*

Nevertheless, the responses to the establishing in NEFA of Panchayati Raj were varied and mixed. The development was criticized by Assam's political elite as according to them it caused NEFA to be virtually separated from Assam. According to Dr. Verrier Elwin who was NEFA's tribal policy architect, the introduction of statutory Panchayats posed a real threat to the councils that had traditionally existed and he advocated that the tribal way of life in the region be retained.

The opposite view was taken by the administration of NEFA which stood in defense of the statutory panchayats. It looked at the actual objective behind the NEFA Panchayati Raj Regulation Act, 1967 and explained it as follows:

For the all-round progress of the villages a people's movement has to be organised and should be strengthened and vitalised by providing a truly democratic institutional base. The Panchayati Raj alone can provide such a base and can help in creating real life and dynamic movement, which would transform the countryside in NEFA. It is essential that a process has to start by which efforts of the common people are united with those of the government agencies for improvement of the economic, social and cultural conditions of the communities living in different corners of NEFA and also to integrate those communities into the larger national life.

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It is to be noted here that in NEFA, universal adult franchise was introduced later than the Panchayati Raj. In the 1969 elections to the Panchayat, there was very low participation of the people in general due to the fact that the nature of the political structure that existed in the region was still rather primitive. So, it was mostly through indirect elections that the seats in the Panchayati bodies filled. The Anchal Samiti members were mostly selected by discussions of the village *Gams* and mostly through unanimous decisions.

In cases where no names were provided, the members were nominated by the sub-divisional Officer or the Deputy Commissioner. Under the North-East Frontier (Administration) Supplementary Regulation 1971, a system was introduced for election to the village councils. Various other changes followed in the second election of the Panchayat of 1972. For the Panchayat bodies, this was the first time that there was the introduction of adult franchise. Also, for a Gram Panchayat, a population limit of no less than 500 was implemented.

In January 1972, NEFA became a Union Territory and was renamed Arunachal Pradesh. Its agency council became the parishad council and on 15 August 1975, it became the provisional legislative assembly. With this, Arunachal Pradesh's Panchayati Raj did not go beyond the 3-tier set up with Zilla Parishad at district, Anchal Samiti at block and Gram Panchayat at village level.

It is evident that with NEFA, the purpose of the Panchayati Raj was to link the region with the mainstream by creating integrity and uniformity within the area's isolated political practices. While in essence the Panchayati Raj system in India is meant to create decentralization, in Arunachal Pradesh its essential task was to provide the region with a political identity that was distinctive and create for the region a broader perspective for its modern political processes.

### CHECK YOUR PROGRESS

5. Who promulgated the North-East Frontier Regulation Act, 1967 and under which Article?
6. What were the three tiers of the political structure of NEFA?
7. What was the ultimate aim of the regulations of NEFA?
8. What is Anchal Samiti?
9. Which is seen as the highest body for the district's programmes and plans finalization in rural areas?
10. Who presides over the meetings of an agency council?
11. When did NEFA become a Union Territory and what was its new name?



## 4.4 73rd AMENDMENT AND ARUNACHAL PRADESH PANCHAYATI ACT, 1997

### NOTES

In this section, you will get a detailed overview of the 73rd Amendment and the Arunachal Pradesh Panchayati Raj Act 1997.

#### 4.4.1 The 73rd Constitutional Amendment

Despite huge efforts in the first few decades post independence in the region of Arunachal Pradesh, the impact was minimal as far as the following issues were concerned:

1. Absence of regular elections
2. Inadequate representation of women and weaker sections
3. Insufficient devolution of powers
4. Lack of financial resources

With this in mind and for the purpose of ensuring that the Panchayats were provided a degree of strength, continuity and certainty, there was felt a requirement for the intensification of the democratic decentralization process.

For the purpose of making the Panchayati Raj system stronger, in 1992, some amount of constitutional modification was introduced in the form of the 73rd constitutional amendment. This amendment was incorporated into the Constitution as Part IX of the Indian Constitution.

The text of the 73rd Constitutional amendment is as follows:

#### THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992

Statement of Objects and Reasons appended to the Constitution (Seventy-second Amendment) Bill, 1991 which was enacted as the Constitution (Seventy-third Amendment) Act, 1992

##### STATEMENT OF OBJECTS AND REASONS

1. Though the Panchayati Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged supersessions, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.
2. Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj institutions to impart certainty, continuity and strength to them.
3. Accordingly, it is proposed to add a new Part relating to Panchayats in the Constitution to provide for among other things, Gram Sabha in a village or group of villages; constitution of Panchayats at village and other level or levels; direct

## NOTES

elections to all seats in Panchayats at the village and intermediate level, if any, and to the offices of Chairpersons of Panchayats at such levels; reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level; reservation of not less than one-third of the seats for women; fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat; disqualifications for membership of Panchayats; devolution by the State Legislature of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic developments and social justice and for the implementation of development schemes; sound finance of the Panchayats by securing authorization from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State, as also assignment to, or appropriation by, the Panchayats of the revenues of designated taxes, duties, tolls and fees; setting up of a Finance Commission within one year of the proposed amendment and thereafter every 5 years to review the financial position of Panchayats; auditing of accounts of the Panchayats; powers of State Legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State; application of the provisions of the said Part to Union territories; excluding certain States and areas from the application of the provisions of the said Part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by courts in electoral matters relating to Panchayats.

4. The Bill seeks to achieve the aforesaid objectives.

### **THE CONSTITUTION (SEVENTY-THIRD AMENDMENT) ACT, 1992**

[20th April, 1993]

An Act further to amend the Constitution of India, enacted by Parliament in the Forty-third Year of the Republic of India was as follows:

1. Short title and commencement.-(1) This Act may be called the Constitution (Seventy-third Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new Part IX.- After Part VIII of the Constitution, the following Part shall be inserted, namely:-

#### **'PART IX THE PANCHAYATS'**

243. Definitions: In this Part, unless the context otherwise requires:

(a) "district" means a district in a State;

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "Intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

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243D. Reservation of seats.- (1) Seats shall be reserved for-

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats of reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243E. Duration of Panchayats, etc.- (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Panchayat shall be completed:

- (a) before the expiry of its duration specified in clause (1);
- (b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period.

## NOTES

(4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved.

243F. Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat:

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause

(1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243G. Powers, authority and responsibilities of Panchayats.- Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

243H. Powers to impose taxes by, and Funds of, the Panchayats. The Legislature of a State may, by law,-

(a) authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(d) provide for Constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-I. Constitution of Finance Commission to review financial position.- (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor as to:

(a) the principles which should govern:

(i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them

under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayat;

(iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats.

(2) The Legislature of a State may, by law, provide for the composition of the commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected.

(3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them.

(4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243J. Audit of accounts of Panchayats.- The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts.

243K. Elections to the Panchayats.-(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. Application to Union territories.-The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:

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Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243M. Part not to apply to certain areas.-(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this part shall apply to:

(a) the States of Nagaland, Meghalaya and Mizoram;

(b) the Hill Areas in the State of Manipur for which District Councils exist under any law for the time being in force.

(3) Nothing in this Part-

(a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force;

(b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.

(4) Notwithstanding anything in this Constitution:

(a) the Legislature of a State referred to in sub-clause (a) of clause

(2) may, by law, extend this Part to that State, except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting;

(b) Parliament may, by law, extend the provisions of 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 this Constitution for the purposes of article 368.

243N. Continuance of existing laws and Panchayats.-Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243-O. Bar to interference by courts in electoral matters.-Notwithstanding anything in this Constitution,-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

Constitution, after sub-clause (b), the following sub-clause shall be inserted, namely:

“(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;”.

Constitution, the following Schedule shall be added, namely:-

### ELEVENTH SCHEDULE

#### (Article 243G)

1. Agriculture, including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development
4. Animal husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small scale industries, including food processing industries
9. Khadi, village and cottage industries
10. Rural housing
11. Drinking water
12. Fuel and fodder
13. Roads, culverts, bridges, ferries, waterways and other means of communication
14. Rural electrification, including distribution of electricity
15. Non-conventional energy sources
16. Poverty alleviation programme
17. Education, including primary and secondary schools
18. Technical training and vocational education
19. Adult and non-formal education
20. Libraries
21. Cultural activities
22. Markets and fairs
23. Health and sanitation, including hospitals, primary health centres and dispensaries
24. Family welfare
25. Women and child development
26. Social welfare, including welfare of the handicapped and mentally retarded
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes
28. Public distribution system
29. Maintenance of community assets

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## NOTES

Here is a list of the 73rd Constitutional Amendment's basic mandatory provisions:

- Setting up of three-tier Panchayati Raj Structure at district, block and village level [two-tier for states where total population is less than 20 lakhs.
- Setting up of Gram Sabha at the village level.
- Providing reservation for women, scheduled tribes and scheduled casts as members and chairpersons of these bodies at all levels.
- A five year term for every Panchayat (in case of dissolution on specific grounds, it has to be reconstituted before six months).
- To constitute every 5 years a State Finance commissions for the review and recommending of the pattern of distribution of funds to Panchayats.
- To constitute a State Election Commission for conducting and supervision of elections to these bodies.
- To prepare and implement plans for economic development and social justice including 29 subjects of the 11th Schedule of the Constitution.

The Panchayats are to be created at three levels, gram panchayat at the village level, Anchal Samiti at the intermediate or block level and Zilla Parishad at the level of the district divided into wards/territorial constituencies for the election of the members. Persons who are elected to the position of Chairpersons to intermediate and district level are from amongst those who are the existing members-elect of respective territorial constituencies. The Amendment leaves the election of the Gram Panchayats' Chairpersons to the decision of State.

As far as seat reservation is concerned, provision has been made for reserving seats for Scheduled Castes (SC) (Arunachal is exempted for this reservation) as also for Scheduled Tribes (ST) at the three levels. The reservation will be made keeping in mind the proportion of their population in the area. For women, at every level, not less than 33% or 1/3rd of the seats are reserved by rotation. Also, no less than 33% or 1/3rd of the total number of offices of Chairpersons in the Panchayat at each level are reserved for women by rotation in different panchayat.

Every Panchayat is formed for a period or term of 5 years with regular elections at the end of the term. This holds true in all circumstances except when the Panchayat is dissolved sooner than 5 years in accordance with the State Act and on specific grounds.

Under authority from the State Panchayati Raj Act, it is possible to dissolve a Panchayat. If this happens, elections to reconstitute the Panchayat need to be conducted prior to the expiry of its duration or before the expiration of a period of six months from the date of dissolution in the normal course. The Panchayats which is formed in this way shall hold office for the remaining period of the dissolved Panchayat's term.

Persons who are not qualified for being state legislative member are not qualified for becoming members of the Panchayat at any of its levels. Persons who can become members of a Panchayat need to have completed 21 years of age. Based on the provisions of the state specific panchayat acts, it is possible to disqualify persons.

The term devolution implies the transferring of 'functions, functionaries and funds with functional autonomy.' According to Article 243G of the Constitution of India, UTs / States may bestow upon the Panchayats functions and powers for the preparation and implementation of plans for social justice and economic development. Under Article 243H of the Indian Constitution, empowering of the Panchayats could be done for the purpose of levying and collecting of appropriate fees, tolls, duties and taxes.



In terms of the distribution to Panchayats of funds, it is for the State Government to set up every 5 years a State Finance Commission (SFC) which will perform a review of the Panchayats' financial position and come up with appropriate recommendations pertaining to the following:

- Proportion and pattern of allocation/distribution of financial resources to the Panchayats
- Determining of the fees, tolls, duties and taxes to be assigned to the Panchayats
- Suggesting measures required for the improvement of the financial position of the Panchayats

Moreover, via the State Panchayat Act, the state needs to formulate provisions Panchayat account maintaining and their auditing.

It is up to the State Government to appoint a State Election Commissioner, who will be responsible for supervising, directing and controlling the preparing of electoral rolls as also for conducting Panchayat elections. The Commission would also have the responsibility of formulating all rules/provisions connected with Panchayat elections.

According to the provisions of the Act, the delimitation and/or the allotment of seats to constituencies made or purporting to be made cannot be questioned in court. According to the Act, no question can be raised pertaining to the elections to the Panchayats. Only those points can be raised which are provided in the State Act.

The 73rd Amendment's provisions do not hold for the whole of India. It only pertains to:

- Scheduled Areas referred to in clause (1)
- Tribal areas referred to in clause (2), of article 244
- State of Nagaland, Meghalaya and Mizoram
- Hill areas in the State of Manipur for which District Councils exist
- Darjeeling Gorkha Hill Council of Darjeeling in the State of West Bengal shall continue to function in lieu of Zilla Parishads

A resolution can be passed by the State Legislature to restrict the provisions. It needs to be passed by a majority of the total membership of that House when not less than two-thirds of the members of that House are present and voting.

According the Constitution's 11th schedule, the Panchayat has the following 29 functions in its purview.

#### 4.4.2 29 Subjects as per Eleventh Schedule (Article 243G)

1. Agriculture including agricultural extension
2. Land improvement, implementation of land reforms, land consolidation and soil conservation
3. Minor irrigation, water management and watershed development
4. Animal husbandry, dairying and poultry
5. Fisheries
6. Social forestry and farm forestry
7. Minor forest produce
8. Small scale industries including food-processing industries
9. Khadi, village and cottage industries
10. Rural housing

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On 18th April 1994, an ordinance was promulgated by the Governor which would take the place of the NEFA Panchayati Raj Regulation, 1967 (Regulation No.3 of 1967), which was related to Panchayats as a law that was comprehensive. Unfortunately, in the duration of the period that was stipulated, the Regulation did not get translated to legislation.

Led by Sri Gagong Apang, the Arunachal Congress government, at the very last moment had the State Legislative Assembly pass the Arunachal Pradesh Panchayati Raj Bill. Finally, the bill reached the President of India for approval. Objection was raised by the President considering that the Bill had no provision, contrary to the 73rd Amendment, for Scheduled Castes reservation.

