

H.D.176

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**REPORT OF THE COMMISSION
ON THE
WILDERNESS AREAS OF ASSAM
1965-66**

HOME AFFAIRS
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REPORT OF THE COMMISSION ON HILL AREAS OF ASSAM 1965-66

ERRATA

1. Page 20, para 48, fourth line—*delete* the word 'of' occurring between the words 'such' and 'feelings'.
2. Page 20, para 49(b), first line—*for* the word 'nor' *read* 'not'.
3. Page 20, para 49(c), last line—*for* the word 'sheelac' *read* 'shellac'.
4. Page 21, para 51, third line from bottom—*for* the figures '1:31' *read* '1.31'.
5. Page 24, para 59, footnote—*after* the figures '1963-64' *add* 'over 1950-51'.
6. Page 24, para 60, first line—*read* 'above' between the words 'the' and 'table'.
7. Page 24, para 60(i), first line—*read* 'schools' *between* the words 'of' and 'of'.
8. Page 25, para 61, last line—*for* the figures '2:91' *read* '2.91'.
9. Page 27, para 67, 5th line—*for* the figures '768' *read* '7.68'.
10. Page 28, para 67, 13th line—*for* the word 'these' occurring between the words 'of' and 'Central' *read* 'the'.
11. Page 28, para 67—the last two lines be deleted.
12. Page 29, para 69 (table VIII), against Nagaland in the last column—*for* the figures '3.83' *read* '37.83'.
13. Page 37, para 88, first line—*for* the word 'as' *read* 'was'.
14. Page 41, para 97, last line—*for* the word 'at' *read* 'a'.
15. Page 42, para 99, fifth line from the bottom—*for* the word 'prescribed' *read* 'prescribe'.
16. Page 49, para 119, fifth line from the bottom—*for* the word 'contracts' *read* 'contacts'.
17. Page 49, para 120, sixth line—*for* the word 'contracts' *read* 'contacts'.
18. Page 52, para 125, sixth line—*for* the figures '1956' *read* '1965'.
19. Page 52, para 125, sixth line—*for* the word 'his' *read* 'this'.
20. Page 54, para 133, last but one line—*for* the word 'advisor' *read* 'adviser'.
21. Page 61, para 147, third line from bottom—*for* the word 'on' *read* 'to'.
22. Page 64, footnote to para 154, first line—*for* the word 'as' *read* 'has'.
23. Page 70, para 175, tenth line—*after* the word 'question' *add* the word 'of'.
24. Page 92, para 225, fifth line from bottom—*add* the word 'hill' before the word 'districts'.
25. Page 92, para 225,—the last two lines be deleted.
26. Page 97 *for* para '236' *read* para '239'.
27. Page 115, *read* the heading 'Composition and functioning of the district councils' in-between the words 'CHAPTER XIX' and para '280'.



REPORT OF THE COMMISSION
ON THE
HILL AREAS OF ASSAM
1965-66

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

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No. 4/2/64-SR(R)-A

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th March, 1965.

RESOLUTION

The hill areas of Assam comprising the Garo Hills, the United Khasi and Jaintia Hills, the Mizo Hills, the United Mikir and North Cachar Hills districts are administered subject to the special provisions of the Sixth Schedule to the Constitution which confer a certain measure of autonomy on these areas. It has been represented to the Government of India from time to time that for accelerating the pace of and ensuring fuller participation of the people in the development of these areas, and for safeguarding more effectively the interests of the tribal people, it is necessary to widen the autonomy enjoyed at present by these areas. The Government of India after giving careful consideration to the needs of these areas and the necessity in the interest of the people of the hill areas themselves of enabling them to participate in the larger political and economic life of the State, have come to the conclusion that it would be desirable for the hill areas to have a full measure of autonomy subject to the preservation of the unity of Assam, the continuance of a common legislature for the whole State of Assam and the maintenance of the Cabinet Government of the accepted form functioning on the basis of collective and joint responsibility to the State Assembly.

The general pattern of the administrative set-up which might be evolved for the hill areas of Assam was discussed by the late Prime Minister Shri Jawaharlal Nehru, with some of the hill leaders and certain broad conclusions were reached. The Government of India consider it necessary that a detailed scheme for the reorganisation of the administrative set-up of these areas on the basis of those discussions and conclusions should be drawn up by a Commission to be appointed for the purpose, after careful study of the various aspects of the problem involved. The Government of India have accordingly, in consultation with the Government of Assam, decided to appoint a Commission consisting of:—

1. Shri H. V. Pataskar—Chairman.

7 H. A.—2.

2. Shri Shankar Prasad—Member.*

3. Shri G. S. Rau—Member.

2. Having regard to the main objectives of conferring a full measure of autonomy on the hill areas, subject to the preservation of the unity of the State of Assam, the continuance of a common legislature for the whole State of Assam and the maintenance of the Cabinet Government of the accepted form functioning on the basis of collective and joint responsibility to the State Assembly, the Commission will recommend a detailed scheme for reorganising the administrative set-up of the hill areas. The Commission will also recommend the administrative, financial and legal measures necessary for giving effect to the scheme.

3. The Commission will consider whether in the light of the scheme which they may suggest for the administration of the hill areas, it is necessary to make changes in the powers and functions of the District and Regional Councils constituted under the Sixth Schedule to the Constitution and recommend, after examining the working of the District and Regional Councils, what changes, if any, should be made in that Schedule.

4. The Commission will be at liberty to devise its own procedure for its work including collection of information and ascertaining public opinion. The Commission will ordinarily hold its sittings in private.

5. The Commission will have a Secretary and such staff and officers as may be considered necessary.

6. The Commission will make its recommendations to the Government of India as soon as may be practicable and not later than the 31st March, 1966.†

Hari Sharma

New Delhi, the 16th March, 1965.

Special Secretary to the
Government of India.

*In the original Resolution Shri C. S. Venkatachar was appointed as a member of the Commission. After the Chairman and Shri G. S. Rau had assumed charge of their respective offices by 12th April, 1965 Shri C. S. Venkatachar expressed his inability to join the Commission on grounds of health. By an amending Resolution No. 4/2/64-SR(R)-A of 24th April, 1965 Shri Shankar Prasad was appointed a member of the Commission. He assumed charge of his office on 28th April, 1965.

†In the original Resolution this date was 30th June, 1965. By an amending Resolution No. 4/8/65-SR(R)-A of 12th July, 1965 this was changed to 30th November, 1965 and by another Resolution No. 4/8/65-SR(R)-A of 20th November, 1965 to 31st March, 1966.

ORDER

Ordered that a copy of this Resolution be communicated to all State Governments, all Ministries of the Government of India, etc. and also that the Resolution be published in the Gazette of India.

Ordered also that a copy of this Resolution be communicated to the Chairman and the Members of the Commission.

Hari Sharma,

No. 4/2/64-SR(R)-A

Special Secretary to the Govt. of India.

To

The Secretary to the Govt. of India,

Ministry of Home Affairs.

We, having been appointed a Commission to "recommend a detailed scheme for reorganizing the administrative set up of the hill areas" in the light of the Government of India's Resolution No. 4/2/64-SR(R)-A of 16th March, 1965 submit the following Report.

CHAPTER I

PROCEDURE OF THE COMMISSION

1. We assumed our respective offices between 8th April and 28th April, 1965 and held our first meeting on 3rd May, 1965. Meanwhile in the last week of April, letters had been sent out to the Government of Assam, district and regional councils in the hill districts, members of Parliament from Assam and of the Assam Legislative Assembly, and some local organizations requesting them to send memoranda of their views and suggestions on matters covered by our enquiry by 10th May, 1965. Simultaneously, a general notice was issued and published in the Press inviting other organizations and persons who might be interested in sending memoranda to us. At the request of the State Government, and some others, the date for submitting memoranda was extended to 25th May, 1965. Later on, several organizations and persons submitted their memoranda during our visits to the hill districts; and even otherwise we continued to receive some memoranda and similar communications almost till the close of our work.

2. In all we received about 75 memoranda from the State Government, other authorities, organizations and individuals. In some instances we requested for supplementary memoranda or information on certain details and these were readily made available to us. We visited all the hill districts covered by our enquiry and held discussions there with the representatives of the State Government, district and regional councils, political parties, local organizations and individuals. In all we devoted 27 sittings on 19 days to such discussions. Details of the sources of the evidence we thus collected are given in Appendix I.

3. The Mizo District Council and the Mizo Union, which controls the administration of that Council, did not respond to our request. We were informed by them that as they stood for complete separation of the Mizo district and the adjoining mizo populated areas from Assam they had no suggestions to make under our terms of reference. They wanted to discuss with us only the question of the creation of a separate State of Mizoram, which, it was explained to them, was outside the scope of our enquiry. Their representatives did not therefore meet us at any time even though we expressed a wish to discuss with them matters arising out of our terms of reference. The Mizo District Council however supplied us all the available information we required about its administration.

4. We obtained from the ministry of home affairs the records of discussions held between the prime/home minister and the hill leaders on various occasions. On 10th May, 1965 we addressed the State government and the district and regional councils requesting them to supply us essential information about their working. As our work progressed we asked them from time to time for more information. The response of all these authorities was always helpful. At our request the accountant general of Assam also sent us some information about the financial administration of the councils.

5. During our visits to the headquarters of the hill districts, we studied at first hand the working of the district councils. We could not do so in respect of the Mizo district as the Council decided to close its offices at the time of our visit to Aijal. We could not visit Saiha, the headquarters of the Pawi-Lakher Regional Council, but held discussions with their representatives at Shillong and Aijal. At all the places we visited we held discussions with the district level and other senior officers of the State government to acquaint ourselves with the general conditions and development programmes of the hill areas.

6. In addition to our sittings devoted to oral discussions, we have had about 32 internal meetings.

7. We have received utmost courtesy, consideration and help from the Central Government, the Government of Assam, the accountant general of Assam and the district and regional councils in our work; and we express our gratitude to all of them. We would also like to express our gratitude for the assistance given to us by the various political parties, local organizations and individuals. We also express our thanks to all those who discussed with us fully and frankly the matters which we raised. We wish especially to thank all those who, at considerable personal inconvenience, came from far off places in the interior of the hill districts to place at our disposal their experience of the working of the present arrangements and their views and suggestions on the various aspects of our enquiry.

SCOPE OF THE ENQUIRY

8. The terms of our reference require us to recommend a detailed scheme for reorganizing the administrative set up of the hill areas having regard to the main objectives of conferring a full measure of autonomy on the hill areas, subject to the preservation of the unity of the State of Assam, the continuance of a common legislature for the whole State and the maintenance of the cabinet form of government functioning on the basis of collective and joint responsibility to the State Assembly. We are

also required to recommend "the administrative, financial and legal measures necessary for giving effect to" the proposed reorganization.

9. The hill areas of Assam already enjoy a certain measure of autonomy in accordance with the provisions of the Sixth Schedule to the Constitution,* reproduced in Appendix II. This autonomy is however confined to the district level and is exercised chiefly through the district and regional councils. Our terms of reference permit us to recommend, after examining the working of these councils, changes in their powers and functions, as also in the Sixth Schedule in the light of the scheme to be recommended by us.

10. Before our appointment the general pattern of the reorganization of the administrative set up was discussed by the prime minister (the late Shri Jawaharlal Nehru) with some of the hill leaders. We are required to draw up a scheme of reorganization on the basis of these discussions and conclusions. We have therefore not considered it necessary to examine the basic problem *de novo* and have restricted our enquiry to working out the details of the scheme whose broad framework had already been indicated. But for a proper understanding of the prime minister's proposals we have taken into account the statements made by him on this subject in Parliament and in his correspondence with the hill leaders and MPs while the discussions were in progress.

11. During our enquiry representations were made to us by a large number of organizations and individuals to recommend that each hill district of Assam should send at least one representative to the Union Parliament and one representative for 40,000 to 50,000 of population to the Assam Legislative Assembly, and that the Assam Legislature should have a Legislative Council also. In the light of our terms of reference we do no more than draw attention to these widely-expressed views. Similarly we have refrained from reporting on the suggestions made to us for converting the hill districts or some of them into Union Territories. We have also made no recommendations regarding the proposals made to us for redrawing the boundaries of these districts for which the governor has already got the necessary powers.

*Referred to in our Report as the Sixth Schedule.

CHAPTER II

GENERAL DESCRIPTION OF THE HILL DISTRICTS

12. At the outset we consider it essential to give a general description of the hill areas of Assam covered by our enquiry. These areas consist of four administrative districts namely the United Khasi and Jaintia Hills, The Garo Hills, the United Mikir and North Cachar Hills and the Mizo. Before 1951 the Mikir Hills were included in two plains districts of Nowgong and Sibsagar, and the North Cachar Hills formed part of the Cachar district. The total area of all the hill districts is 22,732 square miles out of the total area of 47,290 square miles of Assam, excluding the NEFA. These districts thus account for 47 per cent of the area of the State. A considerable part of the hill areas is under forests. With an area of approximately 9,290 square miles the forests form about 41 per cent of the hill districts.

13. The total population of these districts is 13,15,169 constituting a little over 11 per cent (11.12) of the State's total population of 1,18,72,772*. In 1951 this population was a little less than 11 per cent (10.95) of the total population of the State. During the decade 1951—61, the rate of the growth of population in the hill areas is 35.96 per cent as against 34.26 per cent of the plains districts and 34.45 of the State as a whole; and these rates are much higher than the all-India average of 21.5 per cent.

14. With 47 per cent of the total area of the State, the hill districts account for only about 11 per cent of the State's population. These areas are thus very sparsely populated. The density of population is 58 per square mile as against 432 per square mile in the plains districts and 252 per square mile in the whole State. The total number of villages in the hills is 7286; and the average population of a village is approximately 161.

15. The hill areas do not constitute a continuous land mass. The Mizo district is cut off from the rest of the hill areas by the plains district of Cachar. The other hill districts appear connected on an ordinary map, but in actual fact the connections are illusory. The Garo Hills cannot yet be reached from the neighbouring Khasi Hills except through the plains. Until very recently, the Khasi Hills were connected with the Jaintia Hills only by bridle paths. The North Cachar Hills were practically

*Census, 1961.

unconnected with any other area except by a hill section railway from the plains. Only now they are connected with the United Khasi and Jaintia Hills by a new road from Shillong to Haflong via Jowai. The Mikir Hills are a peninsula almost surrounded by the plains. The communications used to be and still are notoriously poor and these districts are not easily accessible to each other over the hills. The task of building roads is not an easy one because of the practical difficulties of terrain, heavy rains, short working season, shortage of labour and material etc.

16. The hill areas are mainly inhabited by tribals. The population of the schedule tribes in the State is 20·68 lakhs (i.e. 17·4 per cent of the total population of the State). Of this 11·12 lakhs (or 53·8 per cent of the total tribal population) live in the hill areas. The non-tribal population in these areas is very small. The break-up of the population of these districts is summarised in the table below:

(TABLE I)

District	Total population	Area in sq. miles	Scheduled Tribes								Non-tribes	Scheduled castes
			Khasis and Jaintias	Garos	Hajongs	Mikirs	Mizo (Lushai)	Kacharis	Others*	Total		
1	2	3	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	4(h)	5	6
Garo Hills	3,07,228	3,152	50	2,39,747	21,597	6	18	1,320	265	2,63,003	43,379	846
UK & J Hills	4,62,152	5,554	3,51,981	15,037	1,055	4,188	1,158	100	2,639	3,76,158	85,579	415
UM & NC Hills	2,79,726	5,883	3,931	3,326	..	1,16,887	284	67,284	19,619†	2,11,331	61,606	6,789
Mizo Hills	2,66,063	8,143	193	12	..	1	2,13,261	14	47,533@	2,61,014	5,044	5
	13,15,169	22,732	3,56,155	2,58,122	22,652	1,21,082	2,14,721	68,718	70,056	11,11,506	1,95,608	8,055
*Others include nagas, chakmas, kukis, hmars etc.												
†hmars	.	.	.	.	.	4,131	@hmars	.	.	.	.	3,119
kukis	.	.	.	.	.	7,150	kukis	.	.	.	.	11,677
naga tribes	.	.	.	.	.	8,338	chakmas	.	.	.	.	19,337
							lakher	.	.	.	.	8,790
							naga tribes	.	.	.	.	23
							pawi	.	.	.	.	4,587
						19,619						47,533

It will be seen that while each district has one or two dominant tribes, there are other smaller tribes and non-tribals living in the same hill district.

17. Ethnologically the tribal people are distinct from the people of the plains. But it would not be correct to think of the hill people as having much homogeneity or cohesion. A tribal tends to think primarily in terms of his village or clan; even the tribe itself sometimes means little and it is only the few who have any conception of larger unity. Between the tribes in some areas there are traditional hostilities. Nor do the tribes have a common language. In some instances even the sub-tribes of the same tribe speak different languages. With the exception of Khasi, which is a language of the Mon-Khmer group, these languages belong to the Tibeto-Burman group. For inter-tribal contacts the tribes have to depend largely on broken Assamese or Hindi. The result is that the various tribes have preserved their own individual patterns of social organization and culture; and each tribal group has its own laws and customs.

18. There is also difference in the degree of socio-economic development, spread of literacy etc. from one hill district to another and between different tribes in the same district. The percentage of literacy in the hill areas is 28.36. It is highest (44.0) in the Mizo district and lowest (17.4) in the United Mikir and North Cachar Hills. The tribes too are at varying stages of development and organization. Owing to the presence of the State capital in their district and relatively good communications the khasis are the most advanced of the hill people, "although away from the main roads their life has still much that is primitive." The tribes in the Jaintia Hills are less sophisticated. The garos too have had long contacts and trade relations with Kamrup and Goalpara districts and these have had some influence on their society. The mikirs are a simple people and have scarcely any traditions of inter village feuds. They and the kacharis, a tribe which formerly had a kingdom here, have suffered considerably from past neglect. The mizos, although inhabiting the most backward area of the State have done well in literacy. The smaller tribes living generally in the far off corners of the hill areas are more backward.

19. Generally speaking, the tribesmen govern themselves. The hill areas have been described in the past as "a block of self-governing communities." The tribal self-government is, however, subject to certain limitations. Its functions are confined to the provision of civil and criminal justice, between which the tribesman draws no real distinction, and to the regulation of land. Except for the institution of the "Bachelor's Hall" prevalent among a number of tribes, which may be regarded as a kind of school giving education in tribal life and warfare and serving economic and social purposes, the tribal organization has had no share in any socio-economic activities of the tribe.

20. Land is the focal point of the economic life of a tribe; and very little has happened to change the traditional pattern. It is only recently when new pressures have started growing that the tribal bodies are showing interest in economic activities other than those pertaining to land. The tribal economy is therefore predominantly agricultural and almost completely lacking in secondary and, to some extent, tertiary sectors. About 83.24 per cent of hill people are occupied in agricultural and other forms of primary occupations, 4.23 per cent in secondary (mining and quarrying, household industry, manufacturing, construction etc.) and 12.53 per cent in tertiary (trade, commerce, transport and communication, other services etc.) occupations.

21. Agriculture in the hill areas is conducted largely by "jhuming"; which involves cutting down the forest periodically to secure crops for a few years from constantly changing areas. Thus the method is destructive of good jungle. The agricultural implements are generally of a primitive type. They include a wooden plough with an iron-tipped share, wooden rakes and mallets, a rough bamboo harrow, sickles, bill hooks, knives and baskets. Due to the growing pressure on land the need for settled cultivation is being increasingly felt. The hill people raise both food and cash crops. The former mainly consists of rice and maize. The principal cash crops are potatoes, cotton, ginger, betelnuts, pine apples and oranges. Some new cash crops like cashewnuts, coffee, para-rubber, black pepper have also been introduced recently.

22. There has been some general progress in agriculture in recent years but the hill districts continue to be deficit in food, particularly rice, which has to be imported from the plains. This deficit is likely to increase further with the rapid growth of population.

23. The hill districts have a fair amount of mineral deposits. There are coal reserves in the United Khasi and Jaintia Hills and the Garo Hills; the United Mikir and North Cachar Hills district also has some very small reserves. These districts account for about 17.5 per cent of the proved reserves of 2,000 million tonnes of the whole State. At present coal is being raised only in the United Khasi and Jaintia Hills and the United Mikir and North Cachar Hills districts. The rate of exploitation is however small. The huge reserves (estimated at 240 million tonnes) of the Garo Hills have not yet been exploited due to the lack of transport facilities. The United K & J Hills and the United M & NC Hills districts have extensive reserves of lime-stone. The former alone has 1,000 million tonnes of reserves situated all along the southern face of the hills. But the mode of exploitation is still primitive. The Garo Hills also have such reserves but they have not yet been estimated. Large deposits of massive sillimanite

occur in Sonapahar in the northern part of the Khasi Hills. The known reserves are about 0.25 million tons and the present annual extraction only about 10,000 tonnes. But from the mine-head at Nangmaweit to the steamship point at Gauhati the landhaul is 71 miles long with only 36 miles of good motorable road. Besides, there are deposits of white clay, light coloured sandstone and quartzites in these districts. Only the Mizo district has no mineral reserves.

24. There are no big industries in these areas. A cement factory has recently been started in Cherrapunjee. This public sector undertaking with an initial capacity of 250 tonnes a day is expected to go into production early in the Fourth Plan period. It will be fed from the limestone quarries of the Khasi Hills. An expert techno-economic survey undertaken a few years back indicated that a second cement factory could be started in the Garo Hills provided the transport difficulties were solved.

25. To sum up, sparsity of population, virtual non-existence of industries, lack of means of communication and widespread prevalence of the traditional and uneconomic system of "jhum" cultivation are the principal distinctive features of the economy of these areas, which go to explain in a large measure their economic backwardness in comparison with the plains of Assam.

26. One further point must be mentioned. The Garo Hills, the United Khasi and Jaintia Hills and the Mizo districts are on the border of East Pakistan. The economy of these districts has suffered a severe set back since 1947. The trade and commerce of these districts used to flow across to the areas which now form part of East Pakistan. A flourishing trade in cotton, lac, fruits, timber and other forest produce between these districts and the present East Pakistan territories has been upset as a result of difficulties created by the Partition. The problem of profitable marketing of all this produce has not yet been fully solved. Similarly the supply of essential commodities to these districts from their traditional markets now in East Pakistan has also stopped. All this has caused hardships to the people of these districts. This is particularly so in the Mizo district. Its principal means of communication with the rest of the country in the past—by waterways into Chittagong district—is now blocked. In certain more inaccessible parts of the district it has been on occasions necessary to air-drop supplies of essential commodities and to make them available at heavily subsidised prices.

POLITICAL AND ADMINISTRATIVE ARRANGEMENTS

27. A brief account may be given of the political and administrative arrangements for these areas. Under the Government of India Act, 1935 the hill areas fell into two categories. The Mizo district and the North

Cachar Hills sub-division were the "excluded areas" and the Khasi and Jaintia Hills (with the partial exception of Shillong), the Garo Hills and the Mikir Hills were the "partially excluded areas." The provincial ministry had no jurisdiction whatever over the "excluded areas". The revenues expended there were not subject to the vote of the provincial legislature which had no representative from the "excluded areas." The "partially excluded areas" were administered by the provincial government subject to the special powers of the governor. These areas sent elected representatives to the provincial legislature although in the Garo Hills and the Mikir Hills the franchise was limited to the nokmas@ and headmen respectively.

28. No Act of the federal or provincial legislature extended to these areas automatically. The provisions of the Government of India Act, 1935 were based on the broad principle that the legislation passed by the federal or provincial legislature was often likely to be unsuitable for application to the hill areas. The Act accordingly empowered the governor of the province to apply or not to apply such legislation to these areas; and in case he decided to apply he could make suitable alterations. It was thus a mechanism for "filtering" the legislation to the hill districts.

29. The administration in these areas was confined mainly to maintaining the peace and undertaking sociological studies. Its anxiety was marked by the negative idea of preservation and protection; and, we believe, little thought was given to possible ways of stimulating progress. The general outlook was therefore in many ways static rather than dynamic. The administrative machinery was sketchy. The deputy commissioner was the head of the district as well as of the police. He also presided over the rudimentary activities of the other departments e.g. forests, civil engineering, medical relief etc. For the rest the hill people governed themselves. Criminal jurisdiction in the hills was left largely to the tribal organizations. The great bulk of offences never came before a higher official. They were dealt with by the tribal authorities, normally those of the village, who imposed fines in kind or in money and, in grave case, sentences of banishment. On the civil side disputes rarely required official intervention. Justice was on the whole speedy and readily accepted.

30. A kind of distinct barrier was maintained between these hills and the plains during the British rule. Non-tribals were not given admittance to these areas without special permission, which was given rather freely to foreign missionaries. Such restrictions deepened the isolation of these areas from the rest of the State.