Appeals were made to both the Prime Minister and the President of India by the Government of Arunachal Pradesh for letting the Bill pass in light of the tribal customary law's dominance as also the higher tribal population in the hill states. This controversy led to the Arunachal Pradesh Panchayati Raj Bill not going beyond the President for many years. This put the Arunachal Pradesh Panchayati Raj institutions in a moribund state. Here we see a clear conflict between the constitutional form of the national grassroots democracy and the ethnic tradition.

According to the State Institute of Rural Development, Fourth Revision (November, 2006), manual on training on Panchayati Raj, "This [Panchayati Raj] system was in practice for 30 years till 14th September, 1997. The last elections under NEFA Panchayati Raj Regulation 1967 were held in 1992. These institutions during these years were involved in planning and implementation of Rural Development and other sectoral Programmes. .... As per the 73rd Constitution Amendment one of the mandatory provisions was that the states had to revise their specific panchayat acts. Thus the state government had to pass its own Panchayati Raj legislation which ultimately resulted in the enactment of the Arunachal Pradesh Panchayati Raj Bill 1997."

The Arunachal Pradesh Panchayati Raj Bill 1997 was turned into an Act with the Government of India notification of 30th April 2001. Following this, post the 2003 elections, panchayats got constituted in the state. The Panchayati bodies in the state get regulated based on the 1997 Arunachal Pradesh Panchayati Raj Act.

The principles of the Arunachal Pradesh Panchayati Raj Act are:

- The panchayats are governed by this act known as Arunachal Pradesh Panchayati Raj Act 1997.
- Elected members of all three tiers and the concerned officials have to follow the Act in letter and spirit.
- The present panchayati raj system covers the entire state of Arunachal Pradesh.

The salient features of the Arunachal Pradesh Panchayati Raj Act are:

- Three tiers of panchayats, viz., Gram Panchayat, Anchal Samiti and Zilla Parishad will be set up.
- The Panchayati raj system's very foundation will be the Gram Sabha.
- The Panchayats will be formed for a five-year term.
- Women are to get 1/3rd or 33% reservation in all tiers of Panchayats as members and Chairpersons on rotation basis. The seats which are reserved for women in the present term may become unreserved seats, whereas the unreserved seats in the present term may become reserved seats for women in subsequent election/terms.

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- The bodies can be formed again after due elections as per the Arunachal Pradesh Panchayati Raj Act 1997.

Every tier of the Panchayati system needs to create its annual action plans. The plans of the Gram Panchayat are sent to the Anchal Samiti and after the Anchal Samiti has consolidated the Plans of all the Gram Panchayats under its purview, they get sent to the Zilla Parishad. The Zilla Parishad holds the responsibility of scrutinizing and considering the plans and finalizing them.

To complete the process, the Zilla Parishad sends these plans of the entire district to the State Government for seeking its approval. The Panchayat cannot implement any of that which has not been approved by the state government.

Elections to the panchayats can be contested by those persons who meet the criteria given as follows. The person should

- be a citizen of India
- have attained the age of 21 years
- not have been dismissed from any job by the government or by the panchayats within the last five years
- not be serving any punishment on criminal charges
- not be holding any office of profit

The selection of the chairperson to panchayats is done from within the elected members of the bodies at different levels in the first meeting of the body after the election.

The functions to be performed by the Chairperson(s) at the various tiers of the Panchayati Raj are:

- Coordination of meetings.
- Responsibility for record maintenance.
- Coordinate with other agencies like the Primary Health Centres, Education, Veterinary, Fishery, Horticulture and Block Development Office.
- Performing tasks assigned by the state government as and when required.

Under the provisions of the Arunachal Pradesh Panchayati Raj Act 1997, it is possible to remove a Chairperson in the following cases:

- If they are disqualified from being a member
- If undesirable in public interest.
- If they are involved in corruption or are found to incur financial loss on purpose.
- Government can remove a chairperson for failure or refusal to act as chairperson.

If a no-confidence motion is to be passed, it is required to provide a seven day advance notice to the concerned authorities by the members prior to proceeding with the process of the motion.

In a case like this, a member whose removal is being voted is not allowed to cast a vote in the concerned meeting, be it an ex-officio member or even the chairperson, the members or chairpersons of Panchayats are allowed to resign. According to the State Institute of Rural Development, Fourth Revision (November, 2006), manual on training on Panchayati Raj:

- The members of any tier can resign by submitting their resignation to the respective chairpersons.
- The chairperson would submit the resignation to the concerned chairperson of the above tier, e.g. the chairperson of the Gram Panchayat can send resignation to chairperson of Anchal Samiti.

- The member of the Zilla Parishad may resign by intimating (in writing) to the Member Secretary of the Zilla Parishad.
- The chairperson of the Zilla Parishad can resign his office by intimating in writing to the Deputy Commissioner. The office shall become vacant after 15 days from the date of submission of the resignation. However the Zilla Parishad Chairperson has the liberty to withdraw the resignation by writing within the 15 days.

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The only authority which can devolve 'functions, funds and functionaries as well as autonomy to the panchayats' is the State Government. In the same way, it is the government which can withdraw a function that has been devolved to panchayats. The Government cannot take actions arbitrarily – the actions need to be taken according to the Arunachal Pradesh Panchayati Raj Act 1997's provisions. For the purpose of effective performance of work, it is possible at all three levels for the Panchayats to formulate Bye Laws but they need to be in line with the provisions of AP PR Act 1997.

AP PR Act 1997 has provision for there being at each level a member secretary. The Member secretary is to be appointed by the State Government. Being an ex-officio member of the Panchayat where the appointment is, member secretary needs to hold responsibility for the conduct of the numerous functions of administrative nature as accorded by the state act.

The panchayats are required to perform functions for the development of the area they represent. The funds that they require for such functioning is an important aspect of the working of the Panchayats. Each tier of the Panchayati Raj is required to have its own funds. According to the State Institute of Rural Development, Fourth Revision (November, 2006), manual on training on Panchayati Raj,

These [funds] may be in the form of receipts of allocated grants/funds directly from the government of India and the Government of Arunachal Pradesh. All the money and receipts shall be deposited in the concerned FUND of the Panchayats and spent according to provisions of Arunachal Pradesh Panchayati Raj Act 1997 and procedures prescribed by government of Arunachal Pradesh from time to time as well as the various guidelines. All payments for approved works, etc shall be made by the Panchayats from their own funds. Further the Panchayat members would receive the travelling and daily allowances at government prescribed rates to attend meetings etc. from their respective Panchayat fund.

### 4.5.1 Finance and Budgeting of Panchayats

For the Panchayats, the following are the broad aspects pertaining to finance and budgeting.

#### A. Budgets

- All tiers shall prepare their respective budgets for the year.
- The budgets of Gram Panchayats shall be approved by the Anchal Samitis.
- The budgets of Anchal Samitis shall be approved by the Zilla Parishad.
- The Budget of Zilla Parishad, which is a consolidated budget of all PRIs in the district, shall be approved by the State government.
- The Audit report of Zilla Parishad with details of all Anchal Samitis and Gram Panchayats will be submitted to the state government.

## NOTES

### B. Finance Commission

A State Finance Commission is to be constituted by the State Government once in five years for the purpose of conducting reviews to assess the Panchayats' financial condition, making recommendations for fund transfer, suggesting measures for the improvement of the Panchayats' financial position and providing the State Government advice regarding the mobilisation by panchayats of financial resources.

### C. Inspection and Audit

Audit has to be performed of all three tiers' accounts. The work performed by the various Panchayats will also be audited by the state government. The officer whom the state government appoints for this purpose holds all authority to inspect or check any property or work of the panchayats. It is stipulated by the AP PR Act 1997 that the Dy. Commissioner, Additional Dy. Commissioner or Extra Assistant Commissioner is to inspect panchayats on state government authorization. The reports made of the inspection are to be duly submitted to the state government. Gram Panchayat's audit reports get forwarded to the Anchal Samiti, those of the Anchal Samiti to the Zilla Parishad for the purpose of rectifying any defects and for concerned action. In the same way, the Zilla Parishad's audit reports are submitted directly to the State Government.

### D. Other Provisions

The fine for obstructing the working of the Panchayat is ₹200/- and for destroying Panchayat's property is ₹1000/-.

### E. The Election Commission

According to the State Panchayati Raj Act, a State Election Commission is to be constituted by the State shall whose responsibility will be of preparing or revising electoral rolls and conducting elections. The Act has provision for appointing election officers at the district and sub- Divisional levels for the purpose of coordinating and supervising the Panchayat election.

The Deputy Commissioner has the power to and responsibility for suspending all orders or decisions of the Panchayati Raj institutions which could cause problems or injury to public and break peace. It is the prerogative of the Dy. Commissioner to ask to see any financial record of any tier of the Panchayat. It is also for the Deputy Commissioner to suggest changes to Panchayat's fees, taxes etc.

### CHECK YOUR PROGRESS

16. What was the fate of the panchayati bodies which were constituted in 1992, in Arunachal Pradesh?
17. When was the ordinance promulgated by the Governor, to replace the NEFA Panchayati Raj Regulation, 1967?
18. Why did the President object to the Arunachal Pradesh Panchayati Raj Bill?
19. What are the criteria for a person to contest elections to panchayats?

### ACTIVITY

The panchayats of Haryana have often been in the limelight for the wrong reasons. Form two teams to collect cuttings of the constructive and destructive judgments of the panchayats of the state and rate their overall performance.

### NOTES

### DID YOU KNOW

There are 234,078 Panchayati Raj institutions in the country, including:

1. Gram Panchayats
2. Panchayat Samitis
3. Zila Parishads

## 4.6 SUMMARY

In this unit, you have learnt that:

- The Daying Ering committee, created on 14 May 1964, was a committee which was formulated by the Government of Assam.
- It was a 4-member committee chaired by Daying Ering, who was a nominated MP from NEFA. He was also the Parliamentary Secretary in the External Affairs Ministry.
- The purpose of the committee was to explore and find out the feasibility of the implementation of the decentralization of NEFA.
- People consider Daying Ering to be the Father of Panchayati Raj, simply because his recommendations had far-reaching effects. He is also responsible for Arunachal Pradesh's modern politico-administrative institutions.
- Nevertheless, the Daying Ering Committee's recommendations were not without mixed reactions. They were criticized by Assam's local press.
- The North-East Frontier Regulation Act, 1967 was promulgated by the President of India under the power conferred on him by article 240 of the Indian Constitution. It created in NEFA, a political structure, which was both democratic and 3-tiered.
- The structure's 3 tiers comprised the Anchal Samitis, Zilla Parishads and the Agency Council. Under the regulation, the village councils were given the status of Gram Panchayat.
- The development of village councils was criticized by Assam's political elite, as according to them it caused NEFA to be virtually separated from Assam.
- According to Dr. Verrier Elwin, who was NEFA's tribal policy architect, the introduction of statutory panchayats posed a real threat to the councils that had traditionally existed and he advocated that the tribal way of life in the region be retained.
- An opposite view was taken by the administration of NEFA which stood in defense of the statutory panchayats.

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- For the purpose of making the Panchayati Raj system stronger, in 1992, there was some amount of constitutional modification that was introduced in the form of the 73rd constitutional amendment. This amendment was incorporated into the Constitution as Part IX of the Indian Constitution.
- The Panchayati Raj system was in practice for 30 years till 14th September, 1997.
- The last elections under NEFA Panchayati Raj Regulation 1967 were held in 1992. The institutions formed during these years were involved in planning and implementation of rural development and other sectoral programmes.
- As per the 73rd Constitution Amendment, one of the mandatory provisions was that the states had to revise their specific panchayat acts. Thus, the state government had to pass its own Panchayati Raj legislation which ultimately resulted in the enactment of the Arunachal Pradesh Panchayati Raj Bill 1997.
- The Arunachal Pradesh Panchayati Raj Bill 1997 was turned into an act with the Government of India's notification of 30th April 2001. Following this, post the 2003 elections, panchayats got constituted in the state.
- Panchayati bodies in the state get regulated, on the basis of the Arunachal Pradesh Panchayati Raj Act 1997.

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### 4.7 KEY TERMS

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- **Panchayat:** A council of elders representing a village or caste
- **Gram Sabha:** Local governments at the village or small town level
- **Directive Principles of State Policy:** Guidelines to the central and state governments of India, to be kept in mind while framing laws and policies
- **Self-governance:** An abstract concept that refers to several scales of organization
- **Parliamentary Secretary:** A member of a parliament who assists a more senior minister with his or her duties
- **Balwant Rai Mehta Committee:** A committee appointed by the Government of India in January 1957 to examine the working of the Community Development Programme (1952) and the National Extension Service(1953) and to suggest measures for their better working

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### 4.8 ANSWERS TO 'CHECK YOUR PROGRESS'

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1. The Daying Ering Committee was formulated on 14 May 1964, by the Government of Assam.
2. The purpose of the Daying Ering Committee was to explore the feasibility of implementation of the decentralization of NEFA.
3. The Daying Ering Committee submitted a report, which contained landmark recommendations for NEFA in the January of 1965.
4. People consider Daying Ering to be the father of Panchayati Raj because his committee's recommendations had very far-reaching effects.

5. The President of India promulgated The North-East Frontier Regulation Act, 1967, under the power conferred on him by article 240 of the Indian Constitution.
6. The three tiers of the political structure of NEFA comprised Anchal Samitis, Zilla Parishads and the Agency Council.
7. The ultimate aim of the regulations was to create in NEFA a democratic political system that comprised 4 tiers.
8. Anchal Samiti is the Panchayat system's intermediary body that has its jurisdiction over a community development block, which could comprise up to 25 villages.
9. The Zilla Parishad is seen as the highest body for the district's programmes and plans finalization in rural areas.
10. The Governor presides over the meetings of an agency council.
11. NEFA became a Union Territory in January 1972 and it was renamed Arunachal Pradesh.
12. To make the Panchayati Raj system stronger, in 1992, some amount of constitutional modification was introduced in the form of the 73rd constitutional amendment.
13. The 73rd constitutional amendment was introduced as Part IX of the Indian Constitution.
14. Article 40 of the Constitution says that the State shall take steps 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.
15. The State Government appoints a State Election Commissioner, who is responsible for supervising, directing and controlling the preparation of electoral rolls as also for conducting Panchayat elections.
16. The panchayati bodies which were constituted in 1992, in Arunachal Pradesh, became extinct in the second half of 1997.
17. On 18th April 1994, an ordinance to replace the NEFA Panchayati Raj Regulation, 1967 was promulgated by the Governor.
18. The President objected to the Arunachal Pradesh Panchayati Raj Bill because it had no provision for Schedule Cast reservation.
19. The criteria for a person to contest elections to panchayats are as follows:
  - (i) The person should be a citizen of India
  - (ii) The person should have attained the age of 21 years
  - (iii) The person should not have been dismissed from any job by the government or by the panchayats within the last five years
  - (iv) The person not be serving any punishment on criminal charges
  - (v) The person not be holding any office of profit

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## 4.9 QUESTIONS AND EXERCISES

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### Short-Answer Questions

1. What were the recommendations of the Daying Ering Committee Report 1965?
2. What composition of Anchal Samiti was recommended by the NEFA-Panchayati Raj Regulation Act, 1967?



3. According to NEFA-Panchayati Raj Regulation Act, 1967, what was supposed to be the composition of the Gram Parishads?
4. List 29 subjects of the Eleventh Schedule (Article 243G).

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### Long-Answer Questions

1. 'The Ering Committee's recommendations did not envisage any major change in the political set up of NEFA, but the District Council and the Agency Advisory Board to be created contain in them the nucleus of a separate state'. Explain the statement.
2. Describe the Panchayati Raj institutions recommended by the NEFA-Panchayati Raj Regulation Act, 1967.
3. Explain the composition and functioning of an Anchal Samiti.
4. What are the salient features of the 73rd Constitutional Amendment?
5. Write a detailed note explaining the principles, composition and functioning of the Arunachal Pradesh Panchayati Raj Act, 1997.

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## 4.10 FURTHER READING

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- Barpujari, H.K.; *Problems of the Hill Tribes of North East India (Vol I, II and III)*, Basanti Prakash, Gauhati, 1976.
- Chattopadhyaya, S.K.; *Tribal Institutions of Meghalaya*, Gauhati, 1985.
- Choube, S.K.; *Hill Politics in the North East India*, Orient Longman, Calcutta, 1974.
- M. Horam; *Naga Policy*, B. R. Publications, Delhi, 1975.
- Mackenzie, A.; *North East Frontier of India*, Mittal Publishers, Delhi.
- Narain Iqbal (ed.); *State Politics in India, Chapter 18 and 19*.
- Rao, V.V.; *A Century of Tribal Politics in North East India*, S. Chand and Co., Delhi, 1976.
- Sangma, Milton, S.; *History and Culture of the Garos*, Book Today, New Delhi, 1981.
- Bhuyan, B.C. (ed); *Political Development of the North East*, Omsons, New Delhi, 1989.
- Paken, B. (ed); *Ethnicity, Nationality and Cultural Identity*, Omsons, New Delhi, 1989.
- Varrier, Elwin, *Democracy in NEFA (NEFA, Shillong)*.
- Talukdar, A.C.; *Political Transition in the Grassroot in Tribal India*, Omsons, New Delhi.
- Mahanta, Bijan; *Administration Development of Arunachal Pradesh*, Uppal Publishing, New Delhi.
- Luthra, P.N.; *Constitutional Development in NEFA*, Research Department, Arunachal Pradesh Government, Itanagar.
- Gogoi, P.D.; *NEFA Local Polity*, Delhi University, New Delhi, 1971.
- Mukherjee, Amitabh; *Genesis of the Indian National Congress*, in B.N Pande, A Centenary History of the Indian national Congress. Volume 1 1885-1919, Published by All India congress Committee, Vikas Publishing House Private Limited, Delhi, 1985.

# UNIT 5 WORKING OF PANCHAYATS

## Structure

- 5.0 Introduction
- 5.1 Unit Objectives
- 5.2 Panchayats and Traditional Political Institutions
- 5.3 Panchayats and Rural Leadership
- 5.4 Panchayats and Rural Development
  - 5.4.1 Functional Domain of Panchayats
- 5.5 Panchayats' Finances
  - 5.5.1 Own-Source Taxes
  - 5.5.2 Borrowing
  - 5.5.3 Intergovernmental Fiscal Transfers
  - 5.5.4 National Finance Commission
  - 5.5.5 Vertical Schemes
- 5.6 Uneven Development
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- 5.8 Summary
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- 5.10 Answers to 'Check Your Progress'
- 5.11 Questions and Exercises
- 5.12 Further Reading

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### 5.0 INTRODUCTION

In the current Indian rural scenario, village panchayat is a kind of local self-government. The essence of this system is three-fold. The first purpose is to get villagers into the habit of exercising their franchise. The second is to provide relief to the Government from the intricacies of the local affairs of rural areas. The third is to allow the residents to be able to manage their own affairs.

Village panchayats have existed in India since ancient times. During those days, they were very influential associations. Practically, they ruled over villages and had their own customary laws. At the time of the Mughal rule, there was no change in the functioning or powers of village panchayats. The reason for this was that the Mughal Emperors and rulers were contented with the revenue and taxes that were collected and sent to them. They never bothered to interfere in the local administration.

However, during the time of the British rule, Indian village panchayats were entirely dormant and completely devastated. The reason for this was that the British administration was very tyrannical in its ruling method and interfered in every niche and minor affairs of the country. The British Government established an approach of union-president to get to know the views of the public. However, the union presidents were completely overpowered by *thana* officers. Therefore, the existent panchayat system was completely destroyed.

The recent system of village Panchayat has been initiated by the Government of India. It is in accordance with the directive principles of the Indian Constitution. As a result of this, a panchayat is set up for every group of villages. This panchayat comprises a president or sarpanch, vice-president or naib-sarpanch and a few

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members. The Sarpanch is elected by the voters through a direct election. Specific local taxes have been assigned by the Government to panchayats for their maintenance. The shortage of funds is borne by the Government.

A large number of welfare schemes are provided to villages through panchayats. They are also encouraged to do better work by the Government. The panchayat that performs the best is given a commendable cash reward by the government. Village Panchayats elect a Panchayat Committee. These committees are associated with an Adalat Panch and the Zilla Parishad. The Village panchayat elections take place once in every three years.

The work of a panchayat is to look after the village and its interests. It works to implement the welfare schemes introduced by the Government in the interests of villages. The villages pay taxes to their respective panchayats. Every panchayat has a secretary who is appointed to help the association in its work. The secretary is on the payrolls of the Government. Even a few of the institutions in villages are managed by panchayats.

The system of panchayat has been successful in villages. Since the office-bearers of a panchayat are elected by villagers, they can also be voted out, if they do not work to the satisfaction of the people. However, the cooperation of the villagers is also important for the panchayat to help it succeed in its welfare programmes.

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### 5.1 UNIT OBJECTIVES

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After going through this unit, you will be able to:

- Discuss the connection between panchayats and traditional political institutions
- Explain the effect of rural leadership on panchayats
- Identify the various aspects pertaining to the work of panchayats in rural development
- List the various sources of finances for panchayats
- Explain the reasons for uneven development of panchayats in different states
- Describe the salient features of the Ministry of Panchayati Raj

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### 5.2 PANCHAYATS AND TRADITIONAL POLITICAL INSTITUTIONS

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As of 2013, North-East India comprises the states of Tripura, Nagaland, Meghalaya, Manipur, Assam and Arunachal Pradesh. The strategic location of this region for the country makes it essential that prosperity and peace be maintained here so that the nation can ward off the threats to its security.

Post India's independence, it became essential to divide Assam for the creation of various states so that the political aspirations of the numerous ethnic groups could be fulfilled. Despite this action, the ethnic groups are dissatisfied and the task does not seem to have been done satisfactorily. Reflected in the region's social turmoil is a society that is changing and from it is rising a conflict between modernity and the long standing tradition.

Those who benefit from the traditional institutions which are now dying out come in conflict with the new and emerging elites' interests. It has to be understood that the new elites are in a stronger position to avail the modern institutions' benefits.

While in medieval and colonial times, the valley region of North-East India was mostly ruled by kings whose territories were well defined, the hill regions mostly were ruled by chieftains. Self-governance in the hill regions was mostly of three kinds which, according to Atul Goswami in the Introduction of the book *Traditional Self-governing Institutions among the hill Tribes of North-East India*, were: self-regulated convivial type (the Nishis of Arunachal Pradesh), the republican type (more common among the Naga tribes) and the monarchical type (prevalent among the Wanchos of Tirap district, the Khamtis and the Singphos of present Arunachal Pradesh and the Mizo-Kuki Chin tribes).

When India gained independence, North-East India comprised of: (1) the Province of Assam with six Brahmaputra Valley districts (Goalpara, Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur), two Surma valley districts ( Cachar and Sylhet) and three hill districts (Garo Hills, United Khasi and Jaintia Hills and Naga Hills); (2) the North-East Frontier 'Tracts with five frontier tracts (Balipara frontier tract, Abor Hills districts, Mishmi Frontier district, Tirap Frontier and the Naga or Tuensang Frontier Tract) and (3) the princely states of Manipur, Tripura and Khasi states.

The predominately Muslim areas of Sylhet district were transferred to East Pakistan (now Bangladesh) at the time of independence, after a referendum. The eight thanas of that district, which form Karimganj district now, were merged with Cachar district.

In the period after independence, there was large scale reorganization in the states of the North-East. In a society as the one existing in North-East India, which is a greatly plural society, both administrative and political adjustment/ accommodation is required so that space can be created for every ethnic group. The sharpened ethnic and identity difference is a sign of success for the way India has managed to provide those people their ethnic space, rather than a failure and evidence of disintegration.

Provisions, which were constitutional, were made in the North-East, for the tribal regions autonomy at the district level. In Article 244 (2) it is given that the Sixth Schedule's provisions will apply to tribal area administration in Mizoram, Tripura, Meghalaya and Assam. Further, under the Parliament's Manipur (Hill Areas) District Councils Act, 1971, Autonomous District Councils have to be formed in Manipur's hill areas. Under the Constitution, every one of these autonomous districts will be administrated by a District Council comprising a maximum of 30 members, of which a maximum of 4 will be Governor-nominated while the others will be elected members. Election will be held on the basis of adult suffrage.

When a District Council is formed based on the Sixth Schedule's provisions, it has financial, executive, judicial and legislative powers that are clearly specified in the Constitution's Sixth Schedule. District Councils do appear to be like states within the state they belong to. Since District Councils in the broad provisions of the Constitution have autonomous internal functioning, they are majorly different in the sphere of framing of rules and enactment of laws.

A few of the autonomous District Councils, on the issue of voting rights, have allowed all those who are 18 years and above to exercise voting rights and

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some others have put additional criterion for voting such as the duration of stay in the region. There is also a difference between District Councils when it comes to issues regarding power decentralization in the village/grassroots level, forming courts at various levels, and in making the traditional self-governing institutions part of the formal governing/administrating system.

An important thing to note is that both the hill states of Arunachal Pradesh and Nagaland do not have District Councils. Composite Assam's erstwhile district of the Naga Hills refused to allow formation of District Councils which led to a special constitutional arrangement being made for this district. There was a regional council for Tuetsang which remained functional post the formation of the Naga Hills Tuetsang area and the State of Nagaland for over a decade before being abolished. This was followed in the 1970s by the introduction of village development boards which were set up by the State Government. Their purpose was to make the traditional village council institution stronger.

The North-East Frontier Areas (Administration) Regulation was passed in the year 1954. According to this Regulation, the name North-East Frontier Tracts was changed to North-East Frontier Agency or NEFA. Till the 1960s, the only democratic institutions that NEFA had were the traditional bodies. No legislative Assembly existed and Parliament made laws for the Agency. In accordance with the Erring Committee's recommendations, in 1967, the North-East Frontier Agency Panchayati Raj Regulation was passed. This Regulation recommended a local self government which would have three-tiers at the levels of the district, block and village.

Except in the states of Tripura, Manipur and Assam, the continuing and even rise in number of autonomous district councils in Mizoram and Meghalaya even post the changing of their status to statehood seems highly inconsistent since the reason for the introduction of autonomous district councils was protection of a state's hill people from its plains' people no longer existed. Yet, if they are looked upon as self-government units akin to the plains' panchayats, there appears to some sort of rationale behind the keeping the autonomous district councils going in the hill states with modifications.

Though they were looked upon as self-government units, much was lacking in the autonomous district councils when compared with panchayats that functioned on the lines of the provision prior to the 73rd constitutional amendment. With the insertion of Para IX to the Constitution, the Constitution Act 1992 (73rd Amendment) has widened the Indian polity's democratic base and has also ensured that panchayats are constituted as institutions of self-governance.

To quote Atul Goswami in the Introduction of the book *Traditional Self-governing Institutions*:

The Act provides for constituting panchayats in every State (barring the 'Schedule Areas' and 'Tribal Areas' under the Fifth Schedule and Sixth Schedule respectively, where provisions of the 1992 Act would not be automatically applicable; its application with any special provisions and modifications would require subsequent legislations) at the village, intermediate and district levels (panchayats at intermediate level may not be constituted in a State having a population not exceeding twenty lakhs). Other mandatory provisions of the Act relate to (i) constituting a gram sabha consisting of persons registered in the electoral rolls of the village, (ii) filling of all seats in a panchayat by persons chosen by direct election from the territorial constituencies, (iii) reservation of

seats for Scheduled Castes and Scheduled Tribes proportionate to their respective population in the total population of which not less than one third of the seats be reserved for women, (iv) reservation of not less than one third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election, (v) reservation of the offices of the chairpersons for Scheduled Castes, Scheduled Tribes and women, (vi) fixation of a five-year duration of panchayats, (vii) empowering panchayats to prepare plans for economic development and social justice and implement schemes as may be entrusted to them including those in relations to matters listed in the Eleventh Schedule, (viii) constitution of Finance Commission in every State at a regular interval of five years to review the financial position of the panchayats and (ix) constitution of a State Election Commission in every State for superintendence, direction and control of the preparation of the electoral rolls for, and conduct of, all elections to the panchayats. These mandatory provisions have laid down a solid foundation for democratic decentralization, besides paving the way to the civil society for launching a frontal attack on the forces at present inhibiting the panchayats from becoming vibrant institutions of self-government.