31. The effects of geographical and administrative isolation of the hill people may be mentioned briefly. This isolation was responsible to a large extent for the economic backwardness of the hill areas. In the totally

@A traditional village functionary in the Garo Hills.

excluded areas the protection to the tribal was more effective, but it achieved little else. The system of partially excluded areas had only very partial success. According to an ex-governor of Assam of the pre-Independence days these areas had "fallen between two stools. The Ministry (none of whom has lived in them) have had little interest in them and the Governor has not been able to administer them". Under such an administration hardly any economic progress was possible. The same ex-governor admitted that "taking a longer retrospect, there are reasons for thinking that the hills have lagged behind the plains in progress and development." The economic disparity between the hills and the plains was also responsible for widening the gap between their peoples. A little before Independence the adviser to the governor of Assam for tribal areas thought that the "hillman of today is more separated from the plainsman than was his great-grandfather." The feeling of political separation among the hill-men is thus mainly the result of these circumstances.

32. The present scheme of administration of the hill districts, which should be viewed against the background described in the preceding paragraphs, is laid down in the Sixth Schedule. This is almost wholly based on the recommendations of the North-East Frontier Tribal and Excluded Areas Sub-Committee of the Constituent Assembly of India (the Bordoloi Committee). The principles underlying the scheme generally are in our opinion generous and provide complete safeguards to the tribal communities in respect of their land, social customs and practices, language and culture. The scheme is conceived with a view to building up autonomous administrations in these areas so that the tribal people may continue to follow their traditional way of life with such changes as they themselves may like to introduce.

33. We may describe in some detail the scheme of the Sixth Schedule in which the district councils are the pivot. The scheme provides for each hill district an autonomous district council consisting of not more than 24 members of whom not less than three-fourths are to be elected on the basis of adult suffrage. The governor is required to make rules for the first constitution of district councils and for the holding of elections, the procedure and conduct of their business and related matters. A council is however empowered after its election to make its own rules governing these matters. Subject to the provisions of the Sixth Schedule the administration of an autonomous district vests in its district council.

34. A district council has been invested with legislative powers to make laws for the administration of land, for the management of all forests other than the reserved ones, to regulate jhum cultivation, regarding the appointment or succession of chiefs, headmen etc. and relating to matters having a bearing on personal and social aspects of the tribal life. Although, unlike

the position under the Government of India Act, 1935, the jurisdiction of the State legislature now covers the hill districts, its Acts on the above subjects do not apply to an autonomous district; they may be extended there with such exceptions and modifications as are considered necessary by the district council concerned. A district council possesses authority for the administration of justice and is empowered to set up various types of courts, including appellate ones, for the trial of suits between tribals. In the administrative field it can establish, construct or manage primary schools, dispensaries, roads etc. and "prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district." It enjoys the power to assess and collect land revenue on the same principles as are followed in the State of Assam generally and to levy and collect certain taxes for which it can frame regulations. It is also competent to control money-lending and trading by non-tribals. It gets an opportunity to discuss the estimates of revenue and expenditure of the State budget relating to its district before its presentation to the Assembly. There are no powers of supersession of a district council for reasons other than those attracting "the safety of India" vested in the State Government. The district councils thus enjoy powers and functions "not of local authorities, but something approaching the jurisdictional principalities."

35. The Sixth Schedule provides for special arrangements for the smaller tribes. The governor has been authorised to divide the area or areas inhabited by them into autonomous regions. Each such region can be given a separate regional council of its own in which its administration vests. A regional council has been conceived more or less on the same lines as a district council. Both these councils enjoy identical authority in respect of law-making, administration of justice, assessment and collection of land revenue and taxes on lands and buildings and residential toll on persons. In administrative and certain financial matters, however, a regional council has not been invested with the powers given to a district council. But despite these limitations a regional council controls some of the vital aspects of tribal life.

36. In accordance with the above provisions five district councils—one each for the Garo Hills, the United Khasi and Jaintia Hills, the Mikir Hills the North Cachar Hills and the Mizo—were set up in 1952. In 1953, a regional council was constituted for the Pawi-Lakher region in the south-eastern part of the Mizo district. Recently, on the recommendation of a Commission, appointed by the governor of Assam in August, 1963, a separate district council has been created for the Jowai sub-division of the United Khasi and Jaintia Hills district inhabited mainly by the jaintias. The new district council came into existence on 1st February, 1966. Elections to this council are likely to be held shortly; meanwhile an advisory committee has been constituted to look after its administration.

CHAPTER III

SUMMARY OF EARLIER DISCUSSIONS AND EVIDENCE

37. As our terms required we made a careful study of the discussions held between the prime minister and the hill leaders. The discussions started in November 1960 and in some form continued upto April 1964. During this period the prime minister held six meetings (excluding a brief one at the Gauhati airport on 10th June, 1963) with the representatives of the All Party Hill Leaders Conference (APHLC) and one meeting with a delegation of the Assam Hill Peoples Convention (AHPC). There was also some correspondence between him and the APHLC. Besides these discussions with the hill leaders, in December 1963 he met some MPs, who had come to seek clarification on his proposals to the hill leaders. On several occasions during this period, he also explained the salient features of his scheme in reply to Parliamentary Questions. A summary of these discussions and conclusions reached thereat is given in Appendix III. The broad features of the scheme of autonomy that emerged from these discussions were incorporated in a memorandum which was approved at the meeting of the prime minister with the representatives of the APHLC on 5th October, 1963. It is in fact one of the most important documents for our purposes and is given in Appendix IIIE.

EVIDENCE

38. We have referred to the evidence put before us at appropriate places in our Report. It will be useful if we give at this stage a broad idea of its main trends. Generally speaking, the views and suggestions expressed before us represented two different ways of thinking. In the scheme proposed by the APHLC and its supporters the entire emphasis was on "full autonomy." The APHLC argued before us that the scheme of "cent per cent autonomy" envisaged by the prime minister meant an administration for the hill districts completely separate from that for the rest of the State. For maintaining the unity of the State the hill districts would, however, share with the State of Assam a common governor, high court and, to a certain extent, the Legislative Assembly. The following passage in the memorandum submitted to us by the Garo Hills District Council is typical of the attitude of the APHLC:

".....The preservation of the unity of the State of Assam can be achieved only if the details of the administrative set up to be worked out help, as observed by the late Prime Minister

himself, the removal of controversy between the people of the Assam valley and the hill areas and provide full opportunity to the hill people to run their own administration without being directly or indirectly dominated by others.”

The details of the political and administrative structure proposed by the APHLC were based on this thesis.

39. The APHLC's point of view received support from the Eastern India Tribal Union, Shillong and Aijal, the United Karbi Council, Diphu, the Garo National Council, Tura, the Kalia National Council, Saiha and the district councils of the Garo Hills and the United Khasi and Jaintia Hills. A few individuals also took the same view.

40. On the other hand the State government approached the question of granting full autonomy to the hill districts in a different way. They urged that on geographical, cultural, and economic considerations any examination of political, administrative or other reforms should be based on two postulates: (i) security of the country; and (ii) balanced accelerated economic development. In view of the strategic location of Assam and urgent need for economic development of the region, for which the hills and the plains were inter-dependent, the government considered that it was necessary for the State to have a compact and unified administrative structure. The State government no doubt realised that the largest measure of autonomy to the hill districts was desirable to enable the hill people to progress according to their own genius, but they did not favour any scheme of administrative reorganization which would encourage disruptive tendencies. They accordingly emphasised that the preservation of the unity of the State, its government and legislature was an essential requirement of any scheme to be formulated by us. According to them what the hill people had been asking for was a constitutional arrangement which might give them autonomy in the matter of development rather than any special authority outside the State legislature for affording occasional protection to their interests.

41. Support to the views of the State government came from various quarters, although we would not say that the emphasis laid by all of them on the different aspects of the scheme was the same. Among the political parties the Assam Pradesh Congress Committee and the District Congress Committees of the Khasi Hills and the North Cachar Hills, the Assam Hills Peoples' Convention and the State units of the Praja Socialist Party, the Communist Party of India and the Revolutionary Communist Party of India adopted to a large extent the same general approach to the question of autonomy. The district councils of the Mikir Hills and the North Cachar Hills also took the same view. A number of local organizations such as Ka Durbar Khasi, Karbia Durbar, the Jaintia Durbar (non-APHLC

group) and the Achik Asongna Chilachakgipa Kotak laid great emphasis on the maintenance of the unity of the State and its government. All of them opposed any arrangement that would encourage separatist tendencies in the north-eastern part of the country, but favoured considerable delegation of authority at various administrative levels to enable the hill people to preserve their distinct socio-cultural life and to develop their areas.

42. One of the recurring refrains in our evidence was the need for economic development of the hill areas. The State government, as mentioned earlier, considered that removal of backwardness was one of the basic factors to be taken into account in reorganising the administrative set up. The political parties and other local organizations also considered that economic backwardness was the main problem of the hill areas. It was emphasised before us that the separatist tendencies which grew in the hill areas during the British rule had been aggravated after Independence mainly because of the continued economic backwardness of the hill people. Some of the witnesses went to the extent of suggesting that the appointment of a hill minister in consultation with the hill M.L.As. or setting up of a regional committee was no solution to the problems.

43. The main instruments of the present autonomy of the hill areas are the district and regional councils. Our evidence revealed widespread dissatisfaction with the working of these councils. The dissatisfaction was explained to be the result of the failure of the councils to promote the development of their areas. We were told by several witnesses that the district councils had not been effective in guiding the affairs of the people of their areas as they did not possess adequate powers, authority and resources. In certain quarters on the other hand the feeling was that whatever power and authority the councils possessed were being utilised for political ends with the result that they had failed to project themselves as a means of socio-economic development of the hill people. Even then it was emphasised that the autonomy of the hill areas would be purposeful and real if it was expanded at the district level through these councils, and that much would depend on the structure, financial resources and administrative efficiency of these bodies and not on any political innovations. At the same time our attention was drawn to the need for administrative and financial control over the councils. Those who advocated maximum delegation of authority to the district councils also took the view that the State government should not only exercise reasonable control and supervision over them but should also have the necessary authority to supersede a council if it abused its authority or became a subject of administrative mismanagement.

44. A section of hill people—mostly confined to the Khasi Hills—criticised the district councils for entirely different reasons. They considered that the imposition of a district council over their age-old democratic institutions was very unsuitable and detrimental to their rights, usages and customs. They wanted that the powers and the authority of their traditional

chiefs and other institutions, in whom they retained full confidence, should not be disturbed.

45. The heterogeneity of customs, traditions, interests and conditions of the various tribes living in the hill districts also came to light in our evidence. We found that each tribe was jealous of its identity and interests and was afraid of being swamped or exploited by other tribal groups larger in number and more advanced economically and educationally. The population, area and level of educational and economic development gave distinct advantage to some tribes over others. The smaller tribes were therefore not favourably disposed towards the administration of the district and regional councils dominated by the bigger tribes. The general attitude of such tribes found expression as follows in a memorandum submitted to us:

“But from the bitter experiences that have already been manifestly amidst us for over a decade it is only apparent that the minorities of each district are equally foreigners to their district as any non-Indian is a foreigner in India.”

The main demand of these tribes was naturally for separate district or regional councils of their own.

46. We also received evidence from the non-tribal minorities living in the hill districts. In brief, they told us that neither length of settlement in the hill areas nor payment of taxes had enabled them to exercise full rights of Indian citizens in autonomous districts. They alleged discrimination against them in various matters by the administration of the councils. And it was pointedly brought to our notice that non-tribals suffered particular disabilities in the matter of acquisition and disposal of land and trading.

47. In a small number of memoranda we found criticism of the scheme that emerged from the discussions between the prime minister and the hill leaders. Those who submitted these memoranda considered that the scheme was unworkable and would lead to a further deterioration in the general relationship between the hill and the plains regions of Assam.

CHAPTER IV

SOME ECONOMIC AND FINANCIAL ASPECTS .

48. Our evidence disclosed considerable dissatisfaction with the economic progress of the hill districts. There is a widespread feeling that the development of the hill areas is being subordinated to that of the plains. It appears to us that such of feelings are at the root of the unsatisfactory general relationship between the hills and the plains. A useful purpose may therefore be served by setting out some of the relevant facts at this stage.

49. In a supplementary memoranda furnished to us by the APHLC at our instance the following specific complaints were made:

- (a) practically no development programme was undertaken in the hill districts by the State government under the general sector of the Plan during the period of the first two Plans; whatever development schemes were undertaken were out of grants received under article 275 of the Constitution;
- (b) the State government used funds under article 275 nor to supplement development programme but to replace funds which they would have normally spent on the development of these areas; and
- (c) funds earmarked for the hill areas were sometimes used for the benefit of the plains; and even the grants given by the Central government under article 275 were often diverted for other purposes; three specific instances were also cited to us these related to (i) the construction of the Kamakhya Temple Road, near Gauhati, (ii) the construction of a lake in the Gauhati University campus at Jhalukbari and (iii) the setting up of a sheelac factory at Chaparmukh.

We examine all these matters in the following paragraphs.

ANALYSIS OF REVENUE AND EXPENDITURE

50. The contribution of the hill districts to the revenue of the State and their share in the expenditure are analysed in Appendices IV—VII prepared with the help of the Budget Estimates (actuals) of the State government. The analysis covers the period from 1951-52 to 1964-65, the

atest year for which "actuals" are available.* It will be seen from Appendix IV that during the recent years these districts have been yielding less than two per cent of the total receipts of the State government†. This is much less in proportion to their population. Comparatively over the years there has been a decrease in their relative contribution. On an average, upto 1956-57 it was more than 4 per cent; but it came down to about 1·8 per cent thereafter. This is not fully explained by the separation of the Naga Hills district from Assam. The per capita contribution from these districts too has on an average remained the same. During the early years (1951-52 to 1953-54) the average per capita contribution was Rs. 3·61; in the recent years (1962-63 to 1964-65) it has been Rs. 3·55. On the other hand the per capita contribution of the plains has more than doubled during the same period.

51. The division of revenue expenditure from the State exchequer on the hill and the plains is summarised in Appendix V. The allocation for the hill districts has always been more than what would have been their share had it been based solely on population figures. The per capita expenditure has increased substantially—almost 5 to 6 times—since 1951-52; and except for the years 1951-52 and 1952-53 it has always been more than that in the plains. The rate of increase in the per capita expenditure in the plains has however not been the same. In 1951-52 in the plains it was Rs. 1:31 more than that in the hills. But in 1964-65 the position was reversed and the per capita expenditure in the hills was Rs. 9·10 more than that in the plains.

52. In the context of development it is the expenditure on "social and development organizations"‡ which is really important. A comparison of such expenditure would also show that the hill districts have done better. The relevant information is contained in Appendix VI. The share of the hill areas in this expenditure has been more than their due on the basis of population. The per capita expenditure too has been generally higher in the hills than in the plains. And although during the period under reference it has increased in both the regions, the increase is more marked in the hills

*The figures for the period upto 1963-64 have been taken from the State Budgets; those for 1964-65 (which are provisional) were obtained from the A.G., Assam.

†This analysis is confined to the Estimates of the State Budget. The receipts from, and the expenditure on, land revenue and forests in the hill districts do not form part of the State Budget. We have however satisfied ourselves that the non-inclusion of these items in this analysis does not vitiate the broad conclusions we have drawn.

‡This includes expenditure on Scientific Departments, Education, Medical, Public Health, Agriculture including Fisheries, Rural Development, Animal Husbandry, Co-operation Industries including Sericulture and Weaving Cottage Industries and Major Industries Community Development Projects, NES etc. and Local Development works, Labour and Employment and Miscellaneous Social and Development Organizations.

since 1955-56. The difference between the two has gone up from Rs. 0.09 in 1951-52 to Rs. 6.43 in 1964-65.

53. The results of the above analysis are now brought together in the table below to make a direct comparison of the contributions to the revenues and the shares in the expenditure of the hills and the plains.

(TABLE II)

	1951-52		1964-65	
	Plains	Hills	Plains	Hills
<i>Revenue Contribution</i>				
Percentage	96.97	3.03	98.41	1.59
Per capita Rs.	12.21	2.56	32.06	4.14
<i>Revenue expenditure</i>				
Percentage	88.25	11.75	82.54	17.46
Per capita Rs.	12.27	10.96	55.59	64.69
<i>Expenditure on Social & Development Organisations</i>				
Percentage]	86.75	13.25	85.73	14.27
Per capita Rs.	3.75	3.84	19.38	25.81

54. An abstract of the capital expenditure in the two regions of the State is given in Appendix VII. The expenditure on account of public debt, loans and advances by the State government, payment of commuted value of pensions, payment to retrenched personnel and capital outlay on the schemes of government trading is not included in the abstract. This expenditure is not indicative of the investment made in the development programmes and services. What is really relevant is the expenditure on capital account of social and development services, the multipurpose river valley schemes, electricity schemes, public works and forests. The share of the hill districts in such expenditure has shown a marked increase over the years. In proportion to their population however the hill districts seem to have lagged behind.

FIVE YEAR PLANS

55. The share of the hill areas in the three Five-Year Plans is shown in Appendix VIII. The expenditure under the general sector has been purposely shown separately. Proportionate to their population their share has not been unfair. The hill districts have been getting additional funds.

under the centrally sponsored schemes from the beginning of the Second Plan. We, however, note that, even after taking into account these additional funds, the percentage share of the hills has come down in the third Plan period.

56. We must mention one important fact about the statistical statements discussed above. In the Budget Estimates of the State government and plan allocations, expenditure on statewide projects such as power schemes, big industrial units, etc. is not shown separately for the hill districts even though some of the biggest projects have been, or are being, set up there and economic benefits from them accrue to hill people also. If that expenditure is taken into account the position of the hill districts will be even better than that indicated by the statistical data used here.

ACHIEVEMENT IN DIFFERENT SECTORS

AGRICULTURE

57. The relatively heavier investment in the hill districts has not been without results in terms of physical targets. In certain important fields noticeable progress has taken place. Agriculture is the mainstay of the economy of the hills. Since 1951-52 there has been significant increase in the area brought under cultivation in the State. But it is more marked in the hill region. Also the net area sown per head of rural population has recorded an increase from 0.15 hectares in 1950-51 to 0.19 hectares in 1963-64 in the hills whereas it has declined from 0.25 hectares to 0.13 hectares in the plains. We examined some more statistics on agricultural development and found that the value of agricultural output per hectare at constant prices in the hills increased from Rs. 584 in 1950-51 to an average of Rs. 699 during the First Plan period, to an average of Rs. 723 during the Second Plan period but declined to Rs. 700 during 1963-64. If tea, which is a high value crop, is excluded the value of output per hectare has been usually higher in the hills than in the plains. As regards the value of agricultural output per capita also, unlike the plains where there has been a marked decline, there has been a consistently upward trend in the hills. From an average of Rs. 95/- per capita in 1949-50 it increased to an average of Rs. 112 during the First Plan period, to an average of Rs. 123 during the Second Plan period and to an average of Rs. 124 in 1963-64. Before the first Five Year Plan the plains were ahead of the hill areas in this respect; the position is now reversed.

EDUCATION

58. The most remarkable progress has been in the field of primary education. Literacy in the hill districts has increased at a faster rate than in the plains during the decade 1951—61. In 1951 the percentage of literacy in the hills was 16.29; it rose to 28.36 in 1961. The corresponding figures for the plains are 18.49 and 27.23.

59. The following table will explain the progress of primary and secondary education :

(TABLE III)

	1950-51		1963-64	
	Hills	Plains	Hills	Plains
<i>Primary Schools</i>				
(i) No.	1,115	10,113	3,363 (201.6%)	16,091* (59.1%)
(ii) No. of schools per thousand children of school-going age.	7.4	9.4	15.0	9.8
(iii) Percentage of children enrolled to the total number of school-going children.	29.6	35.5	64.4	55.4
<i>Middle Schools</i>				
(i) No.	139	884	418 (200.7%)	2,232 (152.4%)
(ii) No. of schools per thousand children of school going age.	2.2	2.0	3.7	2.8
(iii) Percentage of children enrolled to the total number of school-going children.	7.5	7.9	13.7	17.4
<i>High/Higher Secondary Schools</i>				
(i) No.	22	287	114 (418.1%)	935 (425.0%)
(ii) No. of schools per thousand children of school-going age.	0.3	0.6	1.1	1.4
(iii) Percentage of children enrolled to the total number of school-going children.	2.9	4.8	7.4	12.4

*The figures in brackets give the percentage increase in 1963-64 over 1950-51.

60. The following conclusions are drawn from the above table :

- (i) Between 1950 and 1964 the number of schools of different categories increased at a relatively higher rate in the hills areas than in the plains.
- (ii) The increase in the number of schools of different categories per thousand children of school-going age has also been more rapid in the hill areas than in the plains.
- (iii) The enrolment of children in the primary schools has been more in the hills. But in respect of middle and high/higher secondary schools the hill areas are still lagging behind the plains.

MEDICAL AND PUBLIC HEALTH

61. In the medical and public health field also there has been a sustained progress in the hill areas. The comparative data are given in the following table.*

TABLE IV

	1950-51		1963-64	
	Hills	Plains	Hills	Plains
No. of hospitals/dispensaries	45	397	163	670
—per lakh of population	4.21	4.69	11.51	5.93
—per 100 sq. K.M.	0.07	0.61	0.27	1.06
Hospital beds per lakh of population	42.71	27.10	77.41	34.70

Further, in 1963-64 the number of maternity and child welfare centres per lakh of female population in the hills and plains was 2.06 and 1.04 respectively, and of the family planning clinics 2.91 and 1.23 respectively.

NATIONAL INCOME ✓

62. The progress made by the hills is reflected in the national income figures also.† The national income estimates provide the most comprehensive single indicator of the level of development of any areas. The table below shows the region-wise allocation of the State income for three years—1950-51, 1960-61 and 1962-63.

TABLE V

State/Region	Total income in Rs. (crores)			Percentage increase in 1962-63 over 1950-51
	1950-51	1960-61	1962-63‡	
State	254.44	357.78	402.47	58.2
Hills	18.78	34.60	40.67	116.6
Plains	235.66	323.18	361.80	53.6

<i>Per capita income</i>				
State	291	307	326	12.0
Hills	196	268	299	52.5
Plains	302	311	329	8.9

*The data in the table relate only to government hospitals/dispensaries etc.

†Information furnished by the Directorate of Economics and Statistics, Assam.

‡Information for later years not yet available.

63. In Assam prices form an unusually variable factor. We have therefore also compared the region-wise allocation of the State income at constant prices (1960-61) for three years—1950-51, 1960-61 and 1965-66. The table below contains the relevant data :

TABLE VI

State/Region	Total income in Rs. (crores)			Percentage increase in 1965-66 over 1950-51
	1950-51	1960-61	1965-66*	
State	279.40	357.78	456.64	63.4
Hills	20.62	34.60	44.72	116.9
Plains	258.78	323.18	411.92	59.2
<i>Per capita income</i>				
State	319	307	340	6.6
Hills	215	268	301	40.0
Plains	332	311	345	3.9

64. In 1950-51 the hill region with 10.95 per cent of the State's population accounted for only 7.4 per cent of the State's income. There has been some improvement since then; in 1960-61 the hill region's share rose to 9.7 per cent and in 1965-66 to 9.8 per cent. Over the period 1950-51 to 1965-66, the hill region has recorded a 116.9 per cent increase as against the relatively lower increase of 59.2 per cent of the plains. The per capita income during this period has also recorded a higher increase in the hills. (40.0 per cent) than in the plains (3.9 per cent) although it still continues to be lower than that in the plains.

CONCLUSIONS

65. In our view the following conclusions can be drawn from the preceding paragraphs:

- (i) The relative contribution of the hill districts to the State revenue is much less in proportion to their population. Also it has gone down over a period of 12 years since 1951-52.
- (ii) The per capita contribution of the hill districts to the State revenues is much less than that of the plains. While the per capita contribution of the plains has more than doubled during the past 12 years, that of the hills has remained more or less the same.

*The figures for 1965-66 are based on projections.

- (iii) The 'hill areas' share of revenue expenditure has always been more than their share of population. It is also much in excess of their relative contribution to the State revenues.
- (iv) The per capita expenditure in the hill districts, which is 5 times to 6 times as large as it was in 1951-52, is much more than in the plains.
- (v) The above conclusions regarding share of expenditure of the two regions generally hold good in respect of expenditure on "social and development organizations".
- (vi) The capital expenditure in the hills has been relatively small but since 1956-57 it has been stepped up.
- (vii) The allocations of the Plan outlay for the hill districts have not been unfair *vis-a-vis* their population. But as a percentage of the total outlay these have gone down slightly during the third Plan period.
- (viii) The hill districts have recorded a higher rate of increase than the plains both in respect of the State and per capita incomes.