The provisions of the Sixth Schedule on various points are comparatively unfavorable to the Act of 1992. The Sixth Schedule does not carry provisions that are mandatory for:

- Seat and office reservation for women
- Ensuring the council's financial health through setting up a quinquennial finance commission
- Forming bodies at levels below the district level and clearly specifying their powers and functions.
- Providing reserved seats for social groups that are in minority in proportion to their total strength in the entire population.
- Empowering of all councils to enable them to formulate plans pertaining to social justice and economic development.
- Conducting elections in a maximum 6 month-period after a council is dissolved.

Stress was visible in North-East India's hill's traditional self-governing institutions due to the combined effect of monetization and the western education system introduced by the British. This had created a section, though small, of a class that was extremely privileged and created a clash of interests with the existing traditional system. The Sixth Schedule only added to the stress.

The constitutional autonomous district councils encroached upon the traditional bodies' functional domain and often superseded them. Let us look at the case of Mizoram where as soon as two of the district councils were formulated, they had enactments passed and got the dues that were paid to the Chiefs abolished. Also, the Mizo District Council pushed Assam government to do away with Chieftainship. In accordance, the area that were in the jurisdiction of the Pawi-Lakher Regional Council and Mizo Hills District Council saw the abolition of the institution of Chieftainship by the Government of Assam through the Assam Lushai Hill District (Acquisition of Chiefs' Rights) Act 1954.

Every autonomous district council that was formed under the Sixth Schedule was endowed with the power to formulate laws of which one was regarding the succession and appointment of chiefs. As a result, chiefs were pushed to the position

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of subordinate officers serving the district councils in areas that were under autonomous district councils. This only added to the strain that was present between the traditional self-governing institutions and the district councils.

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This stress is also seen between traditional and statutory bodies in Arunachal Pradesh, where panchayats are the statutory bodies. In Arunachal Pradesh, the proceedings of the Adi Tribes' traditional village councils, known as *Kebang*, are mostly dominated by elected members of panchayats, who certainly lack knowledge of the tribal traditional law. It appears that only in Nagaland the clash between the traditional bodies and the new constitutional bodies at the level of the villages does not exist and the reason seems to be that the traditional systems' essence has been imbibed by the statutory institutions of the village council.

Even though they are not really democratic, traditional institutions have popular support. When conflict arises with the state/state apparatus, the traditional institutions handle the situation from behind the curtains. Also, when it comes to institutions like matters of custom, property and family, to name a few, the most important role is played by the village headman and the headman's associates.

In this section, we take a closer look at Meghalaya. During the period 1829 and 1947, the Khasi States were under British political control. In 1947, India gained independence and under the Instrument of Accession signed by the Khasi States in 1948, the Khasi States came under the new Dominion. Through the Instrument of Accession, the Khasi States hoped to gain a degree of autonomy in the political framework of India.

In fact, with total disregard to the Standstill Agreement and without a merger agreement they were merged with the Assam State. In all of Assam's hill regions, there was the implementation of the Sixth Schedule's provisions. The Khasi States came under the United Khasi and Jaintia Hills District Councils which got inaugurated on January 20, 1950 and in the current times too it is functional as Khasi Hills Autonomous District Council.

The District Councils, under the Sixth Schedule, are provided the power to formulate regulations and laws in every matter that pertains to the tribals' practices, traditions and customs and at the same time provide a means of implementing a self-government. Nevertheless, the relations that exist between the constitutional and traditional authorities are nothing like that envisaged by the Sixth Schedule, in fact they are highly strained. The taking on of the role of the traditional institutions or that of the British by the District Councils did not strengthen the traditional institution's power position. Many times a tussle ensued between the modern political elite elected constitutional representatives and the traditional elite like the headmen and the chiefs.

In 1959, the autonomous district council of the United Khasi and Jaintia Hills, passed the Appointment and Succession of Chiefs and Headmen Act, 1959. Between the years 1969 and 1995 as many as 6 amendments were made to it. Under this Act, the District Council is given powers by the Indian Constitution to exercise a tight control as far as the appointment mode, suspension and removal of the traditional headmen and chiefs is concerned. On many an occasion, there had been criticism for the Khasi Hills Autonomous District Council (KHADC) for not going with the traditional law while decisions are made in such matters.

As far as District Councils are concerned, it looks like the Chiefs and their institutions would rather work on their own and in their own way rather than be

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subordinate to the District Council or even let go of the outdated old and assume the new and more advanced system. There is the case of KHADC versus the Syiem of Myllem – complaints had been received against the Syiem by Khasi Hills Autonomous District Council which asked the Syiem to appear in person to answer to the charges and since the Syiem failed to do so, an order was passed on March 20, 2001 by which he was suspended and a new Acting Syiem was appointed.

A petition providing reasons for why he did not appear before the council was filed by the Syiem who had been suspended, in the Court of Gauhati. The Gauhati High Court nullified the suspension order giving the reason that ‘no opportunity of hearing was given before the suspension order.’ Khasi Hills Autonomous District Council appealed in the Supreme Court and the Court, based on the United Khasi-Jaintia Hills Autonomous Districts (Appointment and Succession of Chiefs and Headmen) Act 1959, upheld the order passed by the Council.

Even today, the traditional institutes and the constitutional institutions of governance do not see eye-to-eye over their functioning, existence and power sharing as specified in the Constitution’s Sixth Schedule. Several representations have been made by the Federation of Khasi states, an umbrella organization of the Khasi States, to the Union Government to get their cause highlighted. The Khasi States demand, when appealing for constitutional recognition, that there should be included in the Constitution special provisions for the traditional political organizations’ recognition, restoration and empowerment as guardians of practices and usage of local customs.

When a national commission was set up in 2000 for reviewing the Constitution’s working, this demand received a boost. The proposal that they be accommodated in the District Council has been rejected by the Khasi States. They have gone ahead and placed their demand in Article 244 (3) of the 13<sup>th</sup> Schedule. One such demand is the creation of a Federal Council which will have judicial, executive and legislative powers as also power to create its own rules of procedure and conduct of business.

In respect of Panchayati Raj and traditional self-governance institutions, to quote the official website of the Government of Arunachal Pradesh, Department of Panchayati Raj,

Panchayats have been the backbone of the India’s village since the beginning of recorded history. Arunachal Pradesh is not lagging behind as the people manage their daily affairs at the village and community levels through the traditional village institutions by evolving their own codes and customary laws. The traditional village councils were in existence and already recognized under the North-East Frontier Administration of Justice Regulation, 1945. These village councils were accorded the status of Gram Panchayats later on.

### CHECK YOUR PROGRESS

1. Why did it become necessary to divide Assam after India’s independence?
2. Who ruled the valley regions and hills of North-East India during medieval and colonial times?
3. How has Atul Goswami categorized self-governance in the hilly regions, in his book, *Traditional Self-governing Institutions among the hill Tribes of North-East India*?



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4. When a district council is formed based on the provisions of the Sixth Schedule, what kind of powers does it have?
5. Why was stress visible in the North-East Indian hill's traditional self-governing institutions?

### 5.3 PANCHAYATS AND RURAL LEADERSHIP

Leadership is mainly a group phenomenon. For it to be a group phenomenon there need to be at least two persons interacting with each other for achieving some common goal(s). In all groups, there will be some pattern of all interaction and reactions between the members. The relative strength of interpersonal relationships among persons comprising the group will decide who will be the leader.

Different scholars define leadership differently. Bernard M. Bass is of the opinion that:

Leadership is a kind of interaction between and among the people. Any attempt on the part of group members to change the behaviour of one or more member is an attempt at leadership.

Leadership, in the words of J.M. Burns is,

...a reciprocal process of mobilizing - with certain more or less clear motives and objectives and, for that purpose, utilizing the resources. That process, as he said, operated in the context of competition and conflict. What was crucial was the nature of goals and the reciprocal process between leaders and followers.

When the various definitions provided by different scholars are studied, mainly three components of leadership emerge: the situation, the leader and the follower. This makes leadership an interaction between leader and followers in a specific situation. Thus,

The art of planning, leading and guiding the activities of a group of people to achieve a common goal is called leadership, which is an act of persuading the people to cooperate in the achievement of a common objective.

In rural areas, leadership is a major force which though dynamic, has the ability to motivate people as also garner their cooperation. The dynamics of leadership in rural India are also changing.

In *Panchayat Justice: An Indian Experiment in Legal Access*, Upendra Baxi and Marc Galanter write that:

Some studies show the emerging pattern of rural leadership. Significant numbers of *panchas* are young people with comparatively better education and greater political awareness. The monopoly of leadership by certain groups is being disturbed, although poorer and weaker sections of the community still do not occupy effective leadership roles. Also, while emerging leaders are mostly agriculturists, there is a tendency to shift over to business. Membership of political parties, mostly the ruling party, is a feature of the emerging rural leadership. Conceptions or images of leadership also seem to be changing; there seems to be greater emphasis on constructive and developmental tasks.

There are cases where it is seen that the Gram Sabha meetings, which are conducted by women garner higher public participation than those that men conduct.

Women PRI members appear to have successfully mobilized support in their area of the active *Mahila Mandals* and have successfully managed to have them participate actively in the process of decision-making.

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In India, mandated political representation for women in local governments (Gram Panchayats) was implemented in a randomized manner to present some insights on the causal impact of women as policy makers. Woman leaders and the policy decisions of women village council leaders affect children, families and other women. According to *Women Politicians, Gender Bias, and Policy-making in Rural India*, a study done by UNICEF, 'First, we find that villages reserved for women leaders have more public goods, and the quality of these goods is at least as high as in non-reserved villages. Moreover, villagers are less likely to pay bribes in villages reserved for women. Second, we provide evidence from two Indian states that children in villages headed by female Pradhans do better on two dimensions, drinking water and immunization. Girls in villages reserved for female Pradhans also experience an improvement in school attendance.'

In West Bengal, female pradhans invest more in goods directly relevant to the expressed development priorities of women and children, in particular drinking water infrastructure. In addition, household data from one of India's poorest states – Rajasthan – shows that pre-school children are more likely to be immunized and attend government day care centers in villages reserved for women leaders. While, in general, girls are less likely to attend school, we find that women Pradhans significantly reduce the gender gap in school attendance.'

A study also shows that with a lady leader at the helm of things, the political participation increases multifold. Woman leaders are much more sensitive to issues faced by women, than are men leaders and pradhans.

To quote from the Committee on Empowerment of Women (2009-2010) (15th Lok Sabha), third report: 'Empowerment of women through Panchayati Raj institutions.'

For encouraging women political participation in PRIs, the Ministry of Panchayati Raj has formulated the Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) scheme which is geared towards the Elected Woman Representatives (EWRs) and elected youth representatives (EYRs). There are two facets of the scheme:

- Panchayat Mahila Shakti Abhiyan (PMSA)
- Panchayat Yuva Shakti Abhiyan (PYSA)

It has been suggested by several studies that politically empowering women to be leaders in PRIs has important benefits for children since they get a better environment to grow in – from school attendance, health facilities, better sanitation and drinking water, to name a few.

According to *Women Politicians, Gender Bias, and Policy-making in Rural India*:

Even though women provide more and better goods and are less likely to seek a bribe, villagers are still more dissatisfied with the performance of women Pradhans in providing all services, including drinking water for which the quantity and quality in reserved GPs is objectively superior.

Let us look at the case of rural leadership in Arunachal Pradesh.

In Arunachal Pradesh, introduction of modern political institutions proved instrumental in bringing about major changes in village life and village development. It provided opportunities to people to for the first time exercise their franchise during elections to the panchayat. PRIs have opened the eyes of the rural communities when it comes to grassroots democratic political process.

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From the time when Panchayati Raj was introduced in Arunachal, there has been active participation of the people in the state's electoral process. As authority shifted from the traditional to elected, new young leadership has emerged. Political parties became part of the elections at the village level leading to a significant political socialization of the rural community and even furthered their horizon of political attitudes and perceptions. Affairs of the village were dominated by the panchayat leaders. With broadening of people's political outlook and this gradual modernization, there is a minimizing of the narrow ethnic interests of the village people.

The Arunachal Panchayati Raj Act, 1997 is a landmark Act as far as aligning the PRIs in Arunachal Pradesh with the all India pattern is concerned. It has led to the socially disadvantaged groups and more particularly tribal women being better represented in the state panchayat bodies. Nevertheless, in Arunachal Pradesh, the PRIs play a limited role due to the various restrictions imposed on them by different quarters. Arunachal Pradesh being a state where the literacy rate is low, it will be beneficial to provide comprehensive training programmes to augment the capacities and competence of rural leaders.

### CHECK YOUR PROGRESS

6. What is the basic criterion for a leadership to be a group phenomenon?
7. How did Bernard M. Bass define leadership?
8. Which three components of leadership emerge after studying its various definitions, provided by different authors?
9. How are women pradhans different from men in dealing with issues faced by women?
10. Which are the two facets of the Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) scheme?

## 5.4 PANCHAYATS AND RURAL DEVELOPMENT

Rural development refers to the progress of rural areas in all spheres. It is a process, which is majorly dynamic in nature. It includes fair wages, agricultural growth, erecting social and economic infrastructure, providing the landless with housing sites, erecting houses, village planning, public health, education, functional literacy and communication to name a few.

Certainly a national necessity, rural development is extremely important as far as India is concerned for various reasons. These are:

- With  $\frac{3}{4}$  of India residing in villages, India will develop only if the rural regions develop.
- Approximately 50% of India's national income comes from agriculture practiced in rural regions.
- Approximately 70% of India's population is employed in agriculture related tasks.
- Most of India's industries are fed raw materials by the rural and agriculture sector.

- Only if the motivation and industrial goods purchasing power of the population in the region increases can we justify the rise in industrial population.
- An increasing divide between the rural poor and the urban elite will cause instability politically.

There are various types of problems that create hindrance in the path of possible rural development. These fall into various categories like people related, agriculture related, economic problems, infrastructure problems, leadership problems, social and cultural problems and administrative problems. Let us look at what falls in each of these categories.

### **People related**

- There is deprivation of both psychology and scientific orientation.
- Unfelt needs exist
- confidence is lacking
- There is inability to understand new technology and developmental efforts
- Education is low
- Egos are high
- Awareness is extremely low
- Understanding is poor
- Thinking is old-fashioned

### **Agricultural related problems**

- Division of land
- There is lack of sufficient extension services and staff
- Missing or lower than expected attitude, skill, knowledge and awareness
- Extension personnel have to handle multidimensional tasks
- Facility for marketing is poor
- land holdings are extremely small in size
- Inputs are not available
- People are not willing to live and work in rural regions

### **Infrastructure related problems**

- There is poor infrastructure for services like storage, health, education and educational institutes, communication, transport, electricity and water, to name a few.

### **Economic problems**

- Input cost is extremely high
- Rural industries are underprivileged
- Economic conditions do not allow for implementation of high cost technologies.

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**Social and Cultural problems**

- Inter and intra languages, groups, regions religions, castes conflict
- Cultural traditions and norms

**NOTES****Leadership related problems**

- Political will is biased
- Leadership resting with the incompetent and inactive
- Leaders' mala fide interests

**Administrative problems**

- Lack of will to serve in rural regions
- Political meddling
- Low or missing interest and motivation
- Budget being wrongly used
- Programs mostly have a top-bottom approach and are target oriented

Such were the problems faced during rural development and the foremost organized attempt to alleviate the problems faced by India's rural population came in 1952 in the form of the Community Development Programme (CDP) and the 1953 National Extension Service. When CDP completed its first five years, under the CM of Gujarat, Balwant Rai Mehta, the Planning Commission set up a high-ranking study committee which in its report put forth both the good and the bad associated with the plan's implementation. The recommendation of the committee for better implementation or rural development was the Panchayati Raj. It went on to propose that effective administrative decentralization was of utmost importance if the program was to be effectively implemented. This decentralized administration needed to be controlled by a selected and integrated system of local self-government bodies, generally to be 3-tiered. The lowest tier would be at the level of the village then block and finally district. The system would be a democratic decentralized system.

It needs to be understood that the system of the Panchayati Raj is not new to India; it is part of our culture and tradition for old times. The system of Panchayati Raj is a form of village level self-governance or grassroots units of self-governance and for rural India, it is looked upon as being 'vehicles of socio-economic transformation'. For the Panchayati Raj units to function effectively, efficiently and meaningfully, there is need for men and women of the areas to participate, contribute and be fruitfully involved with these bodies of governance. The aim of this system is to make each village a republic with the panchayats holding the powers that lead to it.

Let us now look at the role that Panchayati bodies have performed in the development of villages from 1956 till now.

It is believed that a person's indifference to high economic growth stems from lack of exposure to mainstream national development and lack of equal opportunity for taking part in activities that will make his life better. With the Panchayati Raj system in place, there will be the organizing of people to develop themselves with the help of the continuous efforts that they make on their own for their self reliance and capacity enhancement.

According to V.N. Alok,

This begins with 'citizen participation' in political processes and 'service delivery' of local public goods, e.g. potable drinking water, general sanitation, primary health, elementary education, maintenance of public properties etc. Hence, the key objective of the panchayat is to balance the two values of 'citizen participation' and 'service delivery', the basic goals of decentralized democracy envisaged in the Report of Balwantray Mehta Study Team (1957) and the subsequent 73rd Amendment to the Constitution of India. The Amendment arguably envisions citizen participation within service delivery. The spirit echoes the following expression "removal of various sources of unfreedom, poverty as well tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance of over-activity of repressive states" (Sen 1999, p. 3).

Starting from pre independence, here are some milestones in the history of Panchayati Raj:

*Table 10.1 Milestones in the Evolution of Panchayats in India*

1687	Royal Charter for the creation of Madras Municipal body
1842	Act X to provide first formal measure of municipal bodies
1857	The aftermath of Mutiny saw severe financial stress. Fiscal decentralization was considered one of the solution.
1870	Lord Mayo's scheme of fiscal and administration devolution. Enactment of Bengal Chowkidari Act.
1882	Lord Ripons Resolution on Local Self-Government.
1907	The Royal Commission on Decentralization was constituted.
1948	Debates between Gandhi and Ambedkar on Gram Swaraj, (self-rule)
1957	Balwantray Mehta Commission -Recommended Panchayat structure at district, block and village levels, elected bodies for 5 year, devolution of powers to panchayats. Post of Block Development Officer (BDO) was created.
1963	K. Santhanam Committee - recommended limited revenue raising powers to panchayats to raise revenue and setting up of State Panchayati Raj Finance Corporations,
1978	Ashok Mehta Committee—Recommended that the District serve as the administrative unit in the Panchayat structure and two tier panchayats be created at district and block levels.
1985	G.V.K. Rao Committee-Recommended that the block development office (BDO) should be strengthened to assume broad responsibility for planning, implementing and monitoring rural development programmes.
1986	L.M. Singvi Committee - recommended that local self-government should be constitutionally enshrined, and the Gram Sabha (the village assembly) should be the base of decentralized democracy.
1993	The 73rd Amendment to the Indian Constitution - panchayats at district, block and village levels was created through Constitution, Part IX for Panchayats was inserted in the Constitution with 11th schedule that enumerated 29 matters for panchayats.
1996	PESA- Powers of self-government were extended to tribal communities in 'Fifth Schedule' areas.
2004	Union Ministry of Panchayati Raj was created.
2009	Thirteenth Finance Commission recommended share of panchayats in the Union Revenue Divisible Pool.

Mahatma Gandhi laid great stress on swaraj of villages. He said, 'My idea of village swaraj is that it is a complete republic, independent of its neighbours for its

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own vital wants, and yet interdependent for many others in which dependence is a necessity.'

At the start of the 1950s, this vision of Gandhiji was not in the forefront of the nation's plans of development which were strongly geared towards the redistribution of income, economic growth and industrialization.

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Then again, in the second half of the 1950, the programs for community development could not solicit participation from people. The committee under Balwant Rai Mehta was set up to look into this issue and the committee was of the opinion that a 3-tier Panchayati Raj system should be set up with the tier bodies being created at village, block and district levels. These would statutory representative bodies.

The main resources of the panchayati body at the village level would be as follows:

Property or house-tax as is considered locally suitable;

- Tax on daily, bi-weekly or weekly markets, bazaars, haats or shandies, whether located on private land or otherwise;
- Tax on carriages, carts, bicycles, rickshaws, boats and pack animals;
- Octroi or terminal tax;
- Conservancy tax;
- Water rate;
- Lighting rate;
- Income from cattle-pounds;
- Fees to be charged for registration of animals sold within the local area, for the use of Sarais, slaughter house, etc. (GoI 1957, p.15-16).

In the three-tier system that was created, there arose a system of multiple controls which was extremely complicated. In this implementation, the Block Development Officer needed to obtain direction from various sources: district Collector, elected zilla pramukh, elected pradhan, CEO of the Zilla Parishad, officers of the district level who are connected with states' line departments, commissioner/director, panchayats, secretary under whose charge the district is, Samiti's elected members, divisional commissioner, MP, MLA and the Minister under whose charge the district is. This list is extremely long and following it is a time consuming process.

India's first PM, Pt. Nehru, launched the Panchayati Raj system in a village in Rajasthan named Degana on October 2, 1959. Then on, from mid 1960s', Panchayati Raj Institutions began to be set up across India. Panchayat elections were held for the promotion of decentralized democracy. Village panchayats numbering 204,000 had been set up by 1962, which catered to approximately 95% of India's rural people.

Of prime importance to rural development are zilla parishads and for the PRIs to fulfill the responsibilities that they were entrusted with, they had been provided a platform from which they could obtain required resources from the state government as also the local level. A key contribution that the panchayat movement made was providing trained personnel to work at both village and block level.

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There still existed shortage in a few categories, for example there was a shortage of women workers to the village level. At this time 4 study teams were set up to perform a deep study of the following issues: Gram Sabha's function and role, procedures for accounting and budgeting, village, block and district plans and finances for the panchayati raj. Several states formed PRI special committees to take care of those sections of society which were weak.

While till 1966 the Panchayati Raj was flourishing, in 1967 the Congress Party did not gain as many seats in the General Elections as it had done earlier and in an attempt to strengthen its position, Indira Gandhi, the then Prime Minister, implemented a centralization of administrative and political powers. This led to desuetude of the panchayat.

Then again, in the years 1969-74, the period of the 4<sup>th</sup> Five Year Plan, the panchayat and community development schemes were given ₹115 crores of which ₹98 crores went to the schemes in UTs and States. While the Applied Nutrition Programme was doing well, there was low satisfaction in various other programs like orientation of school teachers in Community Development and composite programme for women and pre-school children. With most initiatives stemming from the centre and the UTs and states just following them, the Panchayati Raj became weak and declined and the name itself vanished from most policy papers. Elections for PRIs were rarely held and even if they were, the elected body would not be allowed to function and would be dismissed.

Post the victory in the General Elections of the Janata Party in 1977, a committee was formed under Ashok Mehta to review the working of PRIs and come up with measures that would help to create a system of rural development which would be both decentralized and effective.

Three phases were identified by the committee as given below:

- Panchayat ascendance (1959-64)
- Panchayat stagnation (1965-69)
- Panchayat decline (1969-77)

Some of the associated factors were:

- Missing political will
- Bureaucracy which was resistant
- Missing involvement in planning
- Panchayats' ambiguous status and role
- Undermining of PRIs by the rural elite

To strengthen the system various recommendations were put forth by the committee. Here is a summary, as done by Hooja in 2010.

- (a) 'Creation of a two-tier system of Panchayati Raj, with Zilla Parishad at the district level and, below it, the Mandal Panchayat consisting of a number of villages and having a population of 15,000 to 20,000
- (b) Nyaya Panchayat, presided over by a qualified judge, to be kept as a separate body;
- (c) Open participation of political parties in PRIs through elections contested on a party basis;



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- (d) PRI elections to be organized by the Chief Electoral Officer of the state in consultation with the Chief Election Commissioner of the country;
- (e) Zilla Parishad to be made responsible for planning at the district level;
- (f) Reducing the dependence of PRIs on the state funds and, instead, endowing them with powers of taxation;
- (g) Development functions to be transferred to Zilla Parishads;
- (h) State Government not to supersede the PRIs on partisan grounds; and
- (i) Appointing in the Council of Ministers of the State Government of a Minister for Panchayati Raj, to look after the affairs of the PRIs'.

According to the Ashok Mehta Committee, it was of prime importance to make provisions in the Constitution for panchayat. But not much could be done regarding the various recommendations of this Committee by the Janata Party government which fell in 1979 and post the 1980 elections the Congress government under the prime ministership of Indira Gandhi came into power. Under this new government, a policy of centralization of power was followed in which there was weakening and marginalization of the position of the panchayat.

Without consulting with them, the panchayats were provided development plans to implement. The chapter on 'Community Development and Panchayat' which had been a conventional part of the document of the Planning Commission was now removed while the term Rural Development replaced Community Development. In the 7th Five Year Plan, ₹9000 crores outlay were set aside for rural development but the panchayats were given no role in the development plan.

Post Rajiv Gandhi becoming the PM, the Planning Commission set up a committee in 1985 March under G.V.K Rao, to assess the current arrangements for poverty alleviation and rural development and to provide a way forward. The Committee's recommendation was to reactivate the Panchayati Raj bodies.

The 1986 P.R. Singhvi committee was yet another move towards reviving the PRIs. It was recommended by this Committee that PRIs need to be part of the Constitution with the Gram Sabha as decentralized democracy's base. For the Committee, irregular elections to the panchayat bodies was a big issue, as was the role that political parties played in it. The committee suggested that political party non-involvement should be a consensual rather than legislative move. The Gandhians supported a democracy that would be party-less while others were of the opinion that the weaker could get support only if parties intervened.

Despite various Committees being set up to look into the matter of rural development, and various recommendations, especially to revive Panchayati Raj institutions, there was not enough democratic momentum to be in step with the rural development requirement.

In the role of panchayat bodies in rural development since 1959, V.N. Alok provides reasons for lack of sufficient democratic momentum. There were various reasons for this, such as: (i) political and bureaucratic resistance at the state level to sharing of power and resources with the local level institutions, (ii) under the existing social structure and property relations, the rural elite appropriated a major share of benefits from development schemes, (iii) low capacity at the local level, and (iv) lack of political will of the local political representatives.

Local institutions scored well as long as they were concerned with issues such as primary schools, health centers, village roads, etc. (Rao 1989). Rajiv Gandhi, the then Prime Minister, in 1989 introduced the 64th Constitutional Amendment Bill for the purpose of providing constitutional status to the PRIs. Opposition to the bill happened based on the thought that it was the means by which the state governments would be bypassed and direct link would be created between the PRIs and the Centre. On 15th October, 1989, though the bill was passed in the Lok Sabha, the Rajya Sabha did not pass it.

Consensus was slowly favouring PRIs. On 7th of September, 1990, the then in power National Front government, introduced a bill for PRIs. In 1991 September the Congress Government which was in power introduced a constitutional amendment bill for PRIs which, on December 22, 1992 was passed by the Parliament. This was the 73rd Amendment Act 1992 on the 24th of April, 1993 by majority of the State Assemblies post some ratifications.

Now was the time for the Panchayati Raj institutes to fully and effectively participate in rural development. Once the Constitutional Amendment Act was passed, the statute books showed the panchayats to be self-government institutions. CAA made it imperative for all states to put in place conformity and also provide for the following:

- Set up three-tier panchayats at district, intermediate and village levels having elected members. If a state had a population lower than 2 million, setting up of the intermediate body is not mandatory.
- Each seat at each level of the panchayat will be filled by direct elections.
- Of all the seats across the panchayats based on the population, 1/3 are reserved seats for women and marginalized communities (scheduled tribes (STs) and scheduled castes (SCs)). The Chairperson's office is also subject to this provision.
- Each panchayat will be elected for a term of five years and if there is premature dissolution, elections need to be conducted before the end of six months.
- A State Election Commission is to be set up to ensure free and fair elections to all panchayati bodies at each level, by organizing and supervising the elections.
- A State Finance Commission to be set up every 5 years for the purpose of reviewing and revising the panchayats' financial position.
- Setting up district planning committees.
- In all villages, setting up of a Gram Sabha (village assembly) for exercising those powers and performing those functions as provided by the state by law for the village level.