BUDGETS

66. We also examined the budgets of the State government in order to ascertain if funds meant for the hill areas were being diverted to other areas. We did not find that the utilization of funds had been particularly poor in the hill districts or that there was diversion of funds from the hills to the plains. An abstract of the budgets for the period 1951-52 to 1964-65 is given in Appendix IX. Under the revenue account the expenditure in the hill districts in most of these years has not been less than the original allocations. In fact, during the last few years the trend is that it has been more. Under the capital account a detailed scrutiny revealed that in the development programmes the performance in the utilization of funds has generally been more or less the same in the two regions. Thus, to conclude, we have been unable to find evidence of deliberate neglect of the hill areas.

67. Coming to the actual instances of misapplication of funds alleged by the APHLC, our information is that the Kamakhya Temple Road near Gauhati was not built out of article 275 funds meant for the development of the tribal areas. The Central Government sanctioned an amount of Rs. 768 lakhs specifically for this purpose as grant-in-aid for road works in 1956-57. The State government have informed us that they have not sanctioned any grant out of article 275 funds for construction of a lake in the Gauhati University campus. The shellac factory at Champarmukh was no doubt built out of funds received under article 275. But the main object of this project was to arrange proper processing and marketing of

lac grown by the tribal people of the Mikir Hills. The factory was located at Chaparmukh in Nowgong district as this was the nearest railhead for the lac producing area. The scheme had the approval of these Central Government also. We have not found any substance in these allegations. per capita expenditure on social and development programmes in both these Union Territories was more than in the Assam hills.

ECONOMIC DIFFICULTIES

68. Why then is there so much dissatisfaction in the hill areas? It is, we think, mainly due to the fact that despite the progress already made, economic difficulties continue to be particularly severe in the hill districts. It is not unnatural that because of past neglect, a considerable percentage of outlay in the hills had in the beginning to be incurred on non-income generating (or less income generating) schemes. Due to sparse population and lack of means of communication the benefits that have accrued have also not yet created full impact on the people, whose desire for development at a faster rate has been intensified by the progress made so far. The difficulties created by the Partition have not yet found a satisfactory solution. In respect of some of their pressing needs the progress too has been unsatisfactory. For example the road coverage in the hills, except for the village roads, is much less than in the plains. Since 1950-51 there has been no increase in the hill areas in the length of national highways, State highways and major district roads; the increase in other district roads too has been more in the plains.* All this may be due to such obvious reasons as peculiar topography, difficult terrain, local shortages of labour and material etc. Nevertheless the prime need of these areas is development of better means of communication and unsatisfactory progress in this field is bound to have unfortunate repercussions. With the rapid growth of primary and secondary education inadequate facilities for higher and technical education are also causing frustration to the tribal youth.

*The factual details are as follows:

		TABLE VII (Length in K.M.)			
		1950-51		1962-63	
		Plains	Hills	Plains	Hills
(i)	National Highways	942	229	1,139	229
(ii)	State Highways	635	154	852	154
(iii)	Major district roads	(No increase in the State because of the up- grading of some of these roads to category (ii).)			
(iv)	Other district roads	422	394	445	409
	Village roads	12,200	2,400	25,800	11,700

EXPENDITURE IN NEIGHBOURING TERRITORIES

69. Comparison with the neighbouring territories has further increased the sense of dissatisfaction. It was pointed out to us that in the neighbouring territories, particularly Nagaland, the central grants were on a more generous scale. The total government expenditure too was of a higher order there. For instance, during the third Five Year Plan the allocations under article 275 to these territories have been reported to be as follows:

	Amount Rs. (crores)	Per capita (Rs.)
Nagaland	15.05	407.8
NEFA	7.12	212.9
Assam Hills	9.00	68.9

The details of the expenditure in these territories and the Union Territories of Manipur and Tripura during the past few years (1960-61 to 1964-65) are given in Appendix X. A comparative statement of the averages is given below.

(Table VIII)

Territory	Overall per capita revenue expenditure Rs.	Per capita expenditure on social & development services Rs.
Tripura	76.81	19.25
Manipur	65.46	17.37
Nagaland	141.00	37.83
NEFA	360.70	32.13
Hill districts of Assam	54.87	23.01

The overall per capita expenditure in all these territories is much more than in the hill districts of Assam. The per capita expenditure on social and development programmes is also higher in Nagaland and NEFA. In Manipur and Tripura such expenditure seems to be catching up. In 1964-65 the per capita expenditure on social and development programmes in both these Union Territories was more than in the Assam hills.

70. There is further a popular impression among the hill people that the pace of development in their areas could have been much faster. The hill areas abound in mineral resources and also resources for setting up power projects, forest based and agricultural processing industries and manufacture of precision instruments and light weight goods. These resources, according to this popular feeling, are not being fully exploited

because of the antipathy of the State government. In any case the hill people believe that the State government would not be able to spare the funds needed for their development.

71. The discontent has thus both an economic and emotional base. While we have been unable to find any evidence of failure on the part of the State government to take cognizance of the difficulties of the hill districts, we have no doubt that the needs of the hill areas are relatively greater than those of plains. The State government have treated the hill districts fairly in respect of development within the resources available to them. But it is clear that there is urgent need for further improvement and the exceptional difficulties of the hill districts justify exceptional treatment. We revert to this point later in our Report.

CHAPTER V

BASIC CONSIDERATIONS

72. Before we begin our main task, we may discuss the main considerations on which the details of the administrative reorganization have to be based. In an earlier chapter we have drawn attention to the underlying causes of the separatist trends in the hill areas. Although the main purpose of the Sixth Schedule was to bring these areas closer to the rest of the State of Assam, the separatist trends are still much in evidence. The creation of a separate State of Nagaland, the grant of near State-hood status to Manipur and Tripura, the misunderstandings arising out of the Assam official Language Act etc., have from time to time provided encouragement to such trends. This has led to a sense of frustration among the tribal people who keenly aspire for a better life, which would not be possible without accelerated economic development.

73. In the preceding chapter we have referred to the dissatisfaction arising out of the economic backwardness of the hill areas revealed by our evidence. In the past, when the tribal communities by and large led a life which was both primitive and isolated, and the official policy was to encourage this, the neglect of those areas was not much felt by them. But the tribal society is now in a state of transformation. It is steadily being exposed to the impact of modern civilization; and the tribal people becoming acquainted with the richer life of the outside world are seeking larger horizons. They no longer want to live in isolation. Nor in a rapidly changing world can they afford to stand still. The keenness for a better life is a healthy manifestation of this change. The basic problem of the hill areas is in fact that of economic development. Mere political and administrative innovations unaccompanied by substantial measures for economic progress are to our mind not a real solution to the problem.

74. We are further convinced that the economic development of the hill areas is not possible in isolation. The links of the hills with the plains of Assam constitute a factor of importance to them. These links are geographical, administrative and economic. We have already described the geographical and administrative links. From the economic point of view also there is a vital community of interest between the two. The hill districts are a "series of economic islands" joined only by the plains. The prosperity of both will depend largely on interchange, as in all major economic problems the two regions are interdependent. The hills are dependent on the plains for their food, which the latter cannot produce unless the growing intensity of soil erosion is controlled by

suitable measures in the hills and there is an integrated programme of irrigation and flood control. After all, the hills are the source of rivers. In the development of water-power and industries too the two regions have to work together. On geographical considerations the hills will have to depend on the plains for any useful communications programme. There is thus danger in the economic separation of the hills from the plains; and the development programmes of the two regions have necessarily to be integrated. That is why during the discussions with the hill leaders the Prime Minister was very emphatic that the hill areas should not deny themselves the advantages of their natural links with the plains. Much of the evidence presented to us also laid great emphasis on the preservation of these links.

75. The people of the hill areas think that they are being deliberately neglected and are not getting their due share in the development programmes. We have seen that these complaints are not substantiated. Long neglect and isolation in the past has, however, made the tribal mind suspicious of the "outsider" in this, as in many other, matters; and in this atmosphere of misgivings and scepticism the tribal people want to control their development activities themselves. This attitude on the part of the hill people is understandable; and we have endeavoured to fulfil their aspirations in this behalf as much as possible.

76. The development programmes have to be implemented mostly at the district and lower levels. This is best done through the district councils to ensure the active participation of the people. The powers and functions of the councils will accordingly require to be widened; and it will be necessary to entrust a large measure of development administration to their care. This will imply increased participation by them in the everyday life of a tribal. The habilitation of these councils into the social organization of the tribal communities is still in early stages. As long as this participation was confined to a smaller sphere not many complexities arose. In the reorganized set up of a more advanced type, to which the tribal people will take time to get accustomed, it is not unlikely that new administrative problems might arise. In order to deal with those problems satisfactorily these bodies will require guidance and counselling, which, we would like, should largely come from the representatives of the tribal people themselves functioning at higher levels.

77. There is a feeling in certain quarters that the tribal community should be helped to come out of their isolation by modernising their social organization rapidly. We do not consider that any deliberate extraneous efforts should be made in the matter. Even though the pre-existing social organization of the tribal people was based on certain democratic notions the adoption of the particular type of democratic organization embodied in an elected council returned on adult franchise has not been uniformly popular. In fact the introduction of an adult franchise

ballot box democracy has created certain tensions in the tribal society and in our opinion nothing should be done to aggravate the situation. Economic development and spread of education are sure to influence the social and cultural life of the tribal people. But it should be left entirely to them how they would like to make the necessary adjustments. We therefore consider it desirable to leave such personal matters entirely in the hands of the tribal people. It is with these considerations in mind that we have studied the existing arrangements and made our recommendations.

CHAPTER VI

AUTONOMY OF THE HILL AREAS

78. As mentioned earlier we are asked to report on arrangements for reorganising the administrative set up of the hill areas, which would give them a full measure of autonomy subject to the preservation of the unity of Assam. The contention of the APHLC was that according to the Prime Minister preservation of this unity "was equated with the institutions of a common Governor, a common High Court and a common Assembly." Its concept of full autonomy therefore was that subject to the maintenance of the above institutions, the hill people should have complete authority to run their own administration separately without being directly or indirectly dominated by others. It accordingly proposed a scheme which implied a virtual creation of a separate State for the hill areas with only the notional super-structure remaining common with the rest of Assam.

79. The details of the scheme proposed by the APHLC were as follows. The hill areas administration should be presided over by a cabinet minister assisted by a few ministers of state, deputy ministers and parliamentary secretaries. These ministers should be appointed on the recommendation of the Regional Committee made in the form of a resolution passed by a majority of the members of that Committee. Besides sharing with the cabinet joint and collective responsibility to the State Assembly the hill ministers should be primarily responsible to the Regional Committee. The hill administration should be in full charge of the subjects enumerated in Lists II and III of the Seventh Schedule to the Constitution. The secretarial assistance to the administration should be provided by a separate wing of the State secretariat with full complement of secretaries and other staff. One of the secretaries would be nominated to coordinate the work of the different departments. The hill administration should prepare its own budget which should be approved by the Regional Committee before being placed before the State Assembly. The hill administration should exercise full control over expenditure with the help of its own financial adviser. In the field of legislation no law affecting the hill areas should be passed unless it has the approval of their representatives; and in case of disagreement between the Assembly and the Regional Committee the will of the latter should prevail. At our discussions it was emphasised by the APHLC that according to the assurance of the Prime Minister the Regional Committee was to function more or less as a separate Assembly.

80. In brief, the APHLC suggested at the apex a separate cabinet for the hill areas as a part of the cabinet of Assam and a Regional Committee of the MLAs of those areas functioning as a separate Assembly within the State Assembly with full administrative, financial and law-making authority in respect of subjects mentioned in the State and Concurrent Lists of the Seventh Schedule to the Constitution.

81. It does not appear to us that such an administrative set up was proposed to the hill leaders by the Prime Minister. We therefore consider it necessary to examine the details of the scheme in the light of discussions from which it emerged to find out the scope and nature of autonomy contemplated for the hill areas.

82. It will be recalled that the discussions between the Prime Minister and the hill leaders were started in the context of the APHLC's demand for a separate State made in the wake of the decision of the State government to declare Assamese the official language of the State. The hill leaders also made a grievance of the neglect of the hill areas in the matter of development programmes. While the Prime Minister appreciated the feelings of the tribal people he considered that the demand for a separate hill State was "full of difficulties, both for them and for Assam" and emphasised that the main consideration in dealing with the problems of the hill people should be to enable them to have "full opportunity of growth, maintenance of their cultural life and the development of their backward areas." He was of the view that the hill people could be given complete autonomy in certain specified subjects such as language, education, social and cultural matters, etc. which were vital to their way of life. He further thought that "in the highly important matter of development the people of the area should have full authority and complete control over expenditure."

83. Explaining his proposals to the general secretary of the APHLC the Prime Minister in a letter dated 19th February, 1961 said—

* * * *

We were anxious, however, that we should provide for changes and administrative arrangements which would allow the fullest scope to these districts to develop and advance according to the genius of the people there, while at the same time maintaining the integrity of the State of Assam.

* * * *

Broadly speaking, we had suggested that development work and allied subjects should be put in charge of your representatives and the funds intended for the development of the hill areas might be separately earmarked as being intended solely for the benefit of the people of the autonomous districts."

He repeated the same broad features of his proposals at his meeting with the representatives of the APHLC on 17th May, 1961. The leader of the APHLC delegation summed up these proposals, as he understood them, as follows:

“The Prime Minister’s proposal was that the Government could not agree to complete political separation of the hill areas from the rest of Assam, but it would be willing to give them a *maximum* of autonomy. The Government would see to it that the hill people were not handicapped through lack of knowledge of Assamese in administrative, legislative and developmental work.”*

Again at his meetings with the representatives of the APHLC on 4th and 5th October, 1963 he pointed out that “the hill people could have a separate entity in a number of ways but not in all matters.” At that time he also stated that “it was difficult for him to say whether they (the hill people) would be given all the subjects but the basic idea of autonomy should prevail in regard to specific matters, e.g. language.” Soon thereafter the substance of the Prime Minister’s proposals was clarified to some MPs in the following terms—

“The hill areas of Assam will have an autonomous administration in respect of subjects to be earmarked for separate administration in the hill areas. The list of subjects will be drawn up by the Commission to be appointed by the Prime Minister after full enquiry.”**

He maintained the same position in his last letter to the general secretary of the APHLC when he said:

“.....any reference to a Commission would naturally deal with our desire for as full autonomy as was possible in the circumstances. What I had suggested in my talks with you and your colleagues would guide the Commission”.‡

84. The Prime Minister thus never went beyond laying down the general principles. He realized that it was difficult to go into details as that would require very careful consideration and should appropriately be left to a Commission.‡

85. We further find that throughout the discussions the Prime Minister was emphatic about the preservation of the unity of Assam. He

*Appendix IIIA.

**Para 14 of Appendix III.

‡Letter from the Prime Minister to the General-Secretary of the APHLC dated 15th April, 1964. Para 16 of Appendix III.

‡Appendix IIID.

considered it necessary that the hill people must keep their various contacts with the larger State of Assam because without such contacts their developments would be handicapped. He reiterated on several occasions that the scheme of autonomy will have to be within the framework of the State of Assam. Replying to the supplementaries arising out of the Lok Sabha Starred Question No. 33 on 12th February, 1964 the Prime Minister explained the broad features of his scheme as follows:

“It is clear that the first thing was that the unity of Assam should continue. Subject to that greater autonomy should be given to the hill districts. Under the present Act* they have a little measure of autonomy. That was to be increased greatly, financially, administratively and otherwise. All that was subject to a Commission being appointed to consider the whole thing and it has to recommend what should be done.”

86. The Prime Minister also laid great emphasis on the joint responsibility of the cabinet. At one of his meetings with the representatives of the APHLC he clearly explained to them that “it would obviously be difficult to have two cabinets within the Cabinet, as it would go against the very basis of the cabinet form of government.”†

87. In the sphere of legislation the broad principle enunciated during the discussions was that the Assam legislature would not pass any laws applying to the hill areas except with the approval of their representatives. The MLAs from the hill districts would form a Regional Committee to consider such laws. The recommendations of the Committee would normally be accepted by the Assembly; and in case of any disagreement the matter would be referred to the governor for a decision in his discretion. The scheme thus provided autonomy to the hill areas in the important sphere of legislation.

88. But even here we find that it was never contemplated that the Regional Committee would function as a separate Assembly. Replying to a supplementary in the Rajya Sabha‡ the Prime Minister explained the scope of the functions of this Committee as follows:

“Obviously, the legislation will have to be passed by the full Assembly. They (the Regional Committee of MLAs) can only propose it as indeed any Member there can, but certain preference should be shown to anything which that Regional Committee proposes.”‡

*Reference is to the Sixth Schedule to the Constitution.

†Proceedings of the meeting between the Prime Minister and the APHLC on 4th October, 1963—Appendix IIID.

‡Starred Question No. 160 on 26th November, 1963.

On another occasion he said:*

“So far as legislation is concerned, any legislation dealing with the hill areas will, as a matter of convention, have to be approved by their representatives who can certainly initiate legislation also. Such new legislation will be considered by the whole cabinet. But in so far as it deals with the hill areas only, the views of the hill areas representatives will have special importance.”

It is thus evident that the Prime Minister never thought of the Committee as a separate Assembly. Nor have we come across any reference in the records of discussions where it was even vaguely accepted that the hill Ministers would be primarily responsible to the Regional Committee. On the contrary it was explained to some MPs on behalf of the Prime Minister that the Regional Committee will be “no shadow hill members assembly.”

89. We are thus in no doubt that the scheme of autonomy that emerged at the discussions is not the same as now presented by the APHLC. The autonomy under that scheme never envisaged the creation virtually of a separate cabinet and assembly for the hill districts entrusted with the administration of the whole range of subjects in the State and Concurrent Lists. A completely separate administration for the hill areas with only a common governor, high court and legislative assembly with the residuary State of Assam will not be in our view compatible with the preservation of the unity of the State. What the scheme did envisage was that the hill people would not be subjected to laws passed without being previously considered by their representatives, and that they would have full opportunity to control their social, cultural and personal matters and the development of their areas within the framework of the larger political and economic life of Assam.

90. It may be noted in passing that the words “full autonomy” were used only at the last meeting between the Prime Minister and the representatives of the APHLC.† Otherwise the phrases used throughout the discussions were generally “largest measure of autonomy”, “maximum autonomy” etc. After this meeting again in his letter sent to the general secretary of the APHLC on 15th April, 1964 the Prime Minister referred to “as full autonomy as was possible in the circumstances.”

*The Prime Minister's letter to Prof. G. G. Swell, dated 24th September, 1963. Appendix IIC.

†Appendix IID

CHAPTER VII

LEGISLATION FOR THE HILL AREAS

91. We find that in certain matters the broad principle enunciated by the Prime Minister with regard to the legislation applicable to the hill people is already embodied in the Sixth Schedule. This Schedule gives to the district/regional councils law-making authority on certain subjects; and the legislative competence of the State Assembly in respect of these subjects has been ousted. According to para 12(1)(a) of the Schedule the Acts of the State legislature relating to matters on which the councils are competent to legislate do not apply automatically to the hill districts; these may be extended there with such exceptions and modifications as are considered necessary by the district councils concerned. The same position holds good in respect of an Act of the State legislature prohibiting or restricting the consumption of any non-distilled alcoholic liquor. Thus even at present in a very wide field the laws applicable to tribal people in the hill districts are being framed by their own representatives. As discussed later in our Report, we do not propose to recommend any basic change in this regard. A district council will continue to legislate on most of these subjects which are of vital importance to tribal life and the authority of the State/Assembly will not extend to that field. We therefore confine our attention to the sphere that falls outside the legislative jurisdiction of a district council.

92. While such legislation will continue to be passed by the State Assembly some special arrangement will be necessary to ascertain the wishes of the representatives of the hill people in the Assembly. The scheme provides for the constitution of a committee of the State Assembly formed by the MLAs from hill districts. The Assembly will refer to this committee, to be known as the Hill Areas Committee, all "proposal relating to the legislation concerning the Hill Areas."* The working of the two bodies has to be so devised that the Hill Areas Committee is effective in its main purpose without seriously affecting the authority of the Assembly. We consider that harmonious relationship between the two is very essential. We have therefore given very careful thought to the matter and have come to the conclusion that in dealing with the legislation under reference the most satisfactory arrangement will be for this Committee to function as a standing committee of the Assembly. All such legislation, excepting the Money Bills, should, upon introduction in the Assembly, be referred to the Hill Areas Committee for consideration and

*Appendix IIIE.

report to the Assembly. After the report of the Committee is received by the Assembly the usual procedure should be followed in the passage of a Bill. For the smooth conduct of business in the Assembly, however, we consider it necessary that a member of this Committee, who does not append any minute of dissent to its report, should not be allowed to move an amendment to the relevant Bill when it is under consideration in the whole House.

93. A question may sometimes arise whether a Bill concerns the hill areas or not. We think that in such a case the matter should be referred to the governor and a certificate issued by him in this behalf should be final.

94. We hope that as provided in the scheme normally the recommendations of the Hill Areas Committee will be accepted by the Assembly. But difficulties may arise in case of disagreements between the two. The APHLC urged before us that in such a case the will of the Committee should prevail. The State government on the other hand wanted that the supreme authority of the Assembly in the sphere of legislation should not be impaired. The acceptance of the APHLC's suggestion will imply recognising the Hill Areas Committee virtually as a separate Assembly, which, as we have explained earlier, is not intended. At the same time we do not find ourselves in agreement with the contention of the State government. The scheme clearly lays down that in such a situation the matter will be referred to the governor for decision in his discretion. At his meeting with the representatives of the APHLC on 4th October, 1963 the Prime Minister clarified that the Governor "would not refer such a matter to the council of Ministers but would decide it in his own discretion." Theoretically the difficulty could be met by developing a convention that the report of the Hill Areas Committee will be accepted by the Assembly. This does not however seem to be possible. As such we consider it desirable that the procedure for referring cases of disagreement to the governor should be prescribed formally rather than being left to any conventions. We do not anticipate serious difficulties in doing so.

95. We recommend that when (i) a Bill is not passed by the Assembly in the form reported by the Hill Areas Committee; or (ii) is passed in a substantially different form—and in deciding that the opinion of the speaker should be final; or (iii) is rejected by the Assembly, the matter should be submitted to the governor for his decision. The speaker should submit to him—

- (a) in case of (i) and (ii) above the Bill as passed by the Assembly together with the Bill as reported by the Committee;
- (b) in case of (iii) above the Bill as reported by the Hill Areas Committee.

The governor should convey his decision in a message to the Assembly recommending either that the Bill be withdrawn or that it be passed in the form in which it has been reported by the Committee or in the form in which it has been passed by the Assembly. On being reported to the House by the speaker, the governor's decision should be deemed to be the decision of the Assembly itself.

96. It is obvious that the decision of the governor will be taken as final only to the extent the State legislature is competent to make laws. Wherever the President's assent to the Bill is necessary it shall be taken in usual course.

97. The Hill Areas Committee may also initiate legislative proposals. The Committee may forward such proposals to the government through the minister for hill areas. We are confident that the State government will give full consideration to the views of the Committee and after a detailed examination of its proposals agree to undertake the legislation whenever necessary. We also believe that in taking decisions in such cases there will be adequate consultations between the State government and the Committee so as to give to the latter full opportunity to explain its point of view. And once the government agree to undertake the legislation the procedure described in the previous paragraphs should be followed. But in case the government ultimately decide not to do so, the right of the private members to initiate a Bill will still be there.

98. In our view the autonomy of the hill areas in the legislative field should have statutory sanction. We accordingly recommend that this should be done by introducing in the Sixth Schedule a provision similar to article 371(1) of the Constitution. A Presidential Order under that provision should then lay down the constitution, functions and procedures of the Hill Areas Committee and prescribe the modifications to be made in the "Assam Rules of Executive Business" and the "Rules of Procedure and Conduct of Business in Assam Legislative Assembly" in the light of the procedure recommended by us.

CHAPTER VIII
MACHINERY OF GOVERNMENT
MINISTERS FOR HILL AREAS

99. We turn now to the machinery for the executive functions of government in respect of the hill areas. Para 2 of the scheme given to us* describes the broad outlines of the executive wing of the proposed administrative set up for these areas. At the top it provides for "a cabinet minister in charge of the administration of the hill areas assisted, as far as may be necessary, by possibly a minister of state and one or two deputy ministers." In pursuance of the provisions of para 14(3) of the Sixth Schedule the government of Assam have even at present a cabinet minister in charge of the tribal areas and welfare of backward classes. His functions, however, are limited. Although he is concerned with the development of the tribal areas in a general way, his main responsibility and that of his department is in respect of the schemes administered by the grants under article 275(1) of the Constitution. The scheme now proposed prescribed wider ministerial responsibilities for him. We consider therefore that in the new set up, it will be more appropriate to call him as the minister for hill areas, a designation which will be in conformity with his added responsibilities.

100. The most important question here for our consideration is the appointment of the hill ministers. In para 79 we have described the proposals made by the APHLC and its supporters in this behalf. They argued that according to the scheme proposed to them the chief minister was required to follow the recommendations of the members of the Regional Committee in making appointments of the hill ministers. The only point left to be decided was about the manner in which the chief minister should obtain the recommendations of that Committee. The APHLC suggested that these recommendations should be conveyed to the chief minister in the form of a resolution passed by a majority of the members of the Regional Committee. It also claimed that besides sharing with their cabinet colleagues joint and collective responsibility to the State Assembly, the hill ministers should be responsible to this Committee as well. In substance, as mentioned earlier, the APHLC suggested the creation of another small cabinet within the State cabinet.

*Appendix III.E.

101. The above interpretation of the scheme was opposed by the State government and a number of other political parties and local organizations besides several individuals. They urged that such an arrangement would be against the very fundamentals of parliamentary government.

102. We have given very serious consideration to this question and have been left in no doubt that the acceptance of the APHLC's proposals would mean an end to the principle of joint and collective responsibility of the cabinet. We have grave apprehensions about the cohesion and satisfactory working of a cabinet, some of whose members are not appointed in the normal manner but are elected on the majority votes of only fifteen or sixteen persons who may owe allegiance to different parties. Keeping in view our terms of reference which prescribe the maintenance of the cabinet form of government as one of the main objectives of reorganizing the administrative set up, it would be wrong for us to suggest that the inherent constitutional discretion of the Chief Minister, as the head of the cabinet, in making appointments of his ministerial colleagues should be limited in any fundamental manner.

103. Apart from the constitutional aspect of the matter there is a further consideration to which we attach considerable importance. The proposals of the APHLC imply that the Committee could change the hill minister or ministers at will. We think that in actual practice such an arrangement will introduce undesirable features into the political life of the State and more particularly of the hill districts; and this might also affect the stability of the government and the efficiency of the administration.

104. The APHLC obviously relied on the use of the word "guide" in the concluding part of the relevant para of the proposed scheme given in Appendix III E. We are clear that the scheme as a whole does not suggest any dilution of the principle of joint and collective responsibility of the cabinet. Throughout the discussions with the hill leaders the Prime Minister laid great emphasis on the maintenance of this principle. We give below a brief account of the discussions on this point. In the beginning there was hardly any discussion on the manner of the appointment of hill ministers. For the first time the matter was raised by the representatives of the APHLC at their meetings with the governor of Assam on 18th and 19th June, 1963. One of the points on which the APHLC wanted clarification was whether the representatives of the hill areas would be able to choose their ministers and whether the latter would be responsible to the former. The Prime Minister's reaction, which was conveyed to the APHLC, was—

"The minister or ministers should be, I suppose, chosen by the leader of the party but after *consultation* (underline ours) with the whole group. It would be wrong to put an end to the idea of cabinet responsibility. In practice, of course, he might well have considerable powers on matters affecting the hill areas."

105. The question was pursued by Prof. G. G. Swell, M.P. in his letter, dated August 29, 1963 to the Prime Minister. The reply of the Prime Minister was given as follows:

“I have already stated that the basic terms of reference to the Commission will be to give the largest measure of autonomy within the framework of maintaining the connection with Assam. Many of the points for which you seek clarification can be considered in this context. Thus, when a cabinet is formed, it has to be such as can function as a team. Ministers have to be appointed by the Chief Minister, but representatives of the hill areas will no doubt be consulted (underline ours) in the appointment of their minister or ministers and, as a matter of convention, their views should normally be accepted in so far as the hill areas are concerned.”*

106. During the discussions on 4th October, 1963, the Prime Minister again explained that any system of cabinet government involved joint responsibility and that it would be “difficult to have two cabinets within the State cabinet.” In the light of these discussions a memorandum was prepared at a further meeting between the Home Secretary and the representatives of the APHLC. In this memorandum there was no mention of how the hill ministers will be appointed. Next day *i.e.*, 5th October, 1963 when the APHLC representatives raised the question a reference to the manner of appointment of the hill ministers was incorporated in the scheme for the first time. For facility’s sake the relevant extract from the proceedings is reproduced below :

“Shri Swell said that there was one fundamental question to which they attached great importance *i.e.*, the appointment of ministers. According to him, it appeared from the Home Secretary’s note that under the present party system, the Chief Minister who would be the leader of the majority party in the Assembly would appoint this minister and that it would perhaps mean that out of the members of the legislature, those who were members of the Congress Party would be appointed.

The Prime Minister replied that it need not necessarily mean that. It was constitutionally the Chief Minister who would appoint his ministers, but as was explained at yesterday’s meeting the Chief Minister while appointing a minister for the hill areas, would be guided by the recommendations of the representatives of hill areas.”**

*Appendix III C.

**Appendix III.

On the previous day reference to this subject was to the prime minister's letter to Prof. G. G. Swell in which he had mentioned only about consulting the representatives of the hill areas in the appointment of hill ministers. Our conclusion therefore is that these discussions do not support the interpretation of the scheme made by the APHLC that the recommendations of the hill MLAs should be necessarily binding on the chief minister.

107. While we do not think that in this matter the constitutional discretion of the chief minister should be fettered, it is clear that he has to take into account the point of view of the hill MLAs. The hill ministers will no doubt have to function jointly as members of a government but at the same time they should enjoy the confidence of the hill people also. The important point is that the hill people should have the confidence that their view point on matters concerning them is being properly presented to the highest authorities in the State. It appears to us that in the peculiar circumstances of the State of Assam any chief minister would himself consider it politically wise and expedient to appoint usually only those persons as ministers and junior ministers from the hill areas who are most acceptable to the representatives of the hill people. The selection of such persons should not be difficult through consultations between the chief minister and the hill MLAs. We believe it to be possible that in the process of consultation a few individuals might emerge on the basis of a consensus who would be acceptable both to the chief minister and the representatives of the hill areas, even though they might belong to different parties.

108. Thus, to conclude, we recommend that before making appointments of the hill ministers the chief minister should consult the hill MLAs and obtain their views. He may do so in an appropriate manner, of which he would undoubtedly be the best judge.

109. It was represented to us that in view of the increased responsibilities of the hill administration there should be at least two cabinet ministers for the hill areas. Some suggestions were also made regarding allocation of ministerial business not confined to the hill areas to these ministers. We realize the need for effective ministerial supervision over the vastly expanded activities of the hill administration. But this should be available by the appointment of an adequate number of junior ministers as laid down in the scheme itself. Besides this we do not wish to make any definite recommendation regarding the number of cabinet and other ministers, allocation of ministerial business etc. These are matters which should be left to be decided by the chief minister as the head of the cabinet.

DEPARTMENT OF HILL AREAS

110. The hill ministers will require a department of their own to administer the subjects entrusted to their care. It appears to us that the existing

department of tribal areas and welfare of backward classes will not be adequate for the purpose and will need to be suitably expanded and strengthened. We suggest that after reorganization in the light of our recommendations discussed below it should be called the department of hill areas.

111. The APHLC made the following proposals on the working of the proposed department :

- (i) the hill areas administration should be given full charge of the subjects enumerated in List II and List III of the Seventh Schedule to the Constitution;
- (ii) secretarial assistance to the administration should be provided by a separate wing of the Assam secretariat with full complement of secretaries and other staff;
- (iii) one of the secretaries may be nominated by the hill minister to coordinate work of the different departments.

The proposals imply the creation of a parallel secretariat for the hill administration in charge of all subjects in the State and Concurrent Lists of our Constitution.

112. While we agree that the list of subjects mentioned in para 2 of the scheme referred to us is not exhaustive, we do not accept that all the State and Concurrent subjects are to be transferred to the hill administration. We have explained at length that it was never intended to give to the hill areas a completely separate administration. The scheme only envisaged entrusting the administration of certain specified subjects in these areas to the department of hill areas. Nor did it contemplate a completely separate secretariat for the hill areas. We consider that the proposals of the APHLC are not practicable. We have scrutinized Lists II and III of the Seventh Schedule and have come to the conclusion that all the subjects mentioned there cannot be transferred to the hill ministers for separate administration. If the unity of the State is not to be disturbed, certain subjects will necessarily have to remain the responsibility of the State government on various considerations such as public order, security, need for uniform administration throughout the State, geographical and economic conditions etc. The idea of a separate secretariat for the hill administration also seems to ignore the identity of interests between the two regions of the State in the administrative sphere. Even though certain important subjects will be transferred to the department of hill areas the need for close coordination between the two regions and the integration of their development programmes will in our view always remain. In the circumstances an entirely separate secretariat will not be in the interest of the administration of the hill areas.

113. Keeping in view the main purpose of the proposed department of hill areas we have considered the principles essential for its organization. These can, we believe, be briefly summarised as follows:—

- (i) all matters vitally concerned with the internal administration and development of the hill areas should be under the effective control of the proposed department;
- (ii) the department should provide necessary help and guidance in the implementation of development programmes in the hill districts;
- (iii) the department should also be able to look after the welfare of the tribal people at the district and lower levels; and
- (iv) its working should be so organized that without becoming a separate or parallel secretariat it allows full initiative to the hill ministers in the administration and development of the hill districts.

In brief, we envisage an administrative organisation which will not only be responsible for the subjects entrusted to its care but will also act as a constant line of communication between the State government and the hill districts.

114. After a careful consideration of the various suggestions made to us we recommend that the administration of the following subjects in the hill districts should be transferred to the hill ministers and the department of hill areas: agriculture including minor irrigation; horticulture, co-operation; animal husbandry and veterinary; forests and soil conservation; community development, national extension service and tribal development blocks; education excluding higher and technical education; public health; local government; social welfare; revenue; public works (roads and buildings); small scale and rural industry; sericulture and weaving; publicity and information; market and fairs; burial and burial grounds, cremation and cremation grounds; and prevention of cattle trespass.

115. We further recommend that the department of hill areas should also be responsible for the following:—

- (i) matters relating to district councils;
- (ii) supervision over the development programmes of these councils;
- (iii) special development programmes for the hill districts out of grants under article 275 of the Constitution; and
- (iv) any special development programme approved by the Central government, planning commission and the State government.

116. It is not our intention that the minister for hill areas and his department should solely be concerned with the subjects included in the

above list. As a member of the cabinet the hill minister will no doubt share responsibility for the decisions in the entire sphere of government activities. But we consider that it should be clearly established that even on the subjects not transferred to the department of hill areas he is consulted on all important matters affecting the hill areas. In important matters such as power projects, establishment of industrial units, which are not proposed to be transferred to the department of hill areas for geographical and economic reasons the vital interests of the hill people should always receive due attention. And in any official exposition of government policy on these matters the consideration given to the hill areas aspects should be clearly indicated.

117. The department of hill areas should be a part of the Assam secretariat and not a separate organization. In view of the large number of subjects to be handled by the department it would be convenient to divide it into a number of branches. At the official level the department should be headed by a secretary assisted by joint/deputy secretaries and other staff. We do not wish to go into the details of the number of branches and the subjects to be assigned to them. These matters should be decided by the hill minister and his officers as they consider best. We however wish to emphasise that in actual working the various branches of the department of hill areas should maintain close liaison with the other departments concerned of the State secretariat. For instance, the branch dealing with agriculture, animal husbandry etc., should keep itself in close touch with the work in the main agriculture department. We presume that the secretary of the hill areas department will generally be a fairly senior and experienced officer who would be able to bring about coordination, wherever necessary, between his and other departments.

COMMISSIONER FOR HILL AREAS

118. We believe that the effectiveness of the hill administration will depend not so much on the organization and working of the secretariat department of hill areas but on the administrative arrangements at the field level. And it is here, we think, that there is great need for strengthening the machinery. The field administration of the hill districts should be presided over by a divisional commissioner. We leave it to the State government to decide whether the hill districts should be grouped into more than one division for the purposes of field administration. At present the State has a post of commissioner of hills division but our impression is that owing to his additional duties, including those in the State secretariat, this office has not been able to provide to the hill people the type of service contemplated by us. We accordingly recommend that the commissioner for hill areas should not be given any additional responsibilities unconnected with the hill areas; nor should he have any secretariat functions.

119. The main duty of the commissioner in our view should be to guide, direct and supervise administration and development work in the field in the hill districts. He should not only be concerned with the work directly falling within the sphere of the State government but should take interest in that of the district councils as well. We discuss our proposals regarding the powers and functions of a district council in a subsequent chapter of our Report; at this stage we confine ourselves to the observation that there is evident need for transferring a large part of development work to a district council. In order that this body discharges its new responsibilities satisfactorily it will require guidance, counselling and help from the State government. At present the contracts between a district council and the State government are most inadequate. The provisions of the Sixth Schedule do not lay down all the means of contact and consultation between the State government and the autonomous councils which are necessary.

120. The States Reorganization Commission saw the need for such liaison and made the following observations:

“We were surprised to know that no use was being made at present of the district officers by the District Councils and that no provision had been made in the Sixth Schedule for the maintenance of any contract between them. An important step in the direction of providing better liaison in our opinion will be the appointment of a commissioner to be in charge of the administration and development of all the hill districts. We envisage that the commissioner would act as the Governor’s agent for the various purposes laid down in the Sixth Schedule and that he, with the assistance of the district officers would help the district councils in their various day-to-day problems so as to remove difficulties speedily.”

121. We are in entire agreement with these views. The commissioner should be able to forge, through the hill areas department, necessary links between the State government, and the district councils. In doing so he will bring the councils closer to the district administration and other departments of the government. We do not think that the autonomy of the district councils in the field assigned to their activities will be minimized under this arrangement. What we are suggesting would help the councils as well. Because of his close contacts, the commissioner should be able to help a district council in its day-to-day problems. It is to be noted that the commissioner will be exercising these functions and authority under the control of the hill Minister who will himself be the chief representative of the hill people in the government.

122. Broadly, the entire range of administration will thus be under the general supervision of the commissioner. We expect that by virtue of his position and experience he would be able to advise the department

for hill areas as "one taking a large view of the whole field, and aware of both the immediate and the more remote repercussions of any action taken." This will help in accelerating the development programmes.

123. It is evident that the field organizations of the various departments such as education, agriculture, public works, community development etc. will have to devote sufficient attention to the hill areas. At present there are no special arrangements for the purpose. Owing to their many preoccupations the heads of departments are sometimes not able to devote enough time to understanding and following up the problems of the hill districts, which are left to the care of the district level and other subordinate officials. We consider it essential that senior officers of the rank of additional/joint/deputy heads of departments should be put in overall charge of the administration of their respective subjects in the hill districts; and we recommend accordingly. These officers should be frequently visiting the hill areas supervising and guiding local officials. We have not gone into the requirements of particular departments and would like to leave it to the hill administration to decide in which departments it would like to have additional heads and in which officers of the rank of joint or deputy would suffice. Administratively these officers should work directly under the commissioner, but for technical purposes they should seek necessary guidance from their respective heads of department. What we contemplate is a team of senior officers engaged in the administration and development of the hill districts under the commissioner for hill areas. For administrative convenience we also suggest that the offices of all these departmental officers should form part of the commissioner's office and should be housed in the same building. There should also be ample delegation of financial authority to the commissioner's organization so that matters have not to be needlessly referred to the department of hill areas.

124. As regards administrative and technical personnel for the hill districts we are of the view that creation of separate sub-cadres will not be in the interest of the administration of hill areas. The present practice of common cadres serving both the plains and the hills should continue. But we consider it important that the manpower requirements of the hill areas should be fully taken into account in the management of the various cadres and that there should be equitable distribution of the available resources between the two regions. The shortages, which are likely to be there in certain departments, should be shared by the two. The objective should be that as far as possible the programmes in the hill areas should not be allowed to suffer on account of staffing difficulties. In the deployment of personnel also we suggest that full consideration be shown to the views of the hill Minister. We further suggest for the consideration of the State government the desirability of sending officers of the All-India and State Services to serve in the hill areas for a minimum period to be specified for the purpose. The State government should also provide an

incentive to their employees for serving in the hill districts through a system of special compensatory allowances. We assume that, if necessary, the State government would examine whether the present rates of such allowances offer adequate compensation for the difficult conditions of living and work in the hill districts.

CHAPTER IX

FINANCIAL ADMINISTRATION OF THE HILL AREAS

Needs of the Hill Areas

125. In an earlier chapter we have drawn attention to the urgent need for the economic development of the hill districts. There is still a big leeway to be made up by them. Although the difference is narrowing down the gap in the per capita incomes of the two regions of the State—the hills and the plains—remains quite wide (Rs. 43 in 1960-61 and Rs. 44 in 1956-66). The levelling of this gap will undoubtedly require intensification of development programmes in the hill districts. In certain sectors such as communications, agriculture, industry and technical education rapid development is particularly urgent. We have not examined the needs and requirements of these districts in detail. But we consider that as far as practicable their general economic condition should be raised to the level of that of the plains within a reasonable period of time. We understand that a Joint Centre-State Study Team for the hill areas of Assam, constituted under the leadership of a member of the Planning Commission, has been touring these districts to investigate their problems of development. The Team, we presume, would make a comprehensive review of the needs of these districts and help in the formulation of a special programme for their development.

126. The main problem will be that of financing such a programme. We realize that it will be beyond the capacity of the State Government to find the resources for the same; and the Central Government will therefore have to accept special responsibility for the development of these areas. During the discussions with the hill leaders the Prime Minister indicated on several occasions that in the matter of finances for development the hill areas “would not have to depend on the goodwill of the Assam government” and that the Planning Commission would be making special provision for them.

127. The second proviso to article 275 of the Constitution already recognizes the special needs of the hill districts for grants-in-aid from the Consolidated Fund of the Union government. Clause (a) of this proviso provides for the payment as grants-in-aid of the revenues of the State of Assam sums equivalent to the excess of expenditure over revenue received from these areas calculated on a specified basis on the administration of

the tribal areas. Clause (b) provides for the payment of "the costs of such schemes of development as may be undertaken by that State..... for the purpose of raising the level of administration of the said areas."

128. We understand that the Central government have been taking a broad and overall view in fixing the size of these grants, which have not been based on any meticulous calculations. For example, under clause (a) instead of any calculations an *ad hoc* sum of Rs. 40 lakhs is being paid to the government of Assam every year. Similarly ever since the first Five Year Plan started the annual plan allocations to Assam for the welfare of the scheduled tribes have been treated as payment under clause (b) without any further break up to indicate the amount meant for development as such and the amount meant for raising the level of administration.

129. Evidently the Central government will have to raise considerably the amounts of grants given to the government of Assam for the administration and development of hill areas. In the absence of a comprehensive review of the development needs of the hill areas, which the Joint Study Team has now undertaken, we are not in a position to recommend what the scale of central assistance should be. We assume the Joint Team will assess the financial outlay required for the development of these areas. We however suggest as a general principle that the total development expenditure in the hill areas of Assam should at least be of the same order as in the neighbouring territories like Manipur, Tripura etc. In this respect there must be a certain measure of uniformity in various administrative units in this part of the country.

130. We are further of the view that the grant of special assistance to the State government for these areas should continue to be based on a constitutional provision as at present. In the context of planning and increasing cost of administration the existing provision of sub para (a) of the second proviso to article 275(1) has however become out of date. For instance, the excess of expenditure (actuals) over revenue for the year 1963-64 in respect of the hill areas was Rs. 3.72 crores. The sum of Rs. 40 lakhs is too insignificant in comparison to this excess and to the total administrative and development expenditure incurred in the hill areas. The Central government may therefore consider whether in the present circumstances any change in that sub-para is necessary.

131. The State government brought to our notice that according to the practice followed by the planning commission the allocations for the article 275 programmes for development in the hill areas formed part of the State annual plan. These programmes sometimes had to be curtailed on any reduction in the overall size of the State annual plan, which was

fixed after taking into account various factors including the resources to be raised by the State government. As the Central assistance for the article 275 schemes was on a cent per cent basis, it was argued that the schemes should not be taken into account for the purpose of fixing the overall size of the State annual plan so that any cut in the State annual plan should not affect the size of the article 275 programmes. Prima facie there seems to be force in the State government's contention. The planning commission also agreed that "merging of article 275 grants in the State plan outlay and in the Central assistance given for the purpose does tend to make these grants subject to the same kind of downward adjustments which occur in the case of State plan provision." The commission expressed itself in favour of treating these grants as special allocations earmarked for the tribal areas. We suggest therefore that the matter may be got further examined by the Central government keeping in view their own responsibility for the development of these areas.

HILL AREAS BUDGET

132. While large outlay of funds would be essential, mere provision of funds alone, in our opinion, is not likely to enthuse the hill people in the development programmes. We consider that it would be necessary to associate them fully in such activities and satisfy their legitimate desire, often strongly expressed before us, to have control over the manner of spending the funds without which they think their autonomy will be incomplete. We discuss below how this should be done.

133. The views expressed by the prime minister at his discussions with the hill leaders on budget and control of expenditure are reflected in the following paras of the scheme :

"At the beginning of each financial year a separate complete budget allocation for the subjects allocated to the hill areas will be made. This will take the form of an area budget under the subjects meant for separate administration.

In regard to other subjects not transferred for separate administration, the share of allocation of funds to be spent in the Hill Areas should also be separately indicated in the budget heads.

The hill ministers will have complete powers of expenditure control over the allocations for the departments to be separately administered.

The hill wing or department of the secretariat of the hill areas will have its own separate financial advisor for its expenditure control.

"The portion of the Annual Financial Statement in so far as it relates to the Hill Areas shall be referred by the Assembly to the Regional Committee for consideration."

134. The scheme contains two important provisions:

- (i) a separate area budget in respect of the "transferred" subjects as part of the budget; and
- (ii) for the "non-transferred" subjects, allocation of funds for the hill areas should be shown in the budget separately.

In practice these will present no difficulty. Even at present the allocation of funds for the two regions in respect of all subjects are generally shown separately in the budget. This practice may continue regarding "non-transferred" subjects. As regards the "transferred" subjects the form of the budget should suitably be modified to include a new "area budget". For the sake of convenience it would be desirable to prepare supplementary statement giving at one place the total receipts from, and the expenditure on, the hill districts in respect of both the "transferred" and "non-transferred" subjects; and we recommended that this be done. This supplementary statement should be presented to the Assembly along with other budget documents.

135. Once the hill areas department takes charge of the subjects transferred to it for separate administration, the preparation of the area budget will also become its responsibility. It should be presented to the Assembly as a separate demand for grant. But this budget will be a part of the State budget, will take into consideration the overall financial position of the States and will have to be suitably integrated with it. The department will therefore naturally have to prepare it in consultation and co-ordination with the other departments concerned of the State government. Similarly in the determination of the allocations for the hill areas in subjects outside the area budget, we expect, the department will be fully consulted. Points of disagreement will no doubt be resolved in accordance with the "Rules of Business" of the State government. We are however confident that in actual practice the minister for hill areas and his department will exercise considerable influence in the allocation of funds for the hill districts.

136. The next question for our consideration pertains to discussion and approval of the hill areas budget. The APHLC wanted that the budget affecting the hill districts should first be approved by the Regional Committee and then placed before the State Assembly. At their discussions.

with the prime minister the representatives of the APHLC had asked only for a discussion of the hill areas budget by the Regional Committee*. They had not suggested that it should be approved by that Committee. There are substantial objections to the proposal now made. The APHLC's proposal flows from its concept of treating the Hill Areas Committee as a separate Assembly, which we have not accepted. The suggested procedure will be incompatible with the obligations of the State Assembly, whose duty it is to approve the budget. It would be wrong to transfer this important function to any committee of the Assembly if, as our terms of reference lay down, one single legislative body is to be maintained for the State. The power of approval implies that the Hill Areas Committee would be able to take final decision on the allocation of funds for the hill areas. The arrangement will thus also be against the principle of joint and collective responsibility of the cabinet. The scheme suggested by the prime minister too did not provide for the approval of the hill areas' budget by this Committee.

137. While we do not favour the acceptance of the above proposal, the Hill Areas Committee should have an opportunity to express its views on that part of the budget which deals with the hill areas. We hope that the government will give full consideration to the suggestions made by the representatives of the hill people on their budget. We presume that in view of the importance of the area budget, the demand for grant comprising the budget will be debated each year in the Assembly. This will provide another opportunity to the hill MLAs, as also to the other members of the House, to focus attention on the needs of the hill areas.