It now is the duty of the state to assign various responsibilities even encompassing the 11th Schedule list. It is also to devolve concomitant authority and powers to panchayats for performing those responsibilities.

The panchayats can be authorized by a state's legislature to levy, collect, and appropriate specific fees and duties as also confer on them revenues accruing from some state-level taxes, on conditions that the government of the state imposes.

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These bodies can be also given grants-in-aid. As of 1 July, 2011, there are a total of 246,411 panchayats - 239,649 village panchayats, 6,113 intermediate panchayats, and 649 district panchayats.

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The PRIs have increased the Indian federal system's base with the panchayats forming the government's third tier. With the PRIs, India is looked upon as the world's most representative democracy. There are approximately 2.8 million elected representatives across the three panchayati levels with 37 per cent women and 30 per cent from the ST and SC categories.

At the level of the village, the panchayati body's elected members will have constituency comprising approximately 70 families or 340 individuals.

Here is a classification of functions Listed in the 11th Schedule, as classified by the 11th National Finance Commission:

### Core functions

- Rural electrification, including distribution of electricity
- Roads, culverts, bridges, ferries, waterways, and other means of communication
- Maintenance of community assets
- Health and sanitation, including hospitals, primary health centers, and dispensaries
- Drinking water

### Welfare functions

- Woman and child development
- Welfare of the weaker sections, and in particular, of the Scheduled Castes and Scheduled Tribes
- Technical training and vocational education
- Social welfare, including welfare of the handicapped and mentally retarded
- Rural housing
- Public distribution system
- Poverty alleviation program
- Non-conventional energy sources
- Libraries
- Family welfare
- Education, including primary and secondary schools
- Cultural activities
- Adult and informal education

### Agriculture and allied functions

- Social forestry and farm forestry
- Minor irrigation, water management, and watershed development
- Minor forest produce

- Markets and fairs
- Land improvement, implementation of land reforms, land consolidation, and soil conservation
- Fuel and fodder
- Fisheries
- Animal husbandry, dairying, and poultry
- Agriculture, including agricultural extension

### Industries

- Khadi, village, and cottage industries.
- Small-scale industries, including food processing industries

### 5.4.1 Functional Domain of Panchayats

Under the provisions of Article 243G, Panchayats are provided the ability to work as self-government institutions for the preparation of plans and the implementation of schemes related to social justice and economic development within their jurisdiction for matters which also include those provided in the 11<sup>th</sup> Schedule, though just indicative and illustrative. There exists not clear cut separation of areas of work between the panchayats and the states. It rests upon the State to formulate laws with respect to functions of and power devolution to the panchayats.

Though nearly every UT and state makes the claim of having passed on responsibilities to the panchayat to various extents in accordance with the CCA, yet the panchayats' functional domain in most states is limited to civic functions of the traditional type. According to V.N. Alok, 'States where panchayats have existed for a long time, have repeated the provisions of the old statutes in their new laws with few adjustments. Moreover, many state governments have not framed relevant rules or guidelines as a follow-up measure. A few states realized that the transfer of additional functions requires the transfer of concomitant funds and functionaries to panchayats, enabling them to perform the specified responsibilities.'

Nevertheless, for the panchayats, there is lack of clarity of the role expected of them in the current federal structure, since there exists a lot of overlap and duplication with most 11th schedule subjects also being state concurrent.

The state also faces the challenge of which panchayat tier to pass on which responsibility. As has been seen in most states, the panchayat at the village level is most active. While village functions perform major functions (even core functions), those at the level of the district perform functions which are more supervisory or play the role of the state's executing agents. A model for activity mapping has been developed by a task force of the Union Ministry of Rural Development for the purpose of devolution to the Panchayats of functions and powers. It is based on the subsidiary principle where every activity possible to perform at a lower level must be conducted there and not at a higher level. Another problem is that mostly states have allocated not activities to panchayats but subjects as a whole.

It is generally perceived that the panchayats have not been either technically or financially made strong enough to handle the economic, welfare or core functions or even industry and agriculture related functions. This had led to a number of states not even completely passed on the traditional core functions to the panchayats

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like primary health, sanitation and potable water. Such functions still rest in the hands of the state governments' line departments or the parallel parastatals. This has led to very low panchayat total per capita expenditure across states with the exception of Tamil Nadu, Maharashtra, Kerala, Karnataka, Gujarat, Goa, Chhattisgarh and Andhra Pradesh.

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Table 10.2 Revenue Power of Panchayats in States at Every Tier

Tax or fee	Andhra Pradesh	Assam	Bihar	Gujarat	Haryana	Himachal Pradesh	Karnataka	Kerala	Madhya Pradesh	Maharashtra	Odisha	Punjab	Rajasthan	Tamil Nadu	Uttar Pradesh	West Bengal
House or property tax	V	V	V	V	V	V	V	V	V	V	V	V	V	V		V
Surcharge on house or property tax								V		D						
Tax on agriculture land for specific purpose	V															
Cess on land revenue or surcharge	V,I	I		V		V		V	V						V	
Surcharge on additional stamp duty	V	V			I	V	V		I	D				V		V
Tax on professions, trades calling, and so forth		V,I	V,D	D		V	V		V	V		V			D	
Octroi				V						V			V			
Entertainment tax		V	D	V			V	V	I			V			V	V
Pilgrim tax or fees		V		V			V			V			V			
Tax on advertisements	V						V	V								
Education cess				I								I	I			
Tolls	V	I,D	I,D	V										V	D	V,D
Tax on sale of firewood and slaughter houses		V									V					
Tax on goods sold in a market, haat, fair, and so forth			I,D		I	V					V					
Tax on shops and services		V			V	V										
Vehicle tax	V	V		V			V		V	V	V		V		V	
Animal tax				V					V	V	V				V	
Conservancy rate	V	V	V	V				V	V		V	V			V	V
Lighting rate	V	V,D	V,I,D	V		V		V	V	V	V	V	I		V,I,D	V,I,D
Water rate	V	V,D	V,I,D	V	V,I	V	V	V		V,I,D	V	V,I	V,D		V,I,D	V,I,D
Drainage rate	V			V				V			V				V	V
Special tax for community civic services or works					V	V		V	V			V	V,I			
Surcharge on any tax imposed by village panchayat	I			I,D									I			I

**Note:** V = village panchayat, I = intermediate panchayat, D = district panchayat. More than one sign indicates the concurrent power of panchayats for the respective tax.

**Source:** Alok (2006)

In every state, the taxes' relative importance is different. While the district and intermediate panchayats are assigned very few taxes for collection, a much bigger number is assigned to village panchayats providing them with taxing powers which are quite substantial. In many cases, according to the tax rental arrangement,

while taxes are collected by the village panchayats, the collection is given to the higher level of panchayats.

Most of the own-source revenue contribution to between 6 to 7 of the panchayats' expenditure comes from user charges, property tax, octroi, non motor vehicle tax, cess on land revenue, tax on advertisements, surcharge on additional stamp duty, tax on professions and tolls. Property tax, in majority of the cases, is the biggest revenue source. Yet, this is an inelastic tax due to its collection being inefficiently administrated. The assessment of this tax is based on the annual rental value of taxation and its associated evil of rental under declaration. Nevertheless, in some of the progressive states, a tax structure has been created and a unit area method is employed for determining the tax base.

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### CHECK YOUR PROGRESS

11. What does the process of rural development include?
12. What are the categories of problems that hinder the path of possible rural development?
13. What is the aim of the Panchayati Raj system?
14. What were the three phases identified by Ashok Mehta's committee, formed to review the working of PRIs' and come up with measures that would help to create a decentralized and effective system of rural development?

## 5.5 PANCHAYATS' FINANCES

In this section, we will take a look at the various sources of finances for panchayats.

### 5.5.1 Own-Source Taxes

According to Article 243H, it was considered imperative that the panchayat's power to impose taxes should be enshrined in the Indian Constitution. This would provide the panchayats with strength, continuity and certainty.

When he moved the Constitution (73rd Amendment) Bill in Parliament, G. Venkat Swamy, the then Union Minister of State for Rural Development, said 'Constitution (Seventy-third) Amendment cast a duty on the centre as well as the states to establish and nourish the village panchayats so as to make them effective self-governing institutions.... We feel that unless the panchayats are provided with adequate financial strength, it will be impossible for them to grow in stature'.

It is possibly to without hassle link the tax devolution to panchayats with their assigned activities as done by each individual state. Based on the many list and even the 11th Schedule, some of the basic functions fall in the panchayats' exclusive domain. Massive amounts are funds are needed even for these essential services. For achieving this, it is essential to link the devolution of taxes to the three panchayati tiers with the activity mapping for the devolution of functions and functionaries.

Table 10.3 Revenue of Panchayats (all tiers) as % of Respective States' Own Revenue

(₹ Crore)				
S. No.	State	Sum of Own Revenues (2005-08)	States Own Revenue (2005-08)	Own Revenue of Panchayats as % of State Own Revenue
1	Andhra Pradesh	415.4	30057.0	1.38
2	Arunachal Pradesh	NA	465.0	n.a.
3	Assam	13.1	5176.0	0.25
4	Bihar	5.5	4639.8	0.12
5	Chhattisgarh	26.3	6472.4	0.41
6	Goa	13.2	2156.2	0.61
7	Gujarat	111.5	22986.6	0.49
8	Haryana	270.4	14590.2	1.85
9	Himachal Pradesh	6.1	2986.8	0.20
10	Jammu & Kashmir	0.8	2653.4	0.03
11	Jharkhand	0.4	4566.1	0.01
12	Karnataka	198.0	26419.8	0.75
13	Kerala	292.7	12824.4	2.28
14	Madhya Pradesh	564	13070.3	0.43
15	Maharashtra	582.3	50523.1	1.15
16	Manipur	03	273.7	0.12
17	Meghalaya	54.3	468.7	11.59
18	Mizoram	NA	194.7	n.a.
19	Nagaland	NA	221.1	n.a.
20	Odisha	10.1	8232.1	0.12
21	Punjab	125.9	15147.2	0.83
22	Rajasthan	15.2	14995.1	0.10
23	Sikkim	NA	838.3	n.a.
24	Tamil Nadu	258.5	30014.6	0.86
25	Tripura	1.3	427.4	0.30
26	Uttar Pradesh	88.0	27364.8	0.32
27	Uttarakhand	6.9	3000.8	0.23
28	West Bengal	58.0	12983.4	0.45
	All States	2610.6	313749.3	0.83

Source: Role of Panchayat Bodies in Rural Development Since 1959, V.N. Alok

Assigned revenues prove to be of the highest efficiency in panchayat dispensation next only to own-source revenues. These types of revenues are state levied and collected and given for use to the panchayats. In some of the states, on such revenues, collection charges are deducted by the state. There are huge differences in how such revenue processes are performed in various states. Nevertheless, standard assigned revenue falls in the categories of entertainment tax, tax on professions, cess or additional tax on land revenue and surcharge on

stamp duty. In various states it is seen that such taxes belong in the category of panchayats' own-source revenue.

### 5.5.2 Borrowing

The CAA does not make any reference to borrowing and loans in connection with panchayats. After taking their state government's approval, urban local governments do float bonds in the market. According to V.N. Alok, in *Role of Panchayat Bodies in Rural Development since 1959*, 'In contrast to the general belief that panchayat are not empowered to raise loans (Gulati, 1994, Oommen 1995, Rajaraman 2003 and Jha 2000), Local Authorities Loans Act, 1914, a Central Act does exist enabling the grants of loans to local authorities including panchayats (Alok 2009).'

### 5.5.3 Intergovernmental Fiscal Transfers

Since internal sources revenue is insufficient, the panchayats fall back on state governments' fiscal transfers that come in the shape of shared grants and taxes. It is based on the State Finance Commission's (SFC) recommendations that the state taxes get shared. For states, it is a mandatory requirement that they constitute an SFC every 5 years.

Other than sharing of taxes, it is the duty of the SFC to review the panchayats' financial position as also make recommendations for the assignment to the panchayats of various taxes, duties, tolls, fees, and grants-in-aid out of the states' consolidated fund.

SFCs function, which is most critical is the determining of the state to local governments fiscal transfer for grants-in-aid and revenue sharing. Post the 80th Constitutional amendment, stemming from the 10th Finance Commission (1995–2000) recommendations, a specific portion of every union tax is devolved to the states.

The reasons given below depict why some SFCs have embraced this system:

- In the system, there is a self-policy feature and automatically the local body gets a share of the buoyancy of state levies and taxes.
- It has certainty, objectivity and transparency built in which allows the bodies to assess their share at the start of the fiscal year.
- The local bodies are able to gain knowledge of the complete economy and make clear and thought out own annual budgets. It inspires local bodies to mobilize more resources and generate their own revenue.
- It enables the state government to pursue tax reforms with not having to consider how local bodies will share a specific tax.

### 5.5.4 National Finance Commission

The CAA, to prevent the SFC from become a deterrent to the transfer or revenue and responsibility to local governments by the state legislatures, has made provision for the National Finance Commission to propose means for augmenting the consolidated funds of the state considering keeping in mind the SFC's recommendations. Till now recommendations have been made by the 10th, 11th, 12th and 13th National Finance Commissions.

Other than the 13th Finance Commission, all others recommended that panchayats be given lump sum ad hoc grants. It was recommended by the 10th

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National Finance Commission that provision be made that between 1996 and 2000 there should be passed on ₹4381 crores, at ₹100 per capita to panchayats. Since there no formal certificates of disbursement that the states provided, just ₹3570 crores were released by the Central government. It was recommended by the 11th National Finance Commission that the panchayats be granted ₹10000 crores for its award period.