138. Once the Hill Areas Committee is entrusted with the above responsibility, the discussion by the district councils of the State budget dealing with their respective districts in our view could be dispensed with. Para 13 of the Sixth Schedule requires that a district council should have an opportunity to discuss the estimated receipts and expenditure relating to its district before the budget is presented to the Assembly. A report on such discussions is submitted to the governor to enable him to make changes in the budget, if considered necessary, in the light of these discussions. The relevant proceedings of the district council are also printed and placed before the Assembly. This enables the district councils to satisfy themselves that adequate funds are being allotted every year to meet the administrative and development needs of the hill areas. When the Sixth Schedule was framed there was an apprehension among the hill leaders that the resources raised from the hill areas might be diverted for the development of the plains districts. Such an apprehension has never had any validity—at least since 1951-52, as we have satisfied ourselves that since that year the State expenditure in hill areas as compared to the revenues raised therefrom has

*Proceedings of the meeting between the Prime Minister and the APHLC held on 5th October, 1963—Appendix IIID.

steadily risen from 3 times in 1952-53 to about 16 times in 1962-63*. In view of this and the fact that the representatives of the hill areas will under the proposed arrangement have opportunities for examining the budget affecting their areas twice—*i.e.* once in the Hill Areas Committee and again in the Assembly itself we feel that the facility now afforded to the district councils for prior discussions of the State budget relating to their areas will become superfluous hereafter and may be dispensed with.

CONTROL OF EXPENDITURE

139. The control of the area budget should vest in the department of hill areas. To ensure that funds voted by the legislature for being spent in the hill areas are not diverted for expenditure in other parts of the State we recommend that powers of re-appropriation from one sub-head to another within the grants in the area budget should vest in the hill minister. This power will however be subject to usual limitations with regard to advances out of contingency funds for items not provided for in

*The table below gives actual receipts and expenditure of all the hill districts taken together:

TABLE IX

Year	Receipts	Expenditure (Rupees)
1952-53	44,60,397	1,23,40,190
1953-54	70,17,568	1,71,69,296
1954-55	67,67,506	3,19,50,985
1955-56	73,22,725	3,75,60,665
1956-57	89,61,857	3,09,60,774
1957-58	1,74,58,125†	4,43,10,191
1958-59	50,24,539	4,22,59,570
1959-60	1,69,94,728†	5,76,88,239
1960-61	68,69,365	6,56,14,284
1961-62	39,93,674	5,84,20,584
1962-63	30,14,862	6,66,86,982
1963-64	59,55,890	7,82,88,850

†On being asked to comment on the abnormal fluctuations in the receipts in certain years the State government informed us that these were due to the inclusion on the receipt side of grants-in-aid under Article 275 of the Constitution and credits on account of transfer from Central Road Fund etc. etc.

the budget (which would subsequently require sanction or the legislature through a supplementary budget demand), transfers from capital to revenue heads and *vice-versa* and utilization of loans and non-utilization of funds provided as loans for any other form of recurring or non-recurring expenditure.

140. In some cases re-appropriation of funds provided as plan expenditure requires the concurrence of the planning commission. We suggest that it may be examined in consultation with the planning commission whether in case of plan funds provided in the area budget concurrence for transfer of funds from one sector to another could not be left to the State Government. In actual practice the authority will be exercised by the hill minister.

141. The funds allotted for the hill districts under grants relating to subjects not transferred to the hill areas department will continue to be controlled by the respective ministers. But even here we are in favour of making a provision in the relevant rules that savings in such funds will not be diverted by the departments concerned for utilization in the plains districts without consulting the minister for hill areas. He would agree to such diversions, we believe, if he is satisfied that the utilization of those funds in the hill areas would not be possible within the financial year and that the only result of his not agreeing would be a lapse of provision.

142. We are confident that the arrangements described in the previous paragraphs will give to the hill minister most effective control over the expenditure to be incurred in the hill areas, subject of course to overriding considerations of the joint and collective responsibility of the cabinet.

143. We realise that the department of hill areas will have to organize a finance branch of its own to handle budgetary and financial matters. This branch should be headed by a separate financial adviser for the hill areas. He should be provided necessary assistance by deputy/assistant financial advisers depending on the volume of work in the branch. We have earlier suggested that there should be no separate cadres or sub-cadres of officers for the hill areas. These posts should also therefore be filled from amongst officers who normally fill similar posts in the State secretariat. The actual appointments should however be made in consultation with the hill minister; and we expect that his views will be given full consideration in making selections for these posts.

144. The financial adviser and his deputies will be responsible for giving advice on all financial matters to the minister for hill areas. We expect that the financial adviser of the hill areas will have the widest possible measure of delegated authority to enable him to carry out his duties satisfactorily. In making such delegation it should however be ensured that the finance branch of the hill areas department does not depart from the

well-accepted principles and policies in establishment and other general matters in which uniformity throughout the State is considered desirable.

145. The arrangement provides wide financial autonomy to the hill areas department. In view of this we consider it most important that there should be a procedure for close coordination and evolution of common norms of financial policy between that department and the finance department of the State government. For this purpose, we recommend that the financial adviser of the hill areas department should furnish periodical, say, monthly statements of important decisions on financial matters taken in the hill areas department as well as a list of those cases in which his considered advice has not been accepted by his own department. Further, in any important financial question in which the minister for hill areas feels that he cannot accept the advice of the financial adviser the latter should have the discretion to suggest that the matter should be resolved by the minister in discussion with the finance minister of the State and, if necessary, in the cabinet according to the rules of business. We believe that if the financial adviser of the hill areas department is a specially selected officer with wide financial experience such cases of difference of opinion between him and the minister should be rare. And this arrangement for resolution of the differences by discussion with the finance minister or in the Cabinet should not in practice affect the wide measure of financial autonomy which we have proposed for the hill areas department.

CHAPTER X

HILL AREAS DEVELOPMENT COUNCIL

146. There is at present an advisory council for the autonomous districts set up by the State government. It consists of:

- (a) all the tribal members of the Legislative Assembly representing various constituencies in the autonomous districts of Assam including the Shillong constituency;
- (b) any scheduled tribe member or members of the Lok Sabha representing the constituencies reserved for the scheduled tribes of the autonomous districts;
- (c) any scheduled tribe member or members of the Rajya Sabha hailing from the autonomous districts;
- (d) the chief executive members of the district/regional councils;
- (e) the development commissioner, Assam, *ex-officio*;
- (f) the commissioner of hills division and appeals, Assam—*ex-officio*;
- (g) the secretary to the Government of Assam, department of tribal areas and welfare of backward classes—*ex-officio*;
- (h) the assistant commissioner for scheduled castes and scheduled tribes, Assam—*ex-officio*;
- (i) any other member or members as may be nominated by government.

The duty of the council is "to advise the Government on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the autonomous districts of the State as may be referred to it by the Governor". It is also required to:

- (a) assess the requirements of the scheduled tribes in the autonomous districts;
- (b) formulate welfare schemes for the development of the autonomous districts;
- (c) review from time to time the working of the schemes sanctioned for the development of autonomous districts, apprise and evaluate the benefits derived therefrom with a view to suggesting improvements or changes as and where necessary;
- (d) advise Government (i) on the administration of the autonomous districts, (ii) on the working and affairs of the district/regional councils.

147. It appears to us that the advisory council has not created sufficient impact on the tribal people. Although we received a number of proposals for the constitution of an advisory body for hill areas at the highest level in the State government no one suggested that the purpose could be served by the present council with suitable modifications. A number of proposals on the other hand seemed to imply that the Hill Areas Committee of the Assembly should also act as the highest advisory body in the State on matters relating to administration and development of the hill areas. There is undoubtedly a need for a semi-official body for general supervision of the various aspects of the development of hill areas and advising the State government on these matters. At the same time we feel that in the nature of things it would be difficult for the Hill Areas Committee to fulfil this role. In the following paragraphs we deal with the considerations which, in our view, should guide the composition and functions of such a body.

148. Although the problems of hill districts are in certain respects significantly different from those of the plains of Assam, for their economic progress, as we have discussed earlier, they have to depend in a large measure on the integration of their development schemes with those for the State as a whole. In all important spheres of development such as power generation, large and medium industries, technical education, transport and communications such integration and coordination is necessary. What really requires to be kept under constant scrutiny is that the hill areas receive a fair allocation of the available financial resources, their needs of technical training are met as much as possible and their interests are given due consideration while the State-wide schemes are formulated. In doing so the problems of hill areas will require to be viewed in a larger perspective. We no doubt expect that the arrangements we have recommended during the course of our Report will enable the State government to acquire a better understanding of the needs and requirements of these areas. But even so the contribution of a body not directly involved in day to day administration in promoting concerted action and reviewing progress would be on a different plane and be most valuable to the State government. Further, if as we recommend in Chapter XIII, the district councils were to assume a substantial proportion of developmental administration, it should be necessary for any such high level body to have an idea at first hand of the achievements and difficulties of the councils.

149. Against this background, we do not consider it advisable that the task of advising government at the highest level on the administration and development of the hill areas should be the responsibility exclusively of the MLAs of these areas. Evidently a high powered body with a wide representative composition would be best suited for the purpose. We

accordingly recommend the constitution of a Hill Areas Development Council with the following membership—

Chairman

- (i) the chief minister of Assam,

Members

- (ii) the hill areas minister,
- (iii) the finance minister,
- (iv) all MPs and MLAs from the hill districts,
- (v) all chief executive members of district councils,
- (vi) not more than three persons representing special interests in the hill areas or those interested in tribal welfare work to be nominated by the government.

The commissioners, deputy commissioners concerned with the hill districts, and other departmental officers, may be invited to attend the meetings as and when necessary. The secretary to the State government in the department of hill areas should act as secretary of this Council. The Council should meet at least once in four months and more often if necessary.

150. The main duty of the Council should be to advise the State government on matters relating to the hill areas with particular reference to the welfare and advancement of the tribal people. Its functions should not be confined to matters referred to it by the government. As part of its functions it should review from time to time the progress of the development schemes in the hill districts and make suitable recommendations to the State government. It should also review the plan allocations and utilization of funds in respect of these districts. We are convinced that such a body will be able to make a realistic and objective assessment of the problems confronting the hill districts and suggest possible solutions which will not only benefit the tribal people but will also be helpful to the State government—particularly the department of hill areas—in implementing development programmes in the hill districts.

151. The administrative arrangements we have recommended at the State level should be incorporated in an appropriate manner in the Sixth Schedule and the Assam Rules of Executive Business, framed in pursuance of article 166(2) and (3) of the Constitution. Similarly the Sixth Schedule should contain a provision for the setting up of the Hill Areas Development Council on the lines of para 4 of the Fifth Schedule to the Constitution. We recommend accordingly.

CHAPTER XI

DISTRICT COUNCILS—GENERAL

152. We discuss now our proposals for reorganizing administration at the district level. The hill districts of Assam already enjoy, as described earlier, a certain measure of autonomy which is exercised through the district/regional councils set up in accordance with the provisions of the Sixth Schedule. We have given a broad idea of the composition and functions of these councils in paragraphs 33—36. To recapitulate, the district councils are invested with legislative authority on specified subjects, allotted sources of taxation, and given powers to set up and administer their own systems of justice and maintain administrative and welfare services in respect of land, revenue, forests, education, public health etc. The Sixth Schedule also provides for autonomous regions with separate regional councils within a district. A regional council is conceived more or less on the pattern of a district council; only it is not endowed with all the powers of the latter in the matter of administration and raising taxes.

153. A district/regional council functions like a miniature Assembly. It has a chairman and a deputy chairman to preside over its meetings, and an executive committee, headed by a chief executive member, acting on the principle of joint and collective responsibility, in charge of administration. The procedure laid down for the meetings of the council, legislation, motions, resolutions, questions, financial control etc. are by and large those followed by a State Assembly. The executive functions of the council vest in an executive committee which is like a small cabinet. The chief executive member is elected by the district council (invariably the leader of the majority party) and its two other members are appointed by the governor on his advice. Each member is entrusted with the responsibility of administering specified subjects—the allocation of subjects being made by the chief executive member. One of the executive members is put in charge of financial affairs and the District Fund. All the councils have voted salaries for the chairman, deputy chairman, executive members and ordinary members. The salaries of the ordinary members are generally Rs. 100 to Rs. 150 per mensem and of those who hold any office between Rs. 300 to Rs. 600 per mensem. They are all entitled to travelling and daily allowances during the meetings of the council. The councils

generally meet once in three months. A session lasts for three or four days except when the council's budget is discussed which takes about six to eight days.

154. We give below a general resume of their working*. The hill districts have six district councils, five of which were set up in 1952 and one only recently on 1st February, 1966†, and one regional council. To begin with the district councils of the Garo Hills, United Khasi and Jaintia Hills and the Mizo had 18 elected and 6 nominated members. After the first elections all the three councils changed their composition and while the Garo Hills and the Mizo reduced the number of nominated members to 2 (out of 24) the United Khasi and Jaintia Hills did away with the provision of nominations altogether. The term of a council is normally five years. But of these three it is only in the Mizo District Council that elections have been held regularly at intervals of five years. In the Garo Hills the last elections due in 1962 were held in 1964; but in the United Khasi and Jaintia Hills no elections took place after 1957 and the council's term had to be extended yearly since 1962. The other two district councils—The Mikir Hills and the North Cachar Hills—have retained their original composition of 12 elected and 4 nominated members each. The elections too have been held there regularly at intervals of five years.

155. The legislation of the district councils has been largely confined to matters concerning land and revenue administration, christian marriages, town and village councils, fisheries, forests and jhum cultivation. On land and revenue administration practically all the councils have passed a number of laws; but not many councils have given sufficient attention to other subjects. With the exception of the Mizo District Council, these councils did not pass till 1958 any law on the management of forests, which being a principal source of revenue is of vital importance to them. Similarly only 3 councils have framed regulations on jhum cultivation; and even those which have done so have not, we understand, effectively implemented them. Nor have the councils passed any law on the use of canal or water courses for agriculture. Till recently they had not passed any laws on town committees and village councils.

156. In the sphere of social legislation these councils have generally not gone beyond christian marriages and divorce. While laws on these subjects have been passed by all the councils, with the exception of the district councils of the Mizo and the Garo Hills, they have not touched the

*Although the United Khasi and Jaintia Hills district as now two district councils our study is with reference to the former council called the United Khasi and Jaintia Hills District Council.

†Para 36.

field of social customs. The field covered by the legislative enactments of the Mizo and the Garo Hills too in this respect is small. The social customs, usages etc., of the tribal people thus still remain to be codified properly. The Garo Hills District Council informed us that it had started collecting necessary material for the purpose and had decided to entrust the task to a committee. No other council seems to have given much thought to this work.

157. The Mizo District Council seems to have made much greater progress in respect of legislation. Besides legislating on land and revenue administration forests, social customs etc., it has passed laws on house sites, inheritance of property, abolition of chiefs and establishment of village councils.

158. In the beginning the district councils also passed some laws on subjects which fell within their administrative sphere. These legislative measures related to fisheries, management and control of markets and ferries. The validity of these laws has not been challenged. Later on the district councils were apprised of the correct legal position in this behalf; and since then no such legislation has been undertaken by them.

159. In the administrative field the councils' activities have mostly been the establishment and management of lower primary schools. Before 1961 most of the work in this behalf was done directly by the State government. The management of government lower primary schools was transferred to the various district councils one by one between 1st August, 1961 and 1st April, 1964. Thus the councils have so far not had much opportunity to administer this subject. Other constructive programmes undertaken by the councils relate to local development works such as rural communications, rural water supply, construction of school buildings etc. The performance, however, has not been satisfactory.

160. We discuss the financial affairs of these councils in detail in a subsequent chapter; here we make only a few general remarks. The district councils have not made any serious efforts to develop their financial resources; and what we consider worse is that a substantial part of the funds raised by them are consumed by establishment and administrative expenditure. One of the purposes of the Sixth Schedule was to allow the tribal people to administer themselves in all matters of vital local concern and to save them from an administration that was both expensive and remote. The tendency of the councils has, on the other hand, been to substitute their traditional system of administration by something far more akin to the full-fledged democratic apparatus of government elsewhere. We understand that right in the beginning the State government unsuccessful-

fully, tried to dissuade the councils from incurring too much expenditure on pay, allowances and other establishment charges. One unhappy result of this has been that the district councils have not been able to devote sufficient funds out of their own resources for welfare and development programmes. The development programmes of the councils have been possible largely with the help of the grants given by the State government, which made a special allocation for the purpose in the third Five Year Plan.

161. We deal with the judicial administration of the district councils separately in Chapter XVI.

162. The evidence placed before us was severely critical of the performance of the district and regional councils. The main points of criticism are briefly summarised as follows :

- (i) The councils have failed to accomplish any substantial welfare and development work in the interest of the tribal people. (Two quite contrary reasons were given for this : (a) the councils did not possess sufficient powers and authority to take an effective part in development programmes; and (b) they did not make proper use of their powers of legislation and taxation and their administration tended to be top heavy).
- (ii) They suffer from inadequacy of financial resources and from lack of sympathy from the State government and administration.
- (iii) The majority tribes controlling the councils have not paid due regard to the needs and requirements of the other, smaller, tribes and their areas.
- (iv) Non-tribals in the hill districts complained of discrimination against them in matters of land, taxation, franchise etc.

163. Thus, we notice that, though reasons may differ, the criticism has been principally directed against the failure of the councils to help in the development of the hill areas. We recognize the force of the criticism. The performance of these councils has generally not been satisfactory. We consider it particularly unfortunate that no enquiry into the administration of these bodies, for which a provision exists in the Sixth Schedule, was undertaken although complaints about their unsatisfactory working have been there for a number of years. Had such an enquiry been undertaken and suitable steps taken to improve the administration, the councils might have become more useful to the tribal people.

164. Despite the poor performance of the councils we received overwhelming evidence for enlargement of their powers and function without which, it was claimed, there would be no substance in the autonomy of the hill districts. The district/regional councils no doubt asked for more

powers and authority for themselves. The State government too took the view that further extension of the functions of the councils was desirable. With regard to details we received various suggestions, which were not all, however, on the same lines. One view was that although more powers, authority and funds be placed at the disposal of the councils there should be no interference in their working by the State government. Another view advocated that the field of the councils' activities should be enlarged but suitable provisions for reasonable supervision over their working should also be made. Yet another suggestion was that while there should be extension of the councils' administrative sphere their legislative authority should be restricted to social and personal matters affecting tribal life.

165. The criticism and suggestions raise two fundamental questions, namely, whether the present organization and functions of the district councils are adequate in relation to the needs of the hill areas and whether the financial relationship between the State government and these councils is satisfactory. We examine these questions later; but we are in no doubt that substantial re-organization of the district councils administration would be necessary for speeding up the socio-economic progress of the hill people. In the legislative field, however, the setting up of a Hill Areas Committee of the State Assembly has introduced a factor to be kept in view in examining the powers of the district councils. We consider that any new proposal to add to the legislative list of the district councils would require to be supported by clear evidence that suitable legislation on the subject can only be at the district level.

166. With these general considerations in mind we proceed to examine specific proposals submitted to us in favour of entrusting particular functions to the district councils. We examine matters relating to the regional councils separately.

CHAPTER XII

LEGISLATIVE FUNCTIONS OF THE DISTRICT COUNCILS

167. We begin our examination with the legislative authority of the district councils. The councils are at present empowered to make laws on :

- (a) the allotment, occupation or use, or the setting apart of land other than any land which is a reserved forest, for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land whether occupied or unoccupied, for public purposes by the Government of Assam in accordance with the law for the time being in force authorising such acquisition.

- (b) the management of any forest not being a reserved forest;
- (c) the use of any canal or water-course for the purpose of agriculture;
- (d) the regulation of the practice of jhum or other forms of shifting cultivation;
- (e) the establishment of village or town committees or councils and their powers;
- (f) any other matter relating to village or town police and public health and sanitation;
- (g) the appointment or succession of chiefs or headmen;
- (h) the inheritance of property;
- (i) marriage;
- (j) social customs.

168. The district councils are also invested with the authority to make regulations for the levy and collection of certain specified taxes, the control of money lending and trading by non-tribals within their jurisdictions and the administration of justice. The councils also enjoy rule-making powers with respect to their elections, conduct of business etc. With all these matters we deal in subsequent chapters of our Report.

169. The existing list of subjects on which the district councils can legislate covers all the important social and personal aspects of tribal life. In

view of the setting up of the Hill Areas Committee and other considerations mentioned in paragraph 165, we do not think it necessary to make any substantial addition to the list. In case of certain subjects already included in the list suggestions were made to us to amplify their scope. We discuss them below.

170. The councils are competent to legislate on the following social matters: inheritance of property; marriage and social customs. It was suggested to us that the laws made on these subjects should relate to schedule tribes only and that the subject of marriage should be extended to cover divorce also. We see no difficulty in this being done; and we recommend accordingly.

171. We have, however, serious objection to accepting another proposal made to us with regard to the social legislation passed by the district councils. It was proposed that laws on inheritance of property, marriage and divorce and social customs and usages passed by a district council should apply to the members of scheduled tribes of the autonomous district concerned residing outside its limits. The jurisdiction of a district council does not extend beyond the autonomous district. Its Acts cannot apply to tribal people living outside that district. We are clear that neither constitutionally nor administratively it would be desirable to extend in any way the legislative authority of a council beyond its territorial limits. Accordingly we are unable to recommend the acceptance of this proposal.

172. At present a council is competent to legislate on the appointment or succession of chiefs or headmen. It was proposed to us that a district council should also have the power to prescribe the functions and duties of the chiefs or headmen and to remove them. The proposal seems to be unobjectionable and we recommend its acceptance. On the same subject it was also suggested that the legislative powers of a district council should be subject to the condition that nothing in its laws would affect the existing position and the authority of the khasi syiems and their durbars. We find that the existing practice under which syiems discharge administrative functions is the result of a working arrangement between them and the district council concerned. They do so on behalf of the district council. A working arrangement, which can be altered, modified or even completely given up by the district council, can not in our view give rise to any claims for the curtailment of the council's powers.

173. It was further proposed that the existing powers of a council in respect of land should be widened to give it the legislative authority on "transfer, alienation, acquisition of land and fixation of ceiling on land holdings including agricultural holdings." We see no objection to allowing

a council to legislate on transfer or alienation of land. On certain aspects of these matters the district councils are legislating even at present. We consider that their powers in this regard should be clearly specified in the relevant provisions of the Sixth Schedule. There should also be no objection to investing a council with legislative powers on ceilings on land holdings. We do, however, hope that any legislation on the subject will conform to well established economic principles and thereby promote the well-being of the tribal people.

174. We are not in favour of giving legislative authority to a district council in respect of "acquisition of land". It would not be desirable to allow legislation of an expropriatory character at the district level as such legislation must conform to certain well established principles of wider application. Broadly speaking, there is a common law on land acquisition for the whole country and in our view there is no need for separate laws on the subject in the hill districts. The difficulties sometimes felt by a district council in acquiring land for its local works are essentially an administrative problem which we believe could be dealt with satisfactorily.

175. We also received a few proposals for curtailing the authority of the councils in respect of land legislation. The feeling was stronger among the khasis, from whom the suggestions mostly came, than among the other tribes. In brief the proposals were to the effect that the power of a council to legislate on matters pertaining to land should be subject to the condition "that nothing in such laws shall affect the rights in or over land, land tenure, fixation of ceiling on land holdings at present enjoyed by the people according to customary practices and usages." The proposals implied that customary laws and practices on land as interpreted by the old tribal organizations should not be disturbed by a district council. These raise the question harmonious relationship between the new district councils and the old social organizations led by chiefs, headmen etc. While the Mizo District Council has abolished the traditional chiefs some other councils like the Garo Hills and the UKJ Hills have been utilising their services in various ways. In the Khasi Hills particularly the old chiefs not only exercise judicial authority but are continuing to levy and realise land revenue and other dues within their territories. Even though traditional social organization of the tribal communities rests on a democratic base, the tribal people in certain quarters do not view with favour the new autonomous bodies conceived on the pattern of ballot box democracy. However this feeling, we find, is confined to a small section of the people and we do not regard it as a sufficient ground for curtailing the powers and authority of the autonomous councils on a subject of great importance to tribal life. We do not therefore recommend any curtailment of the existing authority of a district council as proposed.

176. It was also suggested to us that the legislative authority in respect of the following subjects should be given to the councils :

- (i) registration of documents,
- (ii) fixation of rates in respect of court fees and stamps,
- (iii) betting and gambling,
- (iv) manufacture and sale of liquor, settlement of liquor shops, grant of licences, regulation and prescription of fees,
- (v) management, construction, and establishment of primary schools, markets, ferries, fisheries, cattle ponds, fairs, grazing cattle trespass; and
- (vi) burial and burial grounds, cremation and cremation grounds.

In our view none of these subjects is directly concerned with the peculiar traditional modes of tribal life. Further in most of these subjects uniformity throughout the State would be desirable in legislation and if any special provisions are considered necessary for the hill areas the State Assembly can do the needful with the help of the Hill Areas Committee. The preparation and consumption of non-distilled alcoholic liquor is no doubt associated with the tribal mode of life and the social and religious practices of the tribal people. The Sixth Schedule already provides that no Act of the State Assembly prohibiting or restricting the consumption of any non-distilled alcoholic liquor will extend to the hill districts. The Indian Registration Act is at present in force only in the municipalities and cantonment areas of Shillong, Jowai sub-division of the United Khasi and Jaintia Hills district, Tura, the headquarters of the Garo Hills district, and Barapathar and Sarupathar mauzas of the Mikir Hills district. The major portions of the hill districts are thus still outside the pale of this Act. No useful purpose will thus be served by allowing a district council to legislate on these subjects.

177. In view of the importance of forests to the economy of the State of Assam in general and the hill areas in particular we devote a good deal of attention to the subject separately in Chapter XX.

178. To sum up, our recommendations are that the councils should have power to make laws with respect to :

- (a) the allotment, occupation or use, transfer, alienation, or the setting apart of land, other than any forest land, for purposes of agriculture or grazing or for residential or any other non-agricultural purpose or for any other purpose likely to promote the interest of the inhabitants of any village or town;

Provided further that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or

unoccupied, for public purposes by the Government of Assam in consultation with the council concerned in accordance with the law for the time being in force authorising such acquisition.

- (b) fixation of ceilings on agricultural lands;
- (c) the use of any canal or water-course;

Provided that nothing in such laws shall prevent the use of any canal or water-course by the State government of Assam for any purpose likely to promote the interest of the inhabitants of the autonomous districts or of the State as a whole;

- (d) establishment of village and town committees or councils and their powers;
- (e) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- (f) the appointment or succession or removal and the duties, powers and functions of chiefs and headmen;
- (g) the inheritance of property relating to scheduled tribes;
- (h) marriage and divorce relating to scheduled tribes;
- (i) social customs and usages of scheduled tribes.

179. It may be pointed out that in the scheme proposed by us legislation on subjects not included in the above list, if it affects the hill areas, will be governed by the procedure recommended by us in Chapter VII, which gives an effective voice to the representatives of the hill people in the State Assembly in the passage of such legislation.

180. All laws passed by a district council are required to be submitted to the governor and "until assented to by him shall have no effect." Some of the district councils complained to us that quite often the governor's assent was received after considerable delay. A proposal was accordingly made to us that in case the governor did not give his assent to any Bill he should return it within three months to the council concerned for its reconsideration in any specified manner, and if after reconsideration the Bill is passed again by the district council by a two thirds majority of the members present and voting with or without amendment, the governor shall not withhold his assent from that Bill. The above proposal is based on the analogy of the first proviso to article 200 of the Constitution relating to the governor's power to return a Bill with a message to the State legislature.

181. We were assured by the State government that the delay in giving assent was not due to any wilful negligence on their part. In some cases the government took time in scrutinising a Bill having regard to the subject

matter covered and the legal points involved. They considered that necessary because, generally speaking, the staff of the councils concerned with the drafting etc., were not always clear on the implications of the legislation and the niceties of law. We were also informed that the government were considering the question of attaching a legal adviser to the department of tribal areas or of creating a separate cell in the law department itself for the vetting of Bills, Rules etc., passed by the district councils.

182. It appears to us that if action is taken as proposed by the State government the question of delay in the governor's assent to the district councils' legislation will not generally arise. We do not consider it advisable to allow a Bill to become law against the governor's assent on a two-thirds majority votes of the council.

CHAPTER XIII

EXECUTIVE FUNCTIONS OF THE DISTRICT COUNCILS

183. The executive functions of a district council at present extend to establishing, constructing and managing "primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads and waterways in the district" and in particular to prescribing "the language and the manner in which primary education shall be imparted in the primary schools in the district". In practice, however, the councils' activities have been confined mostly to establishing and managing primary schools.

184. The main question for our consideration here pertains to the scope of administrative and executive functions of a district council. We took a good deal of evidence bearing on this matter and our conclusion is that the functions now attached to a district council do not afford it opportunities to participate effectively in the development activities necessary for the socio-economic progress of the hill areas. Except for a few items mainly in the nature of "local development works", the whole field of national extension service and rural development is outside the purview of a district council. One of the basic tenets of the policy on rural development now is to work through the people's institutions like panchayats, village councils etc. to secure the fullest possible public participation. The country-wide panchayatiraj programme is based on that policy, which, we consider, ought to be extended to the hill districts of Assam. We have been impressed by a strong spirit of self-help and self-reliance prevalent among the tribal people. We have found in them willingness to work for their advancement to a considerable extent on the basis of community effort. These feelings can be successfully harnessed to constructive work by creating among them a sense of participation in the development effort. This can be best done with the help of local leadership and institutions. A wide extension of the sphere of the councils' activities is thus both necessary and desirable.

185. In view of the considerations mentioned in the previous paragraph, we recommend that the administrative and executive functions of a district council should include the following:

- (a) land and revenue administration;
- (b) establishment, construction, management and administration of primary schools and educational institutions up to the higher secondary stage, and in particular the prescription of the language and the manner in which education in the primary, middle english and middle language schools is to be imparted;

- (c) the establishment, construction, management and administration of roads and waterways within the district;
- (d) community projects, national extension service and tribal development blocks;
- (e) agriculture and minor irrigation;
- (f) animal husbandry, veterinary services and dairy farming;
- (g) cooperatives;
- (h) fisheries;
- (i) small scale and rural industries; and sericulture and weaving;
- (j) rural water supply;
- (k) public health;
- (l) works programmes for rural manpower utilization;
- (m) social welfare;
- (n) village planning and rural housing;
- (o) publicity and information.

The district councils should be responsible within their areas for formulation and execution of all schemes relating to these subjects at the village, block and district levels subject to the overall national and State policy. The relevant provisions of the Sixth Schedule should be suitably amended to give effect to the proposed arrangement.

186. At the instance of the State government one of the district councils started a road transport service a few years back. Suggestions for similar other enterprises have also been considered from time to time. We understand that a doubt has arisen whether the Sixth Schedule permits a district council to undertake such an enterprise. We see no objection to a district council being allowed to do so provided the government are satisfied that the particular business or enterprise would be in public interest. In order to remove any doubt on the legal position in this behalf the following item should be added to the list given in the previous paragraph:

“any commercial business or other enterprises, including means of transport, and industries authorized by the governor”.

187. We consider that for satisfactory administration of the vast programme proposed to be transferred to the district councils it would be necessary to decentralise the process of formulation and implementation of schemes. We are in agreement with the views of the State government that “the development programmes could be so drawn as to enable their execution at the regional or block level and further down at the village-level”. In essence the idea is to adopt the method of democratic decentralization through which the community development and national extension service programmes are being administered throughout the country. The

APHLC and other organizations of the hill people asked us to recommend the extension of that method to the development administration of the hill areas. This would mean creation of councils at block and village levels and entrusting development programmes to them. We were informed by a district council that it was contemplating setting up such councils on the model of the Assam Panchayat Act, and that the matter was under correspondence with the State government. There is in our view a strong case for the setting up of such councils in the hill districts. We accordingly recommend that as a part of reorganization, subordinate and village councils should be set up at the block and village levels respectively, and that as far as practicable the formulation and implementation of development schemes pertaining to subjects transferred to a district council should be entrusted to these bodies. Necessary funds should be allotted to them for the purpose, subject to the usual safeguards regarding their accountability. In effect what we envisage is a machinery in which district council, subordinate (block) councils and village councils should form an integrated whole.

188. Besides creating the maximum possible impact of autonomy on the people of hill areas the proposed arrangement would help in creating a solid base for the new leadership. The vacuum created in the tribal society by the disappearance of the chiefs or of their authority can be conveniently filled by these councils if they are clothed with reasonable powers and authority. Further, the strengthening of these councils would in our view help in creating confidence in a district council among the minorities of the hill districts, who would get a greater opportunity in this arrangement to be associated with the implementation of development programmes in their areas.

189. We have described only a broad framework of the councils at various levels. The actual details of their working and functions will have to be formulated by the State government in consultation with the district councils. It may be pointed out that the Sixth Schedule already provides for the setting up of the subordinate and village councils.

190. The strengthening of the administrative machinery of a district council will also be necessary. The State government are willing to place the necessary staff at the disposal of the councils. In our view this would be the most practical arrangement. Small bodies like district councils will find it extremely difficult to organize separate cadres of gazetted and inspection staff in the various departments. Even if constituted the members of such cadres would perhaps never acquire sufficient experience; and lack of reasonable promotion prospects would make these cadres most unattractive. In technical fields, we believe, the difficulties would be even more acute. The councils may recruit their own clerical and subordinate staff but the higher posts should invariably be filled by officers on deputation. Even at present the councils borrow the services of government

officers. In fact some chief executive members expressed concern that sometimes the State government were unable to accede to their requests for deputation of suitable officers to the councils.

191. We received several complaints about the recruitment of staff—particularly primary school teachers—by the councils. We were informed that in some cases even illiterate persons had been appointed as primary school teachers; and our enquiries confirmed those reports. The recruitment of staff by the councils will be on a larger scale in future. We therefore attach importance to satisfactory arrangements for the purpose. It would be desirable to set up recruitment board or boards as may be necessary under the chairmanship of the district council's secretary; and we commend this idea to the district councils for their consideration. One chief executive member told us that he wanted to set up a selection board for the recruitment of primary school teachers but the proposal did not make much headway due to lack of support from some individual officers. We did not ascertain the details of the matter; but we hope that if in future such difficulties are experienced by a district council the department of hill areas will use its good offices to help it.

192. With the expansion of a council's activities and office there will be a heavy increase in the responsibilities of its secretary. In the interest of efficiency we consider it essential that this post should be held by an experienced and competent official. Accordingly we recommend that it should be filled by deputation of an officer of the rank of additional district magistrate belonging to the Assam Civil Service Class I. Besides personally supervising the work relating to general administration, revenue, taxation and finance branches he should be in overall charge of the council's office.

193. There is ample scope for improvement in the working of a council's offices. A committee appointed by the governor* a few years back found that, far from a system of inspection by outside authorities for which there was no provision, the district councils did not have even an internal system of inspection of its offices. Our enquiries revealed that there has been no change in the position since then. We expect the secretary would look into such important matters while reorganizing the council's expanded office. We have not gone into the details of office organization; but we presume that in order to manage the increased work a council's office will work through a number of branches each incharge of one or two subjects.

194. In the administration of welfare programmes covering a vast field and the utilization of development funds a council and its offices would require guidance and counselling from the senior officers of the departments

*Committee to examine the financial conditions etc., of each district/regional council. (Vaghaiwalla Committee, 1960.)

of hill areas. In Chapter VIII we have already suggested that this should be done by the commissioner for hill areas and his senior departmental officers, who would maintain close contacts with the district councils, without which it would be difficult for the hill minister to keep himself in touch with the progress of the hill areas. Their inspections, which will be carried out on behalf of the department of hill areas, would essentially be for the benefit of the councils. The commissioner and other senior officers would visit the hill district, review the progress of development programmes and other activities and offer necessary advice and guidance to the council and its staff. We think of their inspections primarily in this particular sense.

195. Certain suggestions were made to us to assign some supervisory role to the deputy commissioner of an autonomous district on the working of the district council concerned. Such an arrangement, it was argued, would strengthen the links between the government and the district councils. After a careful consideration of the matter we have come to the conclusion that there should not be any super-imposition of the deputy commissioner over a district council. The link between the State government and a district council will be, as we have suggested earlier, provided by the commissioner for hill areas. We realize however that because of the difficulties of communications and the nature of his duties covering a vast area the commissioner may not always be able to provide the entire link between the two. In the new set up it will be even more necessary than at present for a district council to maintain close liaison with the State government. The district plans will have to be integrated into the regional and State plans. A district council should not only be aware of the government's schemes for its area but should also be able to influence them to take its needs and potentialities into account while framing State-wide schemes. In integrated planning—and we presume that that would be the objective of a district council also—various programmes are intimately connected with each other and maximum benefit can be derived only if proper coordination is achieved in their formulation and execution. This can be best done through the help of the regular district administration. There would thus be a great need for a district council and the deputy commissioner concerned to come close to each other.

196. We found a growing realization of the utility of increasing the contacts between the two. Under the national extension service programme the State government have set up development committees and boards at the sub-divisional and block levels. Such a committee or board generally has a deputy commissioner as its chairman; and the chief executive member and executive member in charge of development are also, among others, its members. We were told on behalf of most of the district councils that these committees were performing useful service. Further it was proposed to us by the district council concerned that a civil district should be constituted for the North Cachar Hills so that it could have greater liaison with

the deputy commissioner and other officers of the district administration who, at present, mostly stayed at the headquarters of the civil district at Diphu in the Mikir Hills. Similar representations were received from Jowai also (a sub-division of the United Khasi and Jaintia Hills). These are unmistakable signs of a growing desire on the part of the district councils to derive benefits from a close relationship with the district administration.

197. In this context it was also suggested to us that such contacts and liaison could be established by constituting "area development authorities" in the hill districts under the provisions of a recently passed State law called "The Assam Area Development Authority Act, 1964". The Act empowers the State government to set up such an autonomous body in any area of the State, which in their opinion required integrated development. The "authority" will consist of both official and non-official members under the chairmanship of the deputy commissioner. It may also have a local advisory council of officials and non-officials. Its functions will include promotion and operation of development schemes in respect of agriculture, soil conservation, industries, transport etc. etc. The State government were earlier contemplating to set up such authorities in the hill districts. But later on they informed us that they were not taking any action in the matter till we had made our recommendations.

198. We find it difficult to see how a development authority described in the previous paragraph could function with an overlapping jurisdiction with an autonomous district council. According to our proposals a district council will be entrusted with the administration of district level schemes in practically all those subjects which fall within the sphere of an "authority's" activities. With two autonomous bodies of parallel jurisdictions functioning in the same area there is scope for misunderstanding and administrative confusion. We do not therefore think that these bodies will be able to work in harmony. Nor is any distribution of functions between the two bodies possible.

199. We conclude for the reasons mentioned in the previous paragraphs that while in the interest of development suitable arrangements are necessary and desirable for bringing the district councils closer to the regular district administration the setting up of the "area development authorities" will not be an answer to the problem. We are in favour of an extra-statutory arrangement on the lines of the existing planning committees and boards, and accordingly recommend the setting up of a District Development Board in each of the hill districts.

200. The proposed Board should consist of the following:

Chairman

(i) Deputy Commissioner.

Vice-Chairman

(ii) chief executive member.

Members

- (iii) all MPs and MLAs of the district.
- (iv) all executive members of the district council.
- (v) all chairmen of subordinate councils (proposed to be set up at the block level).
- (vi) executive engineer or any other officer of the PWD posted in the district.

Secretary

- (vii) secretary of the district council.

The officers of the various development departments, whether serving under the government or a council, may also be invited to attend its meetings as and when necessary. The Board should meet at least once in three months. The main functions of this Board should be—

- (i) to discuss the various aspects of the development programmes, and to acquaint the government with the needs and requirements of the district;
- (ii) to undertake periodical reviews of the progress of welfare and development schemes; and
- (iii) to help generally the district council in their administrative and other difficulties in executing welfare and development schemes.

The Board will thus be of great help to a district council in improving its contacts with the government and in solving many of its administrative problems without impairing its autonomy.

201. We also commend to the State government for their consideration the proposal to create separate civil districts for the North Cachar Hills and Jowai. We believe that the creation of these districts will accelerate the development of their respective areas.

CHAPTER XIV

FINANCIAL ADMINISTRATION OF THE DISTRICT COUNCILS

202. We turn now to the second of the fundamental questions referred to in paragraph 165. We begin with an examination of the present state of the finances of the district councils.

203. A district council is empowered to levy and collect the following taxes:

- (i) land revenue;
- (ii) taxes on land and buildings;
- (iii) tolls on persons;
- (iv) taxes on professions, trades, callings employments;
- (v) taxes on animals, vehicles and boats;
- (vi) taxes on the entry of goods into a market for sale therein;
- (vii) taxes for the maintenance of schools, dispensaries or roads.

As a district council manages the unclassed State forests it earns a substantial income from them. It also derives income from its shares of the royalties on mines and minerals. It has certain other indirect sources, which yield revenues though not in a big way. These are:—

- (i) fees from the administration of land laws like granting of permission for transfer, lease etc.;
- (ii) fees accruable from the distribution of jhum lands;
- (iii) fees or rents accruable from the distribution of water for the use of any canals or water-course for the purpose of agriculture;
- (iv) fees accruable in connection with the administration of the laws of inheritance property;
- (v) fees accruable from the administration of marriage laws;
- (vi) fees or fines accruable in the course of the administration of justice; and fees accruable from the regulations of the control of money-lending and trading by non-tribals.

204. The district councils were not reconstituted out of any existing local authorities. They had no funds initially and the State government advanced loans to get them going. In the beginning the State government

realized the taxes on behalf of these councils and credited the receipts to their funds. Gradually when the district councils organized themselves and established their own administrative machineries they took over from the government the task of collecting the taxes allocated to them. The councils themselves are now responsible for the collection of most of these taxes except the motor vehicle tax and royalties on mines and minerals, which, as we have said earlier, they share with the State government.

205. In respect of these two taxes the State government continue to make collections and pass on to the district councils their shares. The royalties on minerals are to be shared between the State government and the district council concerned in such ratio as may be agreed upon between them. At present 60% of the gross proceeds of such royalties is paid to a district council. The revenue from the motor vehicles is derived from certain fees collected under the Motor Vehicles Act, 1939 and the taxes under the Assam Motor Vehicles (Taxation) Act, 1936. Although the district councils are not entitled to the former the State government credit to the accounts of the district councils the entire collections from both these sources after deducting the cost of collection and the services rendered except in the case of the district council of the United Khasi and Jaintia Hills. In that district the amount so realized minus the cost of collection and services rendered is shared between the State government and the council "in the ratio of 75:25 on the basis of the number of motor vehicles garaged within the Shillong municipality and the rest of district." No representation was made to us regarding the present sharing of these revenues. Both these sources (royalties on minerals and taxes on motor vehicles) yield a handsome revenue to the district council of the UKJ Hills; for the others the proceeds are small.

206. The district councils' own efforts to raise funds from the resources available to them have been on the whole unimpressive.* The councils have generally made no serious efforts to raise funds from the indirect sources mentioned in paragraph 203. They have tapped only the main sources mentioned in that paragraph, except that no toll on passengers and goods carried by the ferries has been imposed by the district councils of the UKJ Hills and the North Cachar Hills, and that the toll on persons residing within autonomous districts has been imposed only by the district councils of the North Cachar Hills and the Garo Hills. None of the councils has levied any tax for the maintenance of schools, dispensaries and roads.

207. The bulk of the income of these councils has come from only two or three sources such as land revenue, foress. and in some cases, markets. The table below gives the proportions of the incomes of

*The statistical data used in this chapter is based on information furnished by the district councils.

the councils from these sources to their total incomes during the last few years (1960-61 to 1964-65).*

(Table X)

Council	Land revenue	Forests	Market
			Percentages
Garó Hills	23.29	38.45	12.34
UKJ	4.80	67.03	2.55
Mikir Hills	20.91	69.60	7.01
North Cachar Hills	7.19	53.62	25.94
Mizo	33.87	51.01	0.63

208. It is no doubt true that because of the physical features of these districts not much area can be brought under direct assessment of land revenue. But we understand that the district councils have generally not done all that is possible in this regard. Only a small proportion of land has been brought under assessment. The percentages of the total areas in these districts brought under assessment are: UKJ 0.76; Mikir 4.86; Garó 4.85; North Cachar 0.44 and Mizo 0.19. That there was scope for bringing more land under assessment was clearly accepted by practically all the district councils themselves. Ordinarily only lands under regular cultivation has been assessed to land revenue. The land under jhum cultivation is assessed indirectly either through a house-tax or by realization in kind, which started only a few years back. With the exception of the Mikir Hills, the fruit and cash crops are not subject to any assessment. We consider that there is sufficient scope for improving the land revenue administration of the district councils and thereby increasing their resources.

209. Similarly, we think, there should be greater income from the markets. The Mizo District Council, whose performance is the poorest in this respect, does not seem to have taken good care to derive the income it can from the two markets in the district—Aijal and Lungleh. Our own impression after visiting the Aijal market was that if properly administered it alone could yield much more than the entire present income of the council of about Rs. 5,000 per annum from this source. In the Garó Hills also such income can be increased although the district has done much better than many others. The UKJ Hills has rather badly neglected this source. Despite its Market Act the chiefs appropriate most of the income to themselves; all that the council receives annually is on an average about Rs. 18,000.

*In respect of Mizo, the averages are for four years (1960-61 to 1963-64).

210. The general remarks made in the previous paragraph apply to the income from the taxes on professions, trades, callings and employments. We suspect some leakage of revenue on this account also. In fact the entire machinery for collection of revenue needs of scrutiny. The laxity in collection, which in certain cases is undoubtedly due to weak administration, has resulted in the accumulation of arrears in practically all the councils. The details of such arrears are given in Appendix XI. Thus both in imposition of taxes and their realization the administration of the district councils, in our opinion, leaves much to be desired.

211. Only two councils—that of the Garo Hills and the Mikir Hills—have made relatively good efforts to increase their resources. The performance of the United Khasi and Jaintia Hills District Council has been particularly unsatisfactory. The district has good revenue potentialities but the council does not seem to have exerted itself in developing them. The people living in the Shillong sub-division of the district have generally never been assessed to any land revenue. The district council did not extend the scope of taxation on land to the areas where no levies were being collected in the past. This naturally created discontent among the people of the Jowai sub-division. In order to meet the situation the district council abolished the house tax leviable in that sub-division. The council admitted to us its helplessness in enforcing taxation measures in the district. The collections too are very unsatisfactory. In the areas of the ex-khasi States the chiefs are still levying and collecting land revenue and keeping most of it with themselves. The district council has remained content by passing a resolution that the chiefs should pay it one eighth of this income. But even this is not being paid regularly. We have already mentioned about the appropriation of most of the income from the markets by the chiefs. What has sustained the council is its handsome revenue from forests and the royalties on mines and minerals.

212. On the expenditure side the most striking feature we noticed was the heavy cost incurred by the district councils on their staff and establishment. They have spent a substantial part of their own resources on establishment. In proportion to their own resources (i.e., excluding the grants-in-aid) the average expenditure of the various councils under this head (exclusive of expenditure on education) during the five years 1960-61 to 1964-65 has been as follows: the Garo Hills—32 per cent, the UKJ Hills—63 per cent; the Mikir Hills—44 per cent; the North Cachar Hills—57 per cent and the Mizo Hills 99 per cent. Instances were also brought to our notice when funds given to a council as grants-in-aid for development and/or special purposes were utilized for meeting normal administrative expenditure. In the evidence placed before us great stress was laid on the need for economy in the councils' administration. The criticism does not appear to be unjustified.

213. In the circumstances the investment made by these councils in development programmes has not been, as we mentioned earlier, substantial. The table below summarises the development expenditure of the councils during the last five years:

(Table XI)

	1960-61		1961-62		1962-63		1963-64		1964-65	
	C	G	C	G	C	G	C	G	C	G
	(Rs. in lakhs)									
Garo	3.91	4.99	2.67	2.25	3.24	3.79	2.59	3.21	4.91	3.05
UKJ	0.29	5.15	0.28	1.40	1.00	2.09	0.92	1.86	0.53	2.59
Mikir	1.93	2.16	1.49	1.10	1.60	2.92	1.00	2.38	1.88	2.55
North Cachar	0.19	0.81	0.23	0.48	0.07	1.17	0.13	0.94	0.12	0.66
Mizo . . . . .	..	2.30	..	2.85	..	2.01	..	9.25	..	14.61

C—Expenditure out of councils own resources.
G—Expenditure out of grants from Government.

214. The entire expenditure on the development schemes undertaken by the Mizo District Council came out of the government grants. In fact quite often the government have had to make grants to this council to meet its normal administrative expenditure. In other districts the proportion of development expenditure of a council to its income out of its own resources is as follows: Garo Hills—19 per cent; UKJ Hills—8 per cent; Mikir Hills—16 per cent; and North Cachar Hills—3 per cent.

215. The annual budgets of the councils may now be examined in the light of the foregoing general remarks. A summary of their receipts and expenditure under important heads for five years, 1960-61 to 1964-65, is given below. The details are contained in Appendix XII A & B.