Funds would be first utilized for specific activities for institution building, like maintenance of accounts, creation of databases, and audits. The reasoning behind this grant was to encourage the panchayats to assume the role of self-government institutions. Though this was accepted by the Central government, it was stipulated to the panchayats that they too raise resources to suitable match those being provided to them. Again, there was incomplete utilization of the grant.

Several of the panchayats and state governments put forth this point when they interacted with the 12th National Finance Commission. The issue was emphasized in the report of the Commission: *'The central government should not impose any condition other than those prescribed by us, for release or utilization of these grants'* (Government of India 2004d, 262). The recommendation that this Commission made was an endeavor to implement the equalization principle and ₹20000 crores were allocated for the bettering of delivery of service by the panchayats mainly in the area of sanitation and water supply.

National Finance Commission's grants mostly are meant for maintenance and operation, for which reason they vary from those provided by the Planning Commission and union ministries. As per this transfer, it was the intention of the Commission that the panchayats would take over every scheme of the Centre pertaining to drinking water, even Swajaldhara, which due to lack of operation and maintenance funds had not been operational.

**Table 10.4** Criteria Adopted by National Finance Commissions for Distribution of Grants to States for Panchayats

Criteria	Weight assigned by		
	11th National Finance Commission	12th National Finance Commission	13th National Finance Commission
Population	40	40	30
Area	10	10	10
Distance	20	20	20
Decentralization/ Devolution index	20	Not adopted	15
Revenue efforts	10	20	Not adopted
Deprivation index	Not adopted	10	Not adopted
SC/STs Population	Not adopted	Not adopted	10
FC grants utilization index	Not adopted	Not adopted	5

**Source:** Government of India 2000, 2004d, 2009.

Ad hoc practices of the previous Commissions were dropped by the 13th Finance Commission and it did not make any lump sum grants. Instead, it said that

the calculation of the grant would be based on the previous year's volume of the Union divisible pool. In this context, mostly, the share percentage would slowly rise from 1.5 per cent in 2010-11 to 2.28 per cent in 2010-15.

The municipality or panchayats population would be the base for calculating its grant share. The Commission recommended that the grant should comprise 2 components: one basic component and the other a component that would be performance-based. The first or basic component would be equivalent to 1.50 per cent of the divisible pool of the previous year. Every state for all of the five years would have access to this grant, based on weights and criteria that the Commission has recommended. Effective from 2010-12, the component of the performance grant will be 0.50 per cent for the year 2011-12 and one per cent thereafter, up to 2014-15. Performance grant is available to only such states that meet the Commission's 9 stipulations.

This division into two components is a landmark development in respect of panchayats being able to predict their devolution of finances. It even helps create or enhance the panchayats' fiscal capacity. The Ministry of Panchayati Raj sent a memorandum to the 13th Finance Commission, which requested that the 13th Finance Commission make a recommendation of a 5% share to the states from the union divisible pool for panchayats to be earmarked, *inter alia*, for the explicit purpose of panchayats' maintenance and operation. In the same way it was urged by the Ministry of Urban Development that there be a 3% share for the states, for municipalities in the divisible pool to meet the municipalities' O&M costs. It is a point to note that the official memoranda of 7 states carried the same request. In many of the conferences and seminars that the 13th Finance Commission organized also had similar views being expressed.

### 10.5.5 Vertical Schemes

Across most of the states, through state governments the Union Government makes available a major share of the panchayat finances. Such grant-based transfers from union ministries or the Planning Commission come as centrally sponsored schemes (CSSs). A huge number of such schemes exist. Several of them are linked with the 29 subjects being implemented by different departments and ministries of the union government. Often, various schemes have been questioned for their viability. The following summary of the shortcomings of the implementation of CSSs has been made available by the task force of officials in charge of Panchayati Raj in states (Government of India 2004c, 3):

- Rigid conditions
- Inconsistent approach to institutional arrangements—CSSs could be panchayat friendly, panchayat parallel, panchayat ignorant, or panchayat unfriendly
- Obsession with financial presentations
- Inefficient and ineffective monitoring and evaluation of outcomes
- Administrative overload on departments leading to inefficiency in processing requests for funding and delayed financial releases
- Lack of transparency in financial releases

Opinion has it that conversion of CSSs should be made to block transfers. This is visible in the speech of the prime minister to all chief ministers on 29 June,

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2004, where it was requested that it should be 'considered if we should adopt a system of providing block grants to districts based on their incidence of poverty to plan and implement strategies that optimize their resource potential' (Government of India 2004b, 8).

7 September 2005 saw a landmark when the Government of India enacted the National Rural Employment Guarantee Act. This Act is meant to ensure a minimum of 100 days employment per financial year to adult unskilled manual workers. With the union and state governments, panchayats at all levels participate actively in the implementation of the Act. For this purpose, huge funds tied with this scheme are transferred to the panchayats through CSSs as also through additional central assistance (ACAs). Though for quite a period of time it was the line departments that utilized and administered the CSS transfers, of late there is increasing recognition of the panchayats as line ministries' implementing institutions for plan schemes. The scheme of prime importance where the panchayats at each level are playing a major role and holding specific responsibilities is the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). The panchayats for the purpose of MGNREGA hold specific responsibilities as principal authorities for planning and implementation. The Village panchayats are required to take minimum 50 per cent value of the works. In reality this figure is seen to be 72% according to the progress reports from states.

As of 2004, there have been schemes that have conferred upon the panchayats more responsibilities for their implementation at grassroot level. There are also some of the Union's flagship programmes aimed to provide essential basic services throughout the nation with the help of the panchayats. Since 2004, all allocations that were made to these programmes had been done with the panchayats' involvement and this has displayed significant amount of growth.

### **CHECK YOUR PROGRESS**

15. Which type of revenues prove to be of the highest efficiency in panchayat dispensation, next only to own-source revenues?
16. What are the categories of standard assigned revenue?
17. Why do panchayats have to fall back on the respective state government's fiscal transfers, in the shape of shared grants and taxes?

## **5.6 UNEVEN DEVELOPMENT**

Over time the development of panchayats has varied from state to state as far as the accountability, achievements and structure of the panchayat is concerned. It being derived from the state, the state needs to devolve 'power and authority, functions and functionaries, rights and duties, and the funds to the structure below, and thus bring the government to the doorstep of the people' (Alok and Chaubey 2010, p.44). As each state has its own complexion, this has been achieved in different ways.

The analysis which was performed under the Panchayat Empowerment and Accountability and Incentive Scheme, in the spheres of achievements, accountability, autonomy and capacity of Kerala's panchayat is much ahead of their counterparts in other states which even include Maharashtra, West Bengal and Karnataka the states which are closest in the running.

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It is being increasingly realized that Panchayats play an increasingly important role as far as the deepening democracy is concerned through bringing the poor into mainstream development. It's even becoming clearer that panchayats' resource mobilization through the introduction of solutions that are local and also through fulfilling the basic requirements of people. Nevertheless, panchayati raj's extent of success as a self-government institution is largely dependent on the amount of financial and administrative devolution, added to autonomy within the constitutional framework.

\* Most states have panchayats that are, even if only to small extent, saddled with a historical legacy of subservience. Let us take an example, according to the current budgetary procedures it is the state government officials who, at state level hold considerable discretion and control as far as financial allocations to panchayats are concerned. District-level officials also hold powers that are similar. This leads to the holding of the funds for a significant amount of time first in the state and then the district treasury. Such a practice results in panchayats not getting their share of funds on time and in required amounts. This has an adverse effect on the expenditure's quality. Creation of a dependency syndrome happens over time.

In nearly every state, there is financial starving of the Panchayats. So, even though the Constitution mandates devolution of powers and responsibilities to the local bodies, this is happening with no real means, financial or statutory, with which to implement the plethora of schemes and programmes devolved. The result is that municipality administrations and Panchayati Raj are gaining discredit from mainline developmental administration, which has left the elected members both frustrated and disillusioned as they are impotent and powerless.

There are various cases in which it is imperative for the panchayats to obtain the local authorities' permission to even spend those funds that are already available. There are some cases that do not require clearance till a specific amount. To take an example, in Madhya Pradesh and Kerala, Panchayats have the power to, without clearance from outside, take up project to the tune of ₹300,000 and ₹100,000, respectively.

Nevertheless, panchayat fiscal autonomy issues are always under debate. One opinion has it that fiscal autonomy cannot be built into the regime of grants in aid. Tax assignments with clear taxing powers and tax sharing play a more significant role for self-rule and fiscal autonomy than untied funds, public contributions, and project-tied loans (Oommen 1999). Other opinion has it that panchayats' own source revenues are not indispensable for effective and efficient operations. This purpose can be served if higher level governments make fiscal transfers. 'so long as the panchayats have the autonomy to decide how the money gets spent' (Johnson 2003, 22).

An attempt was made by the 12th National Finance Commission to make the local governments' fiscal domain stronger and it also advocated that that local public goods be financed by those will benefit from them potentially. Along with this, the Commission also wanted enthusiasm on the part of decentralized authorities to generate revenue. 'The principle of equalization is extended to local bodies, which would mean that while lack of fiscal capacity, at the state level as well as the local level, can be made up, lack of revenue effort should not be made up.' (Government of India 2004d, 26)

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There is a need to simultaneously address the interwoven dimensions of decentralization, which are its administrative, fiscal, political and legislative dimensions. Decentralization's one aspect is reforms, which has to be accompanied by the essential changes in others. The legislative changes that had been made nineteen years back were not accompanied by fiscal suitable and administrative reforms to suit it.

Even today, there is hesitation on the part of the administration to devolve functions along with concomitant finances and functionaries. If looked at sequentially, function should be followed by finance.

The State Election Commission's periodic panchayat elections can ensure accountability and responsiveness towards broad social issues. Nevertheless, for the voter to identify these issues, there is need of giving the voter the necessary and quality information. The Right to Information Act enables voter to make choices that are informed, since India has a rather forceful media.

For decentralized democracy, autonomous SFCs & SECs, elected representatives and other local institutions pose to be key when to people's participation and service delivery. So that they are truly autonomous and their technical capacity is enhanced, such institutions should be both exogenous and central to the state government.

System employed for designing, implementing and evaluating the policy of decentralization, including intergovernmental policy, has to be an extremely strong one. It was commented by the World Bank (2004, 43) that the quality fiscal data published regarding the expenditures and revenues that were drawn in the reports of the national finance commissions and the SFCs was very inferior. Extremely flawed, the data greatly amplifies the funds that panchayats manage in reality.

Governments at the higher levels and more specifically the union government, should follow the rules it has created. Decentralized democracy's very foundation was eroded due to the fund transfer delays to state governments for disbursing to panchayats, due to attaching ambiguous and strange conditions for the fund transfers, and also due to the consequent retaining of all of the unspent funds at the level of the union itself.

It is important to provide the Panchayats with a say as far as the grant program or scheme's design is concerned. The significance was clearly recognized by the CAA of local needs identification and of capabilities building at the local level in the formulation of the panchayats own plan. As per article 243 ZD a district planning committee was made mandatory. There had to be, at all panchayati levels, planning. In the same way their own plans had to be prepared by all urban bodies. The district planning committee was given the task of consolidating all of these sets of plans. This consolidated plan created by the district was to be sent to the government at the state level to be integrated with the plan for the state. Despite the fact most all states have district planning committees, grassroots planning at such a level of detail is not performed in any state (MoPR and IIPA).

Any change in the legislation through a central Act must be accompanied by and followed with conformity Acts and implementation by the governments at state level by setting up an environment which is conducive and enabling for the bodies at the various local levels. It is for the union government to be encouraging of the governments at the state level, by implementing a reward or incentive based structure

to encourage the creation of a conducive environment by the state government for the local level. It is imperative to perform such an action since the union government's statutory role does not go beyond ensuring that the constitution's mandatory provisions are fulfilled.

It is more than 5 decades since the modern PRIs were set up. It is more than 20 years since the Constitution's 73th Amendment. Despite the fact that a lot still needs to be achieved, a lot has already been achieved. Nearly every state has created significant changes that move it towards achieving decentralized democracy and more specifically people's participation.

### CHECK YOUR PROGRESS

18. How do panchayats affect democracy and the poor?
19. What does the principle of equalization state?
20. How does the Right to Information help the voter?

## 5.7 MINISTRY OF PANCHAYATI RAJ

Panchayati Raj in India has seen a cumulative and qualitative change in the last 50 years of its inception. Accordingly, to promote a decentralized, participative and holistic planning process for the local elected bodies Panchayati Raj has strived for the following during the current year are:

### BRGF

The Backward Region Grant Fund (BRGF) Scheme intends to (a) promote decentralized, participative & holistic planning process, as an essential condition for getting BRGF grant, (b) bridge the critical gaps in development and (c) build capacity of PRIs & official functionaries. The evaluation study done recently shows that (a) BRGF is extremely useful in meeting the local needs and (b) PRIs and States have acquired good experience in planning and implementing the Scheme. Out of the plan outlay of ₹4670 Cr. for 2009-10 for BRGF, ₹3240 Cr has already been released to States by 31<sup>st</sup> December 2009.

### e-PRI

e-Governance Project for Panchayati Raj Institutions (e-PRI) is identified as one of the Mission Mode Projects (MMPs) under NeGP. It proposes to provide a whole range of IT related services such as Decentralized Database & Planning, PRI Budgeting & Accounting, Implementation & monitoring of Central and State sector schemes, citizen-centric services, unique codes to Panchayats and individuals, essential GIS based applications, on-line self-learning medium for elected representatives and official functionaries. e-PRI has the potential to revolutionize PRIs as the symbol of modernity and efficiency and induce mass ICT culture.

e-PRI envisages providing computing facilities along with connectivity to all the 2.36 lakh Panchayats at a tentative cost of ₹4500 cr. over 3 years. Panchayats being the basic unit for planning and implementation of Central/States programmes and schemes, e-PRI would, in a way, be the umbrella MMP. Government would, therefore, give high priority to e-PRI under NeGP. Information and service needs assessment, business process engineering and detailed budget reports for 27 States has already been done and the project is ready for roll out.