(Table XII)

(Rs. in lakhs).

District councils	1960-61 to 1964-65								
	Receipts out of own resources	Grants	Total receipts	Exp. on Est.	Exp. on Development	Exp. on education	Other expenditure	Total expenditure	
I	2	3	4	5	6	7	8	9	
Garo Hills	93.01	43.76	136.77	29.53	34.61	35.57	40.16	139.87	
U.K.J.	36.46	46.27	82.73	23.04	16.10	41.23	4.89	85.26	
Mikir Hills	48.79	30.28	79.07	21.38	19.01	22.71	11.52	74.62	
North Cachar	20.16	12.86	33.02	11.50	4.80	5.18	10.14	31.62	
Mizo Hills	*22.29	*53.27	75.56	29.78	31.02	47.44	9.50	118.14	

*Only for 4 years 1960-61 to 1963-64.

216. At our request the district councils furnished us with an estimate of their anticipated receipts and expenditure for the next five years, (not taking into account government grants). These were as follows:—

(Table XIII)

		1965-66	1966-67	1967-68	1968-69	1969-70
		(Rs. in lakhs)				
Garo Hills	Receipts	30·16	27·13	27·35	27·45	27·8
	Expend.	50·89	51·63	53·09	53·84	54·1
UKJ Hills	Receipts	16·43	8·47	9·41	10·02	10·71
	Expend.	12·23	10·13	10·45	10·76	11·09
Mikir Hills	Receipts	15·45	14·75	15·00	15·50	16·00
	Expend.	33·69	33·85	34·00	34·50	34·75
North Cachar Hills	Receipts	5·82	5·88	6·05	6·17	6·30
	Expend.	7·09	9·90	10·04	10·17	10·22
Mizo	Receipts	9·83	7·60	7·41	7·32	7·15
	Expend.	11·27	11·73	12·07	12·40	12·72

The information shows a substantial deficit in the coming years.

217. The following conclusions are drawn from the review of the financial position of the district councils made in the previous paragraph:

- (i) The councils have not fully exploited the financial resources available to them.
- (ii) There is reluctance to impose taxes and laxity in realising them with the result that sizeable arrears have accumulated in all councils.
- (iii) The councils have very often not been able to balance their receipts and expenditure; and but for the government grants at least one council (the Mizo) would have found it difficult to run its normal administration.
- (iv) The expenditure on staff and establishment is unduly heavy and there is clearly an urgent need for economy.
- (v) The councils have been able to devote only meagre funds if at all to the development programmes, which have been mostly financed out of government grants.

218. The district councils and some other organizations of the hill people made two broad representations to us, which are as follows:—

- (i) the district councils had tapped the available resources to the maximum extent and that no further improvement in their finances was possible by depending entirely on them; and

- (ii) the available resources were not at all adequate for the needs of the district council and it was for the State government to come to their help in a more generous manner in order to make them effective instruments of development activities.

While the foregoing examination of the councils' finances does not support the validity of the contention mentioned at (i) we fully realize that, even with the most efficient exploitation of their present resources, the yield will be grossly insufficient to meet the financial needs of the councils which will increase substantially in the new set up when, in view of our recommendations, more executive functions are entrusted to them. We keep in view this need of the financial strengthening of the councils in formulating our proposals on the subject.

219. The specific suggestion made to us in this behalf was to empower the councils to levy and collect the following additional taxes:

- (a) taxes on agricultural income;
- (b) taxes on sale or purchase of goods;
- (c) taxes on entertainments, amusements and bettings;
- (d) taxes on stalls, shops, hotels, restaurants;
- (e) taxes on canals, waterways and water courses.

We also received a suggestion that the revenue derived from the State excise and registration should be transferred to, or shared by the State government with, the district councils.

220. We have carefully examined the above proposals and have come to the conclusion that the proposed powers of taxation were not likely to add to the councils' resources appreciably. In the recent years the average annual yield of agricultural income tax in the hill districts has been about one thousand rupees*. Any efforts by the hill districts in levying and collecting agricultural income tax would thus not be worth while. This tax can be a useful source of revenue only if the administration of land revenue and agriculture is properly organized. When the realisation of land revenue itself continues to be unsatisfactory we are very doubtful if the district councils will be able to manage successfully the imposition and collection of agricultural income-tax.

221. The same general considerations would apply to the other taxes, such as sales tax, entertainment and amusement tax etc. The table below contains relevant information on the collection of these taxes in Assam during the recent years:

*This income too has accrued only from one district—the Garo Hills.

(Table XIV)

Year	Garro Hills		U.K.J.		Mikir Hills		North Cachar		Mizo		Plains	
	ST	ET	ST	ET	ST	ET	ST	ET	ST	ET	ST	ET
(Rs. in lakhs)												
1961-62	0.44	0.36	0.02	..	0.24	0.21	0.13	0.20	0.48	0.18	343.80	29.65
1962-63	0.54	0.34	0.01	..	0.11	0.21	0.10	0.12	0.03	0.24	414.38	35.03
1963-64	0.33	0.41	0.02	..	0.14	0.21	0.12	0.08	0.11	0.21	540.57	36.99
1964-65	0.50	0.35	1.00	0.01	0.36	0.21	0.11	0.11	..	0.20	631.51	40.00
1965-66	0.55	0.35	1.15	..	0.37	0.22	0.12	0.13	..	0.20	733.60	42.14
Cost of collection (Percentage based on the budget estimates of 1965-66)	29.09	NW	29.57	NW	64.87	NW	50.00	NW	NW	NW	1.52	NW

The figures for 1961-62 to 1963-64 are actuals, for 1964-65 the revised and for 1965-66 the budget estimates.

ST—Sales Tax.

ET—Entertainment Tax.

NW—Not worked out separately; expenditure booked under the head "other taxes & duties".

222. Another table below gives relevant information regarding State excise and registration :

(Table XV)

Year	Garo Hills		U.K.J.		Mikir Hills		North Cachar		Mizo Hills		Plains	
	E	R	E	R	E	R	E	R	E	R	E	R
(Rs. in lakhs)												
1961-62	0.37	..	0.54	0.07	1.05	..	1.51	..	..	..	200.56	8.51
1962-63	0.25	..	0.51	0.13	1.17	..	1.38	..	..	..	209.98	9.50
1963-64	0.32	..	9.70	(—)0.04	1.55	..	1.44	..	..	..	195.74	9.42
1964-65	0.35	0.01	0.91	0.11	1.43	..	1.62	..	..	..	221.22	9.97
1965-66	0.92	0.01	0.92	0.15	1.53	..	1.72	..	..	..	223.46	10.24
Cost of collection percentage based on estimates of 1965-66	29.73	100.00	81.52	26.67	62.68	..	19.20	..	..	..	10.47	47.07

E—Excise

R—Registration

223. Assuming that the proceeds from these sources are transferred to the respective district councils, their annual earnings would approximately be as shown in the following table:

(Table XVI)

Source	Garó	UKJ	Mikir	North Cachar	Mizo
(Rs. in lakhs)					
Agricultural income-tax	0·01	..	..	..	..
Excise	0·37	0·92	1·53	1·72	..
Registration	0·01	0·15	..	..	..
Sales Tax	0·55	1·15	0·37	0·12	0·11*
Entertainment tax	0·35	0·01	0·22	0·13	0·20
TOTAL	1·29	2·23	2·12	1·97	0·31

Thus it is clear that the receipts of district councils on account of proposed new sources of revenue will be insignificant in comparison to the large sums annually given by the State government to them as grants-in-aid.

224. The councils have powers to levy taxes on professions, trades, callings etc.; and the proposal made by some organizations of the hill people that a district council should have power to levy tax on stalls, shops, hotels and restaurants will be covered by the existing powers. The scope of taxes on canals, waterways and water-courses was not clearly specified in the proposals submitted to us. There are usually no such taxes; only rates are collected from the cultivators who are supplied water for irrigational purposes from the State-owned sources. Since only the minor irrigation programme is proposed to be transferred to the district councils the question of imposition and collection of any irrigation rates by the councils should not arise.

225. The district councils wanted the authority to levy these taxes. Commenting on the demand of the hill districts for more powers of taxation and appropriation of revenues, the Bordoloi Committee had made the following observations:

“The concession of such a demand to the various districts virtually amounts to breaking up the provincial administration. Besides giving unregulated powers of taxation in general to small units

* The figures are the budget estimates for 1965-66 but where nil income is shown in that year the income from the previous year has been included.

is undesirable as it would result in different principles, perhaps unsound principles, being adopted in different places for purposes of taxation and in the absence of coordination and provincial control, chaos is more likely than sound administration. Further it is obvious that a local council and a local executive would be much more susceptible and amenable to local pressure and influence than either the provincial government or its executive and will therefore not find it possible to undertake measures of taxation which the province as a whole can."

These considerations, with which we are in full agreement, still hold good. The result of giving these powers to the councils would be particularly unhappy in the case of sales tax, variations in which in adjoining areas can lead to mal-practices in trading. We also noticed that the cost of collection in the districts was already unduly high; and if each council was to organize its own separate machinery to levy and collect these taxes it would go up further. The net collections would then hardly be worthwhile. The net collections would then hardly be worthwhile.

226. The arguments against investing a district council with any additional powers of taxation seem to us conclusive and we do not recommend the acceptance of the above proposals.

227. Any transfer, or sharing, of resources on purely theoretical basis will not help a district council, whose financial difficulties should in our view be dealt with on practical considerations. It is evident that the hill districts have to depend heavily on the State government for their financial resources. In the circumstances the most satisfactory arrangement would be to continue the system of the grants-in-aid of the revenues of the district councils. On the transfer of the lower primary schools to the management of the councils the State government made additional grants to them. With the transfer of additional administrative and executive responsibilities to the district councils these grants will have to be substantially increased. In their memorandum submitted to us the State government have expressed their willingness to place necessary funds at the disposal of the councils.

228. The details of the system of financial assistance would doubtless be worked out by the State government. We wish, however, to emphasise that grants-in-aid should not be given on purely *ad hoc* basis as seems to have been done at present. Having regard to the need both for accelerating the speed of development and economy in the council's administration the State government should evolve a system which would encourage financial discipline and thrift on the part of a district council. At present

on an average the total grants-in-aid of the revenues of the various district councils to their total expenditure is 30, 54, 41, 41 and 69 per cent in the Garo Hills, UKJ Hills, Mikir Hills, North Cachar Hills and Mizo districts respectively.

229. Broadly speaking, the grants-in-aid are usually made in the form of: (i) cent per cent expenditure for any project or scheme and (ii) the matching grants. The latter again may either be tied to any specific scheme or be in the nature of free funds. The department of hill areas, which should be responsible for administering these grants, will no doubt employ all these forms but we suggest that it should be done in such a manner that the district councils have an incentive to economize on their administration and earn matching grants for development purposes. It should not be difficult to link the State government's assistance with the exploitation of their own resources by the district councils and with any other developments in their organization considered desirable.

230. We further hope that the councils themselves will play their part fully in improving their finances by exploiting the resources already available to them and making determined efforts in collecting the levies. It would be unreasonable on their part to expect the State government to make up their deficits unless they themselves make sincere efforts for the possible improvements. To some extent lack of experience in financial administration may be responsible for the present state of council's finances. With proper guidance and help of the department of hill areas, wherever necessary, the position should improve.

231. Before we leave this subject we refer to a matter brought to our notice by the district councils. It pertained to inordinate delays on the part of the State government in payment of the shares of taxes on motor vehicles and royalties on minerals due to them. The State government have no doubt issued standing instructions to the departments concerned to make these payments quarterly. But we found that because final accounts were generally not available in time the payments were delayed. We suggest that at the beginning of each financial year a district council should be informed of its shares on the basis of the averages for the preceding three years. Actual payment should then be made quarterly, the necessary adjustments being made in the last quarter of the year or the first quarter of the following year. This would enable the councils to have a better idea of their resources and to plan their own expenditure in a more realistic manner.

CHAPTER XV

THE DISTRICT FUND AND ITS AUDIT

232. We now deal with the maintenance and audit of the accounts of the district councils. In accordance with the provisions of the Sixth Schedule each district council has constituted a separate District Fund of its own to which are credited all moneys received by the council in the course of its administration. Each council has also framed its own District Fund Rules which have been approved by the governor. The Rules of the various councils and the procedure prescribed therein are almost identical. Broadly speaking, the Rules provide that all the moneys creditable to a District Fund will be deposited with the government treasury and withdrawals therefrom will be made by cheques drawn at the treasury and signed by the secretary or any other competent authority. In the Mizo District Council the withdrawal is by presentation of bills and not cheques. The accounts of these Funds are maintained by the treasury purely as banking accounts, moneys being paid in or drawn out without specification of the head of receipt or expenditure. The details of the accounts are maintained by the district council itself. The accounts of a council are subject to annual local audit by the accountant general, Assam. Such an audit covers a general review of the accounts of the whole year and detailed audit of those pertaining to selected months. There is no provision for internal audit by any council. Except in the case of the district councils of the Mizo and the Mikir Hills, the Fund Rules of a council do not provide for preparation of annual finance accounts, appropriation accounts and audit reports and their submission to the district council.

233. We examined the existing arrangements from two angles: (i) accountability and (ii) proper maintenance of accounts. We found that the severe criticism made in our evidence on these matters is not without substance. With the exception of the Mikir Hills and the Mizo District Councils none of the executive committees presents proper accounts to the district councils. In fact, their Fund Rules, do not provide for such a procedure. We regard this omission as serious particularly when a council functions as a miniature legislative assembly. It is essential that all the members of a district council (and through them the general public) are kept fully informed of the state of the council's finances. We discussed the matter with the executive committees of the district councils* and learnt that they were in favour of laying the audited annual accounts before the

*Excepting the Mizo District Council.

district council concerned and also a copy being sent to the State government. We accordingly recommend that suitable provision should be made for the purpose in the District Fund Rules. The relevant provision in the Rules of the Mizo District Council *seems to be suitable and should be adopted for all the councils.

234. Our attention was drawn to another unsatisfactory aspect of these Rules, which are framed, as we have mentioned earlier, by the councils subject to the approval of the governor. The Rules framed by the various councils happen to be identical; though they might not have been so. The councils could have framed substantially different Rules. The management of District Funds by the councils generally, as we discuss later, has been far from satisfactory. More money will be placed at the disposal of the councils in future. Efficient management of their moneys by the councils is of great importance because in its absence they will not succeed, in our view, in effectively discharging the responsibilities proposed to be entrusted to them. Sound accounting rules are necessary for proper and efficient management of funds. We therefore recommend that uniform rules, satisfactory from all points of view, framed by the governor should apply to these councils. The governor should frame these rules in consultation with the accountant general and the district councils. The rules should retain the present practice of the audit of the accounts of the councils by the accountant general. During our discussions with the representatives of the district councils we found them equally anxious to put their accounts on a sound basis. The above recommendations along with those we make in the following section of the Report would go a long way to provide satisfactory accounting arrangements which the councils have been seeking.

MAINTENANCE OF ACCOUNTS

235. At the very outset of our work we obtained from the accountant-general of Assam a memorandum containing his comments on the state of accounts of the district councils. We noticed that the accountant-general was far from satisfied with the maintenance of these accounts. The following serious irregularities were pointed out by him:—

- (i) delay in the deposit of revenue collections in treasury;

* "112(a) The Annual Finance Accounts and Appropriation Accounts shall be prepared by the Member-in-charge of Financial Affairs in such form as may be prescribed by the District Council in consultation with the Accountant General and forwarded to the Accountant General by the 30th June each year. These accounts duly test checked locally by the Accountant General together with connected Audit Reports shall be sent to the Member-in-charge of the Financial Affairs with a copy to the Governor of Assam. The Member-in-charge of Financial Affairs shall place the same before the Council and shall send a copy of the proceedings of discussions held by the Council thereon to the Governor of Assam for information."

- (ii) delay in the reconciliation of accounts with the treasury pass book;
- (iii) improper maintenance of cash book;
- (iv) submission of wrong utilization certificates in respect of government grants;
- (v) non-maintenance of proper accounts of demand, collection and arrears; and
- (vi) delay in the settlement of audit objections.

Such irregularities lead to undesirable consequences. The first four facilitate misappropriation of the funds of the councils and we were not surprised when we learnt of several such instances from the accountant general and other sources. The irregularity at (v) makes it difficult to ensure whether adequate steps are being taken to realize revenue arrears. In practically all the district councils, as we have noticed earlier, such arrears are accumulating. In one case the cumulative arrears are more than the annual demand itself. The delay in the settlement of audit objections leads to laxity in financial discipline. What was worse, although the above irregularities were being pointed out in the AG's reports year after year, necessary steps had not been taken by the councils to remedy the defects.

236. Our own examination of the accounts of the councils confirmed the accountant general's comments. We further noticed that there was no clear-cut classification of revenue and capital receipts and expenditure. Repayment of loans had also not been shown in the accounts of certain councils. Five years ago the Vaghaiwalla Committee had drawn attention of the councils to these shortcomings. But the position does not seem to have changed. In one council till recently the accounts were being maintained in loose sheets.

237. Our discussions with the members and the officials of the district councils lead us to think that most of the shortcomings in the management of funds are due to the absence of a well organized separate accounts branch in a council office, and the non-availability of qualified accounts staff. It is difficult for a council to recruit such staff locally and the State government have not been able to spare suitable officials for deputation to the councils. The Vaghaiwalla Committee had recommended that the government should be moved to depute experienced officials of the budget department to visit the council offices to help and train their officials in the preparation of budget and related matters. We understand that it has so far not been possible for the State government to do so because of the shortage of such officials in their budget department itself, and that they were now thinking of drawing up a phased programme of the proposed training. We

have referred to this here only to give an idea of the difficulties facing the administration of a district council.

238. The problem to our mind is not only of training district council officials in framing budgets but of putting the whole finance branch of a council in order. This would require services of suitable accounts staff. We found that in one district council certain work relating to finance had started showing improvement when placed in charge of an officer with previous experience in accounts work. To conclude, we recommend that—

- (i) each council should have a well organized finance and budget branch in its office; and
- (ii) this branch should be placed in charge of an SAS accountant, (taken on deputation from the office of the accountant general Assam) under the overall supervision of the secretary of the council.

We hope that appreciating the peculiar difficulties of the district councils the accountant general will extend his full help to them in the matter. An efficient and experienced SAS accountant should be able to organise the work satisfactorily and also train in course of time the subordinate staff of the council.

236. In the reorganized set up copies of the finance accounts, audit reports etc., will be received by government. In our view the main purpose of such an arrangement will be defeated if the government do not exercise reasonable supervision over the accounts of a district council. We do not mean to suggest any undue interference by the government in the working of a district council but we do wish that the hill areas department, through the commissioner for hill areas, should keep a general over-sight on the state of finances and accounts of a district council. An examiner of accounts should be attached to the staff of the commissioner for hill areas. He should visit the district councils frequently for conducting a review and internal audit of the accounts and help them in dealing with audit objections.

240. To sum up, our proposal to improve the management of funds of the councils are:

- (a) prescribing a uniform set of Fund Rules for all the councils framed by the governor in consultation with the accountant-general and the districts councils;
- (b) preparation of annual finance accounts, appropriation accounts and audit reports and laying them before the councils with copies being sent to the governor;

- (c) deputation of suitable and experienced staff to manage the finance and accounts branch of the councils;
- (d) effective follow up action on the audit reports both at the State and the district council level; and
- (e) greater supervision over the financial and accounting affairs of the councils by the commissioner of hill areas through an examiner of accounts.

241. We have set out in the preceding paragraphs the steps which we suggest should be taken to improve the maintenance of accounts by a district council. It remains to consider what steps can be taken to enable the State legislature, which will be every year voting large sums to be spent by the district councils, to ensure proper utilization of public funds. We consider that it would be hardly consistent with the spirit of the Constitution that a sizable part of the State funds should be taken out of the purview of the legislature. We understand that even now the AG has been vested with the authority to conduct audit of the accounts of grants exceeding a specified limit received by any non-government body from government. We therefore recommend the following procedure for the purpose:

- (a) The accountant general should present an audit report on the accounts of the grants received by the district councils; preferably this report should form a separate section of his audit report on the accounts of the State as a whole.
- (b) This report should be laid before the legislature.
- (c) The report would thus be examined by the public accounts committee of the State Assembly. While doing so the committee should co-opt three representatives of the Hill Areas Committee, elected by the latter on the basis of proportional representation. They will be in addition to any other member or members of the Hill Areas Committee who are on the public accounts committee in the normal course. Necessary amendments should be made in the Rules of Business and Procedure of the Assam State Assembly to give effect to these suggestions.
- (d) The secretary of the department of hill areas should be asked to attend the meetings of the public accounts committee to assist in the examination of the report.

CHAPTER XVI

ADMINISTRATION OF JUSTICE

242. The Sixth Schedule—paras 4 and 5 of which contains the provisions relevant to the present subject—empowers the district council to provide for administration of justice in their respective areas. In exercise of these powers the district councils, except that of the Mikir Hills, have set up courts of different types, including appellate ones, to decide disputes between tribals.

243. We give a brief account of the courts established by the various district councils. The Garo Hills District Council has three types of courts—village courts, subordinate district council court and the district council court. There are 55 village courts presided over by "laskars".* The proceedings of these courts are in writing and they try all cases of civil, miscellaneous and petty criminal nature where sentence of imprisonment is not mandatory under the customary laws. They have powers to impose fine upto a maximum of Rs. 50/- and to award "dai" or compensation according to local practices. Above these courts is the subordinate district council court located at Tura and presided over by a judicial officer on deputation from the State government. This court has both appellate and original jurisdictions throughout the district in respect of all suits and cases excepting those specifically mentioned in para 5(1) of the Sixth Schedule. In procedure the court follows the spirit of the codes of civil and criminal procedure. It exercises original jurisdiction in those classes of cases where the parties are from different laskar areas or when any of them apprehends that it might not get justice in the village court concerned. In its appellate jurisdiction it hears appeals from the orders of the village courts. The highest court—the district council court—is also located at Tura and is presided over by another judicial officer. At present the secretary of the district council is discharging the functions of the presiding officer in addition to his other duties. The court exercises all the powers of the subordinate court and has in addition the power to hear appeals etc. from the decisions of that court. Appeals against the order of this court lie only to the High Court at Gauhati.

244. The United Khasi and Jaintia Hills district also has an elaborate set up of such courts. In fact as the district council has allowed the former Khasi chiefs to continue to exercise judicial authority the set up

*In effect the district council has continued the old practice under which apart from collecting certain taxes (which he continues to do under the council's administration) the "laskar"—a traditional village official—also functioned as an executive and judicial officer within his area.

is somewhat more complex than that described in the preceding paragraph. In Shillong sub-division there are 31 village courts in the area which was known as British sirdarships before the commencement of the Constitution. Above these courts there is a subordinate district council court at Shillong presided over by a magistrate of the first class who has unlimited original jurisdiction in respect of civil matters but limited jurisdiction in criminal cases. This court hears appeals from the 31 village courts. In the areas of the former Khasi States, above the village courts there are 25 additional subordinate district council courts presided over by the syimes, lyngdohs and sirdars. These courts have unlimited civil, but limited criminal jurisdiction. They have been variously invested with powers of the magistrate of first, second or third class; and they hear appeals from the decisions of the village courts within their respective jurisdictions. In Jowai sub-division there are 19 village courts presided over the "dolois" (the local name for a sirdar). Appeals from these courts go to the subordinate district council court located at Jowai, which has the same powers as the subordinate court at Shillong. At the district headquarters the council has set up a district council court presided over by a judge exercising wide powers—both civil and criminal—under para 5 of the Sixth Schedule. At present a retired district and sessions judge has been appointed to this post by the district council. Appeals and revisions from this court lie to the High Court at Gauhati.

245. Although the North Cachar Hills District (Administration of Justice) Rules provide for the setting up of three classes of courts, namely, the village courts, subordinate district council courts and a district council court, the district council has set up only a subordinate district council court and a district council court, both of which are at Haflong. No village court has been set up so far and the existing village authorities such as mauzadars and gaonburas are discharging the functions of these courts. We understand that the district council is considering a proposal for grouping small villages to form bigger ones to facilitate constitution of village courts.

246. Under the Mizo District Council there is a village court for each of the 422 village councils; and above these courts are two subordinate and two additional subordinate district council courts. The subordinate district council courts are located at Aijal and Lungleh each presided over by a magistrate of the first class. The additional subordinate district council courts are at Lungleh and Champai. Each of these courts is presided over by a magistrate of the second class. These are appellate courts which hear appeals from the orders of the village courts. Above these courts is the district council court at Aijal with jurisdiction throughout the autonomous district. It is presided over by a president who has the powers of a magistrate of the first class and who together with two other judicial officers sit as a bench to try cases.