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**Devolution of 3Fs to PRIs**

Panchayats are the grassroots democratic institutions and need to be further empowered through effective devolution of functions, finances and functionaries (3Fs) following the principles of subsidiarity and centrality of panchayats. This would also ensure convergence of plethora of schemes and pooling of resources through holistic planning by Panchayats. Panchayat Empowerment and Accountability Incentive Scheme, which aims at providing incentives to states to devolve 3Fs to panchayats and for panchayats to be more transparent and accountable, as they would be given higher allocation based on a devolution index.

**NOTES****Observing 2nd Oct. 09 – 2nd Oct. 10 as ‘Year of the Gram Sabha’**

50 years of Panchayati Raj was commemorated on 2nd October 09. Given the criticality of Gram Sabhas in self-governance and transparent and accountable functioning of the Gram Panchayats. 2<sup>nd</sup> Oct.09 to 2<sup>nd</sup> Oct.10 is being observed as ‘Year of the Gram Sabha’. Apart from making all efforts to ensure effective functioning of the Gram Sabhas, following action are being taken (a) legal, policy and programme changes required for empowering the panchayats, particularly the Gram Sabhas (b) building systems and processes for ensuring greater efficiency, transparency and accountability of the Panchayats, and (c) launching mass awareness of and specific activities by the Gram Sabhas and Panchayats.

**Nyaya Panchayat Bill, 2009**

The current justice delivery system is perceived as expensive, time-consuming, procedure-ridden, technical and difficult to comprehend, which prevents the poor from approaching the legal system with their grievances. To mitigate such hardships, the Ministry of Panchayati Raj has proposed a Nyaya Panchayats Bill. The Nyaya Panchayats will ensure participatory and people-oriented system of justice with greater scope for mediation, conciliation and compromise. Being closer to the people geographically and psychologically, the Nyaya Panchayats would be the ideal forum to save time, trouble and expenses of parties and witnesses. It would also reduce the workload of the judiciary.

**50 per cent Reservation for Women in the Panchayats**

The President of India Dr. Pratibha Patil, in her Address to the Parliament on 4 June, 2009 had mentioned the intent to provide fifty per cent reservation for women in Panchayats as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Panchayats will lead to more women entering the public sphere.

Accordingly, on 27 August, 2009, the Cabinet approved the proposal to amend Articles 243 D to provide 50 per cent reservation for women in seats and also offices of Chairpersons in all 3 tiers of Panchayats. Minister of Panchayati Raj introduced the Constitutional (One Hundred and Tenth) Amendment Bill, 2009 in the Lok Sabha on 26 November, 2009.

Presently, out of approx 28.18 lakhs elected representatives of Panchayats, 36.87 per cent are women. With the proposed Constitutional Amendment, the number of elected women representatives is expected to rise to more than 14 lakhs.

## Panchayat Mahila Shakti Abhiyan (PMSA)

It is a scheme for the Elected Women Representatives (EWRs) to build their confidence and capacity so that they get over the institutional, societal and political constraints that prevent them from active participation in rural local self government.

As of today, 22 States have formed the Core Committee and organized the State Level Sammelans. 9 State Support Centres have been established under the scheme. (Andhra Pradesh, Chhattisgarh, Goa, Himachal Pradesh, Madhya Pradesh, Sikkim, Kerala, West Bengal and Andaman & Nicobar Islands). 11 States have conducted training sensitization programme under the scheme. (Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Goa, Himachal Pradesh, Madhya Pradesh, Manipur, Kerala, Assam, Andaman & Nicobar Island and Sikkim)

47 Divisional Level Sammelans have been organized in 11 States. (Chhattisgarh, Goa, Haryana, Andhra Pradesh, Himachal Pradesh, Rajasthan, Sikkim, Manipur, Uttarakhand, West Bengal and Andaman & Nicobar Islands). State Level Association of EWRs/EYRs has been formed in the States of Goa and Sikkim.

## Rural Business Hubs (RBH)

The RBH scheme has been started in 2007, to spread the benefits of India's rapid economic development to the rural areas through the medium of Panchayati Raj Institutions). RBH is a participatory development model for the rural areas of the country that is built on the platform of 4-P, i.e. Public-Private-Panchayat-Partnership. The RBH initiative is aimed at moving from mere livelihood support to promoting rural prosperity, increasing rural non-farm incomes and augmenting rural employment.

35 districts have been identified for focused RBH intervention in consultation with State Governments. Services of reputed organizations have been enlisted as gateway agencies for supporting Panchayats in identification of potential RBHs and their development. Financial assistance to 49 projects has been extended for establishment of RBH.

RBH is being evaluated for possible upscaling in the future.

### CHECK YOUR PROGRESS

21. What are the aims of the Backward Region Grant Fund (BRGF) Scheme?
22. Which IT services are proposed to be provided by the e-Governance Project for Panchayati Raj Institutions (e-PRI)?
23. When was 50 years of Panchayati Raj commemorated?

### ACTIVITY

Visit a nearby village or rural area and take a look at their drainage facilities and areas prone to water-logging during rains. Find out what work has been done by the panchayat in terms of prevention of flooding, water shed development programmes, etc. Prepare a report of the findings in such a form that the issues are listed on one side and the other side has the ways taken up by the panchayat to deal with it. The issues which have not been taken care of should have remarks on the other side.

## NOTES



## NOTES

### DID YOU KNOW

The decision of a panchayat is not applicable in a court of law, though panchayats are self-styled rural law courts.

## 5.8 SUMMARY

In this unit, you have learnt that:

- The traditional political systems of governance have been prevalent, in fact, since the period of monarchy.
- Even though they are not really democratic, traditional institutions like panchayats have popular support.
- The work of the panchayats involves; equipping villagers with the skills to govern themselves, shaping and developing rural leadership, obtaining the confidence of local people and getting them to participate and making them aware of the democratic procedure.
- The system of Panchayati Raj is a form of village level self-governance or grass-roots units of self-governance and for rural India it is looked upon as being a vehicle of socio-economic transformation.
- In rural areas, leadership is a major force which, though dynamic, has the ability to motivate people as also garner their cooperation. The dynamics of leadership in rural India is also changing.
- Rural development refers to the progress of rural areas in all spheres.
- There are various types of problems that create hindrances in the path of possible rural development. These fall into various categories like people related, agriculture related, economic problems, infrastructure problems, leadership problems, social and cultural problems, and administrative problems.
- In rural development, zilla parishads are of prime importance and it is for them to fulfill the responsibilities that they have been entrusted with. They are provided a platform from which they can obtain required resources from the state government as also the local level.

## 5.9 KEY TERMS

- **Thana:** Vernacular term for police station
- **Naib-Sarpanch:** Deputy Sarpanch
- **Elite:** A group of people considered to be the best in a particular society or category
- **District Council:** A Town council, a unit of local government in many jurisdictions

- **North-East Frontier Agency:** One of the political divisions in British India and later the Republic of India till 1972, when it became the Union Territory of Arunachal Pradesh
- **Superintendence:** Management by overseeing the performance or operation of a person or group

## NOTES

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## 5.10 ANSWERS TO 'CHECK YOUR PROGRESS'

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1. After India's independence, it became necessary to divide Assam so that the political aspirations of numerous ethnic groups could be fulfilled.
2. During medieval and colonial times, the valley region of North-East India was mostly ruled by kings whose territories were well defined and the hill regions mostly were ruled by chieftains.
3. In his book, *Traditional Self-governing Institutions among the hill Tribes of North-East India*, Atul Goswami has categorized self-governance in hilly regions into three categories; self-regulated convivial type, republican type and monarchical types.
4. When a District Council is formed, based on the Sixth Schedule's provisions, it has financial, executive, judicial and legislative powers that are clearly specified in the Constitution's Sixth Schedule.
5. Stress was visible in north-east Indian hill's traditional self-governing institutions due to the combined effect of monetization and the western education system introduced by the British.
6. For a leadership to be a group phenomenon there need to be at least two persons interacting with each other for achieving some common goal(s).
7. Bernard M. Bass defined leadership in the following words, 'Leadership is a kind of interaction between and among the people. Any attempt on the part of group members to change the behaviour of one or more member is an attempt at leadership.'
8. After studying various definitions of leadership, provided by different scholars, its following three components emerge: the situation, the leader and the follower.
9. Woman pradhans are much more sensitive to issues faced by women, than are men leaders and pradhans.
10. The two facets of the Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) scheme are:
  - (i) Panchayat Mahila Shakti Abhiyan (PMSA)
  - (ii) Panchayat Yuva Shakti Abhiyan (PYSA)
11. Rural development includes fair wages, agricultural growth, erecting social and economic infrastructure, providing the landless with housing sites, erecting houses, village planning, public health, education, functional literacy and communication to name a few.
12. The categories of problems that hinder the path of possible rural development are people related, agriculture related, economic problems, infrastructure problems, leadership, social and cultural problems and administrative problems.

**NOTES**

13. The aim of the Panchayati Raj system is to make each village a republic with panchayats holding the powers that lead to it.
14. The three phases identified by Ashok Mehta's committee, formed to review the working of PRIs' and come up with measures that would help to create a decentralized and effective system of rural development, were:
  - (i) Panchayat Ascendance (1959-64)
  - (ii) Panchayat Stagnation (1965-69)
  - (iii) Panchayat Decline (1969-77)
15. Assigned revenues prove to be of the highest efficiency in panchayat dispensation, next only to own-source revenues.
16. Standard assigned revenue falls in the categories of entertainment tax, tax on professions, cess or additional tax on land revenue and surcharge on stamp duty.
17. Panchayats have to fall back on the respective state government's fiscal transfers, in the shape of shared grants and taxes, because internal sources revenue is insufficient.
18. Panchayats play an increasingly an important role of deepening democracy and bringing the poor into mainstream development.
19. The principle of equalization states that while lack of fiscal capacity, at the state level as well as the local level, can be made up, lack of revenue effort should not be made up.
20. The Right to Information Act enables voter to make informed choices, since India has a rather forceful media.
21. The Backward Region Grant Fund (BRGF) Scheme aims to (a) promote decentralized, participative & holistic planning process, as an essential condition for getting BRGF grant, (b) bridge the critical gaps in development and (c) build capacity of PRIs & official functionaries.
22. e-Governance Project for Panchayati Raj Institutions (e-PRI) proposes to provide a whole range of IT related services such as Decentralized Database & Planning, PRI Budgeting & Accounting, Implementation & monitoring of Central and State sector schemes, Citizen-centric Services, Unique codes to Panchayats and Individuals, Essential GIS based applications, On-line Self-learning medium for elected representatives and official functionaries.
23. 50 years of Panchayati Raj were commemorated on 2nd October 2009.

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## 5.11 QUESTIONS AND EXERCISES

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**Short-Answer Questions**

1. Which states comprised the North-East, when India gained independence?
2. The Sixth Schedule does not have some provisions. Which are these?
3. What are the main resources of a panchayati body at the village level?
4. Which agriculture-related problems hinder rural development?
5. Why is rural development considered a national necessity?
6. What provisions were made mandatory for all states to provide, according to the Constitutional Amendment Act?

7. What are the core functions listed in the 11th Schedule, as classified by the 11th National Finance Commission, for a panchayati body?
8. What fiscal autonomy issues do panchayats face?
9. Why did the Ministry of Panchayati Raj propose the Nyaya Panchayat Bill?

## NOTES

### Long-Answer Questions

1. Describe how Panchayati Raj has pushed out traditional political institutions in some regions.
2. In some regions, panchayats and traditional political institutions are working together. Explain.
3. Specify how women in rural leadership are both beneficial and detrimental to the development of the region they represent.
4. How is the trend of rural leadership in India changing due to PRIs?
5. Constitutionally, what are the powers and responsibilities provided to Panchayats for rural development?
6. What are the hindrances in the path of the panchayats, as far as rural development is concerned?

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## 5.12 FURTHER READING

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- Barpujari, H.K.; *Problems of the Hill Tribes of North-East India (Vol I, II and III)*, Basanti Prakash, Gauhati, 1976.
- Chattopadhyaya, S.K.; *Tribal Institutions of Meghalaya*, Gauhati, 1985.
- Choube, S.K.; *Hill Politics in the North-East India*, Orient Longman, Calcutta, 1974.
- M. Horam; *Naga Policy*, B. R. Publications, Delhi, 1975.
- Mackenzie, A.; *North-East Frontier of India*, Mittal Publishers, Delhi.
- Narain Iqbal (ed.); *State Politics in India, Chapter 18 and 19*.
- Rao, V.V.; *A Century of Tribal Politics in North-East India*, S. Chand and Co., Delhi, 1976.
- Sangma, Milton, S.; *History and Culture of the Garos*, Book Today, New Delhi, 1981.
- Bhuyan, B.C. (ed); *Political Development of the North East*, Omsons, New Delhi, 1989.
- Paken, B, (ed); *Ethnicity, Nationality and Cultural Identity*, Omsons, New Delhi, 1989.
- Varrier, Elwin, *Democracy in NEFA (NEFA, Shillong)*.
- Talukdar, A.C.; *Political Transition in the Grassroot in Tribal India*, Omsons, New Delhi.
- Mahanta, Bijan; *Administration Development of Arunachal Pradesh*, Uppal Publishing, New Delhi.
- Luthra, P.N.; *Constitutional Development in NEFA*, Research Department, Arunachal Pradesh Government, Itanagar.

Gogoi, P.D.; *NEFA Local Polity*, Delhi University, New Delhi, 1971.

Mukherjee, Amitabh; *Genesis of the Indian National Congress*, in B.N Pande, A Centenary History of the Indian national Congress. Volume 1 1885-1919, Published by All India Congress Committee, Vikas Publishing House Private Limited, Delhi, 1985.

Oliver Heath, Anatomy of BJP's Rise to Power; Social, Regional and Political Expansion in 1990s, in Zoya Hassan, Parties and Party Politics in India, Oxford University Press, New Delhi, 2002.

Rajni Kothari, The Congress System in India, in Zoya Hassan, Parties and Party Politics in India, Oxford University Press, New Delhi, 2002.

John McGuire, The BJP and Governance in India: An Overview, in John McGuire and Ian Copland, Oxford University Press, New Delhi 2007.

## NOTES





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