247. The Mikir Hills District Council has passed the Mikir Hills (Administration of Justice) Rules, 1954. But it has in actual practice not yet established its own machinery for administration of justice.

248. To sum up, the position is that only three district councils—the Garo Hills, the United Khasi and Jaintia Hills and the Mizo—have set up courts at all levels; the North Cachar Hills District Council has set up only a district council court and a subordinate district council court but no village courts; and the Mikir Hills District Council has not yet taken over the administration of justice although it has enacted the Mikir Hills (Administration of Justice) Rules, 1954.

249. The suggestions made to us for the reorganization of the judicial administration fell into two broad groups. In the first group was the proposal to do away completely with the regular courts in the hill districts by empowering the district council courts to try cases not triable by the subordinate courts and by extending the jurisdiction of the district councils court over nontribals also. As against this the other proposals were that (i) no change need be made in the system of judicial administration as laid down in the Sixth Schedule; and (ii) non-tribals should not be subjected to the jurisdiction of the courts of the district council. It was also proposed by some local organizations and one district council that the administration of justice should be completely taken out of the purview of the district councils and be placed exclusively under the high court of Assam.

250. The organizations of the tribal people which have advocated the extension of the jurisdiction of the district council courts over non-tribals supported their proposal on the ground that the inability of these courts to try cases relating to non-tribals “wounds the sentiments” of the tribal people. The main purpose of giving to a district council the authority in respect of judicial administration was to enable the tribal people to administer their law in the traditional manner. The arrangement is based on the principle that “the local customary laws should be interfered with as little as possible and that the hill people should have full powers of administering their own social laws, codifying or modifying them.”* There was no other purpose underlying this arrangement. There is thus in our view no case to give to these courts jurisdiction over non-tribals, who want to be governed by the normal judicial processes.

251. The expectation in the beginning was that the district councils would continue the age old methods of the tribal people to dispense justice in an inexpensive and simple manner as the tribal people had been doing in the past. Instead we find that the district councils have established a hierarchy of courts very much akin to the set up in the other parts of the

*Report of the Bordoloi Committee—paragraph 12.

State. Our discussions with the authorities of the district councils also brought to light that generally the work in the subordinate and district council courts did not keep their presiding officers fully employed. This waste, we believe, the councils can ill afford. Some of the chief executive members of the district councils told us that if there was complete separation of executive and judiciary there should be no objection to the entire judicial administration being transferred to the regular courts subordinate to the high court, thereby giving a uniform system of judicial administration to the whole State including the hill districts.

252. We do not however consider that a stage has been reached when any sudden change in the existing system would be desirable. The sophisticated judicial processes and modern laws would still be alien to the tribal society in its present stage of development. The full impact of modern judicial administration will create difficulties for the tribal people and add to administrative complexities in these areas, which we are clear should be avoided as much as possible in the present circumstances. There is to our mind no harm and a good deal of advantage in allowing the tribals to continue to administer justice through their simple procedure. Accordingly, we do not recommend that any change should be made in the present position. In course of time with new socio-economic influences working on tribal life it might be necessary to review the position in this behalf. We therefore suggest that after a few, say five, years the position may be re-examined to see if time was ripe for making any modification in the law and procedure followed by the tribal communities.

CHAPTER XVII

SMALL TRIBES AND REGIONAL COUNCILS

253. As mentioned earlier, besides their major tribes, the autonomous districts have a number of smaller tribes. A considerable amount of evidence was submitted to us on behalf of these tribes complaining about the unfair treatment meted out to them in various matters by their respective district/regional councils. They complained of deliberate neglect of their areas for development purposes, difficulties in the matter of education of their children, incompatibility of the laws passed by the district/regional council with their customs and social practices, and broadly described the union of the two tribes as that of a "cat and dog tied together to one post." We clearly saw that the heterogeneity of customs, traditions, social and economic conditions of various tribes was the real cause of such inter-tribal jealousies and rivalries.

254. The dissatisfaction of the small tribes is most marked in the Mizo and North Cachar Hills districts; and it is from them that a large number of representations were received by us. We therefore give below a brief description of these tribes, their grievances and allegations made by them. In the Mizo district the number of smaller tribes is relatively large. The lushais composed of the ralte, lusai and hmar clans constitute the dominant tribe in that district. The smaller tribes are the paites in the north-east, the pawis and lakhers, (maras) in the south-east and the chakmas in the south-west. Most of them have a number of sub-tribes also*. The smaller tribes live in remote areas which has led to their being isolated from the mainstream of the socio-economic life of the district. The visits of the politicians and administrators to these areas are also rare. A feeling of isolation and neglect has therefore overtaken them. Although some of

*According to the census of 1961 the number of persons belonging to these tribes is:

chakmas	19337
lakhers	8790
pawis	4587

The Pawi-Lakher Regional Council challenged the accuracy of these figures. On seeking a clarification we were informed by the census superintendent of Assam that besides 4587 pawis another 10,154 persons had described themselves as mizo (pawi) or mizo-pawi at the time of census. According to the well-recognized practice of enumeration they were included in the mizo tribe. In case these persons are treated as pawis and not mizos the figures in respect of these two tribes would be: mizo—203,107 (and not 21,3261 as given in Table I in paragraph 16) and pawis—14,741 (and not 4587). No other comments were made by him in respect of other tribes.

the inaccessible areas populated by the Mizos have hardly seen much development activity, the smaller tribes, being the minorities, feel the neglect more. The feelings of these tribes have been further intensified by the ideas that are developing among the Mizos about their future administration. They are afraid of being swamped and "lushainized" by the Lushais (Mizos).

255. There are some cultural undertones in the relationship of these tribes. The chakmas are buddhists and have adopted the Bengali script for their language. The paites consider the Mizos too puritanical. The mara christians belong to a different denomination—the Lakher Independent Mission. When the Bible Society of India did not agree to reprint the Bible in Mara language due to low sales and asked the maras to consider whether the Lushai (Mizo) version would be acceptable to them, their anger was roused as they felt that the Mizos were behind this move. This suspicion ultimately hardened into the Mara Freedom Party.

256. These smaller tribes have a psychological problem also. They are split up into a number of small groups under different administrations, and even countries; the paites being divided between Assam and Manipur in India, and Burma, the pawis and the lakhers between India and Burma and the chakmas between India and Pakistan. A keen desire among them is to come within one administrative unit. All these factors together have led to frustration among the smaller tribes, who have become very suspicious of the bigger ones.

257. In the North Cachar Hills district the biates and the hmars suffer from the same psychological problem. The biates represented to us that the entire area inhabited by them (10 villages in the United Khasi and Jaintia Hills and 8 in the North Cachar Hills) should be brought under one district council—that of the North Cachar Hills. They said that if this was done they could hope to get at least one seat in the district council, which would help in the development of their areas. Similarly the hmars complained of complete neglect of their areas, which were scattered in the far off corners of Manipur, Tripura and Assam and were generally left out of all programmes of socio-economic development. Their frustration found expression in the complaint made to us that they had never been sent to participate in the Republic Day programmes in New Delhi.

258. In this atmosphere of fear and suspicion of one tribe against the other, which have not much in common, the main proposal made by each of these tribes was naturally for a separate district or regional council for itself. The still smaller tribes, realizing that their population, area etc. would not lend support to such a suggestion, asked for reservation of seats in their respective district councils and, some of them also, in the State Assembly.

259. So far the governor of Assam has considered it necessary to set up only one regional council in the hill districts. This is the Pawi Lakher Regional Council with its headquarters at Saiha in the Mizo district. We now give a brief description of the functioning of this council. As mentioned in para 35, in the more important matters of law making, administration of justice, assessment and collection of land revenue and certain taxes a regional council is no different from a district council. It has, however, not much authority in the administrative and executive sphere and it has also not been entrusted with all the financial resources of a district council. The council consists of 10 elected and 2 nominated members; originally it had 9 elected and 3 nominated members. Three general elections have been held to the council—in 1953, 1958 and 1964. The last elections (1964) were, however, boycotted by the Lakhers (Maras) with the result that four elected seats are lying vacant. In the legislative field, like the district councils, the regional council has passed laws on land and revenue, forests, village councils and marriage and divorce. In addition, it has also legislated on social customs and practices, inheritance of property and jhum cultivation. It does not enjoy the powers given to the district councils for establishing, constructing or managing primary schools, dispensaries, roads etc. But the council has undertaken some local development works out of grants given by the State Government. For judicial administration it has set up only two kinds of courts: (i) village courts—one in each village to try petty cases; and (ii) the regional council court which hears appeals from the orders of the village courts.

260. The financial position of the council is not at all satisfactory. Only 0.11 per cent of its total land has been assessed to land revenue. The table below will give an idea of its income and expenditure:

TABLE XVII

Year	Land Revenue	Receipts				
		Forests	Others	Grants-in-aid, loan etc.	Total receipts	Total expenditure
(Rs. in thousands)						
1959-60	14	3	6	70	93	119
1960-61	9	6	4	105	124	119
1961-62	3	5	10	80	98	121
1962-63*	22	—	1	110	133	104

It will be seen that but for grants from the State Government the council would not have been able to manage its administration. Its expenditure on establishment alone is far in excess of its income from its own resources.

*Information for later years was not received from the regional council.

As against Rs. 23,000 of such income in 1962-63 the expenditure on establishment was Rs. 97,710. Despite these difficulties the council has not exerted itself to raise revenue. The commulative arrears on account of land revenue and forests besides small amounts in respect of other dues of the council were Rs. 98,561 at the close of 1962-63. Its estimates of anticipated receipts (excluding government grants) and expenditure furnished to us are:

Year	Receipts	Expenditure
1965-66	45,171	6,60,080
1966-67	45,500	6,80,000
1967-68	50,000	7,00,000
1968-69	50,000	7,50,000
1969-70	55,000	7,50,000

261. The performance of the regional council has been unimpressive. In the nature of things it appears to us that a regional council can hardly make any substantial contribution to the well being of the tribal people. The difficulties in the development of the regions inhabited by small tribes are real. The progress of these regions, generally situated in far-flung areas of the hill districts, will be possible mainly by bringing them in the mainstream of the development effort for the district as a whole. The institutionalization of autonomy of each and every tribe inhabiting an autonomous district would thus not be desirable. The creation of a number of small bodies in these backward areas would encourage separatist tendencies which would hamper progress. These regions should be enabled to participate in the administration of their districts in more profitable ways. We have kept this in view in making our recommendations regarding district councils. The setting up of subordinate councils as an integral part of a district council will ensure that the interests of such regions are properly looked after not only at the local but also at the district level. The proposed District Development Board will also help the district councils in properly appreciating the difficulties and needs of these regions. We are therefore not in favour of setting up regional councils. The existing regional council, which has not succeeded in bringing closer the tribes living within its jurisdiction, should also be abolished. We accordingly recommend deletion from the Sixth Schedule of the provision empowering the governor to set up regional councils.

262. The question of bringing together the tribes which are at present scattered over a number of administrative units referred to in paragraph

257, raises questions which are outside our remit. Regarding the representation of the small tribes in the district councils we expect that the District Councils' Delimitation Committee, whose setting up has been recommended by us in Chapter XIX, will give due regard to their legitimate aspirations and redress their grievances.

CHAPTER XVIII

THE NON-TRIBAL RESIDENTS OF THE HILL DISTRICTS

263. Out of a total population of thirteen lakhs there are about two lakhs of non-tribals in the hill districts. The largest single group among them is that of the Nepalese, who first came to Assam with the British Army in 1834. Many of them settled down in and around the headquarters of the hill districts and other towns. They generally adopt military or police career but a considerable number of them have taken to cultivation, cattle rearing and dairy farming. The other non-tribals are not only from Assam but various parts of the country, and are engaged in trading and commercial activities of various kinds.

264. A number of organizations representing non-tribals and individuals submitted both written and oral evidence to us on the problems of non-tribals in autonomous districts. The substance of their grievance was that with the establishment of district councils they had been relegated to the position of "second class citizens". They complained of the curtailment of their rights to acquire and transfer land, to carry on trade and business and of discrimination against them in the imposition of taxes. They argued that such restrictions were un-constitutional. They did not have any voice in the administration of a district council because of inadequate representation on that body mainly due to the manner in which its constituencies were delimited and the provision for nomination was being utilized. In the State Assembly too they did not have any representation. In the circumstances they regard the proposal to grant greater autonomy to the hill districts with apprehensions about their future.

265. The specific proposals made by them were as follows :

- (i) unreasonable restrictions such as those mentioned in the preceding paragraph imposed on them by the district councils should be removed;
- (ii) non-tribals should be ensured proper representation in the district councils;
- (iii) there should be special representation for the non-tribal residents of the hill districts in the State Assembly; and

- (iv) non-tribals should not be subjected to the jurisdiction of the district council courts.

266. In chapter XVI we have already recommended that non-tribals should not be brought within the jurisdiction of courts of a district council. We have not considered, as mentioned earlier, matters relating to representation in Parliament and State Assembly and have therefore no comments to make on the proposal at (iii) in the previous paragraph. The question of proper representation of non-tribals in a district council raises issues pertaining to its composition and delimitation of constituencies, which we discuss in Chapter XIX. Here we confine ourselves to the grievances of non-tribals in respect of their rights on land, trading etc.

267. All the district councils have passed laws providing for their control over transfers of land between tribals and non-tribals and also among the latter. These Acts, which contain almost identical provisions, lay down that no land shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal, except with the previous permission of the district council concerned. They, however, provide that in case of refusal a district council shall record the reasons for the same; and that the rights in respect of land already acquired under any existing law would not be affected. Any non-tribal acquiring land in contravention of the legal provisions may be ejected from that land within three months after due notice. The Garo Hills Land Transfer Act has a further provision for appeal from the orders of the district council for ejection. The appeal may lie either to the chief executive member or to a district revenue tribunal to be appointed by the district council.

268. The reasons for a council to insist on its prior approval for transfer of land in transactions where a non-tribal is concerned are briefly as follows :

- (i) to check transfer of tribal land into non-tribal hands in order to protect the interests of the tribal people;
- (ii) to give priority to the tribal people in acquiring land;
- (iii) to give preference to non-tribal permanent local residents over other non-tribals in the acquisition of land;
- (iv) to guard against speculation in land and its going into the hands of money lenders in repayment of their debts; and
- (v) to ensure that land does not pass into the hands of those who have no genuine need for it.

269. The economic life of the tribal people, as mentioned earlier, centres in the land. Their attachment to land is therefore natural. These

restrictions are neither new nor peculiar to this region. Such restrictions existed even during the pre-Independence days when generally speaking non-tribals could not buy tribal lands without the permission of the deputy commissioner. The organization representing the Nepalese admitted to us that even under the British administration they were not granted "any permanent settlement of the land occupied by them and therefore they had insecurity on that account." Similar restrictions have been imposed by the State government in certain plains areas. In accordance with the provisions of the Assam Land and Revenue Regulations the government have constituted 33 tribal belts or blocks in the plains of the State, where land can be transferred only to a person belonging to any of the specified categories.* The purpose of such restrictions is to provide a certain measure of protection to the "backward" people, who on account of their primitive conditions are incapable of safeguarding their interests.

270. It appears to us that these restrictions should continue for the time being in the interest of the tribal people. There is no denying that because of such restrictions the hill areas have "enjoyed more or less complete immunity, as compared to other tribal areas in the country, from the depredations and land-grabbing of money-lenders and more advanced people from the plains". It should, however, be ensured that the authority to impose such restrictions is not exercised in an unreasonable matter. We ascertained from the district councils the number of cases in which the permission for transfer of land was refused by them from the time these restrictions came into existence. The information supplied by them is as follows :

(TABLE XVIII)

Name of Council	No. of cases	Permitted	Refused	Pending
1. Garo Hills	640	228	140	272
2. UKJ Hills	1,464	1,275	189	..
3. Mikir Hills	15	10	1	4
4. North Cachar Hills	88	47	41	..
5. Mizo	5	5	..	..

*The specified categories are:

- (a) persons permanently residing in the area with *bona fide* needs of lands;
- (b) persons temporarily residing in the area with *bona fide* needs of land and are settlement holder of land within the area and are likely to undertake to become permanent resident therein within a reasonable time; and
- (c) members of the classes notified under section 160(2) of the Assam Land and Revenue Regulation, who are living elsewhere in the district.

The district councils further informed us that generally permission was refused where the transferees were not permanent residents or were not likely to settle down permanently in a hill district or were already in possession of sufficient land. In certain cases the refusal was the result of non-compliance with the prescribed formalities. In the absence of any positive evidence to the contrary there seems no reason to suppose that in this respect the district councils have abused their powers or have exercised them arbitrarily. We are therefore of the view that there should be no diminution in a district council's authority in respect of transfer of land involving non-tribals. We recommend accordingly.

271. Regarding the rights of non-tribals to carry on trade and money lending in the hill districts the position is as follows. Regulations in accordance with the provisions of the Sixth Schedule* can be framed by a district council "for the regulation and control of money-lending or trading within the districts by persons other than Scheduled Tribes resident in the district."* All the district councils have framed such regulations in respect of trading by non-tribals, but not for controlling money-lending. These regulations are regarded by non-tribals as an "infringement of their fundamental rights"; and it was further represented to us that the fees levied by a council for granting licence to carry on trade in many cases were exorbitant and disproportionate to the turnover of petty businessmen. We were, however, told by the traders associations who discussed the subject with us that generally a licence was not refused to an applicant.

272. It was pointedly brought to our notice that although money-lending could be, and in certain parts of the hill areas in fact was, a more effective source of exploitation no district council had framed any regulations for controlling it. We learnt that professional money-lenders both tribals and non-tribals, including those from far off places, were engaged in this business throughout the hill areas and that the rate of interest charged by them was usurious. In some cases the activities of the money-lenders were most ruinous to the tribal people. For instance, we were told that the rich paddy fields on either side of the Shillong-Gauhati road which once belonged to the Bhoi tribe now stood alienated in favour of khasi money-lenders. We recognize that there is need for affording protection to the tribal people in this matter; and regulatory measures would be desirable and necessary. But we see no justification for any discrimination in administering these measures. A poor tribal should be afforded protection against the evil consequences of money-lending irrespective of whether the money-lender is a tribal or someone else. In our view therefore while a district council should

* Para 10 of the Sixth Schedule.

continue to possess the necessary authority to regulate and control money-lending within its areas the regulations should not be directed towards any particular class of money-lenders.

273. Broadly on the same consideration we think that while a district council should continue to possess necessary powers to regulate trading activities within its jurisdiction its authority should not be exercised in a discriminatory manner. We believe that the removal of the present distinction between a tribal and a non-tribal trader would stimulate the development of the hill districts. We recommend therefore that the relevant provisions of the Sixth Schedule should be amended accordingly.

274. We did not find many cases of discriminatory taxation against non-tribals. It was only in one district council that we found different rates of taxes for tribals and non-tribals. The chief executive member of the council concerned agreed with us on the desirability of uniform rates of taxes. In order to ensure such uniformity we suggest that the laws on taxation passed by a district council should come into operation only after the governor has given his assent to them. Other laws and regulations passed by a district council are subject to such assent or approval. We recommend the extension of the same principle to the taxation laws of a district council by suitably amending the relevant provisions of the Sixth Schedule.

SHILLONG

275. The non-tribal residents of Shillong, the capital of the State of Assam, represented to us that the jurisdiction of the district council should not extend to that town and the adjoining areas. They brought to our notice their hardships in acquiring land in the State's capital, whose permanent residents included persons belonging to various parts of the State and the country. They refuted the general allegation of exploitation of tribal people by non-tribals by saying :

...It cannot, however, be argued that the non-tribals living or desiring to live permanently in the district, particularly in land around Shillong, on various assignments, as stated above, and requiring a plot of land for residential and other purposes can be construed as exploiting the tribals of their land, as alleged."

276. The State government also brought to our notice these difficulties of the non-tribal population of Shillong. They said that the district council had "made it very difficult under its rules for the non-tribal people to sell or acquire any property for residential purposes within its jurisdiction even though they have to live there permanently in pursuit of their

vocation"†. The State government further pointed out their own difficulties about the extension of the town of Shillong, which was becoming increasingly necessary "because of its being the seat of the Government." They could not extend the State Town Planning Act to the immediate vicinity of the municipal area of Shillong.

277. The district council on the other hand made a grievance of the fact that Shillong town was not fully under its jurisdiction. According to the provisions of the Sixth Schedule£ the position of Shillong is somewhat peculiar. The jurisdiction of the district council extends to the municipality of Shillong only for certain limited purposes. This was deliberately provided for in the Sixth Schedule in order "to maintain the district council with its powers and at the same time integrate it with the larger administration of the town of Shillong."*

278. In 1950 the State government appointed a Commission@ "to consider the extent of the area to be excluded from the autonomous United Khasi and Jaintia Hills district and over which direct control of government is needed in the interest of safety, security and the well-being of the people living in the State's capital (which is fast expanding) and its neighbourhood." The Commission held a few sittings and examined official and non-official witnesses. The Commission did not however submit any report to government on the subject but informally advised them that the matter might be considered only after the district council had been established and given a fair chance to conduct its affairs. The Commission further said that if it was found that the position as envisaged in the Sixth Schedule was not free from difficulties for the government the matter could be considered later.

279. We have carefully considered the position in the light of the experience gathered since the district council came into existence and have come to the conclusion that the present arrangements in respect of Shillong have not proved satisfactory. The population of Shillong town (municipality and cantonment) is 83,786, the number of non-tribals being 56,565†. The need for extending the urban limits of the town would seem to be pressing. As such, the difficulties experienced by the government in the matter of town planning and the hardships encountered by the non-tribal population are genuine. (Unless these difficulties are satisfactorily solved the utility of Shillong as a capital of the State would be seriously

£ Para 20(2) of the Sixth Schedule.

*The Constituent Assembly Debates, Official Report—(Vol. IX)—page 1068.

@ Government of Assam Notification No. TAD/R/40/50 of 2nd November, 1950.

†Census 1961.

‡The memorandum submitted by the Government of Assam.
7 H.A.—9.

impaired). The prosperity of the United Khasi and Jaintia Hills district depends to a very large extent on the location of the State capital there. It is therefore in the interest of the tribal people themselves that a satisfactory arrangement is made for the administration of the State capital. In our view there should be a uniform administration for the town of Shillong, but its tribal population should be assured that their personal laws will be respected and their agrarian interests protected as far as possible. We recommend therefore that—

- (a) the State government should have the right to extend their Town Planning Act to Shillong and the adjoining areas within a growing radius of ten miles or more according to the progress of urbanizations; and
- (b) the town of Shillong should be completely excluded from the jurisdiction of the district council.

CHAPTER XIX

280. The Sixth Schedule required that for the first constitution of district councils the governor shall make rules to provide for—

COMPOSITION & FUNCTIONING OF THE DISTRICT COUNCILS

- (a) the composition of the councils and the allocation of seats therein;
- (b) the delimitation of territorial constituencies for the purpose of election to the councils;
- (c) the qualifications for voting at such elections and the preparation of electoral rolls therefor;
- (d) the qualifications for being elected at such elections as members of such councils;
- (e) the term of office of members of such councils;
- (f) any other matter relating to or connected with elections or nominations to such councils;

It further provided that once a council came into existence it could frame its own rules on these subjects. Accordingly, the governor of Assam framed "The Assam Autonomous District (Constitution of District Councils) Rules, 1951" for the purpose of holding elections and conduct of business of these councils. Subsequently, in exercise of their own powers some of the district councils amended these rules in certain respects; otherwise the rules framed by the governor have been adopted by them. However, the constitutional position remains that a district council is fully competent to frame any rules it likes in respect of matters concerning its own constitution and composition. The allocation of seats, the delimitation of constituencies, the determination of qualifications for candidates and voters and above all the fixation of its own term are thus matters under the exclusive jurisdiction of a district council.

281. The evidence submitted to us was highly critical of such extensive powers being given to a district council. It emphasised in particular that a democratic body possessing legislative and executive authority should not be allowed to delimit its own constituencies and decide its own tenure. The non-tribal residents of hill districts criticized severely the qualification of 12 years residence prescribed for them to qualify for voting at the elections to a district council. But we found unanimity to a striking degree in the views

of our witnesses, who considered most of these provisions highly unsatisfactory. In the light of the views expressed to us we discuss below our proposals regarding these matters.

282. The rules framed by the governor and adopted by the district councils prescribe the term of a council as five years. The period is reasonable but, although no district council has tried to change it so far, the matter should not be left to be decided by the rules framed by a council which can change them from time to time. The term of the district councils should be laid down statutorily. There may be occasions when it may be necessary, for valid reasons, to extend the life of a council. But the power to do so should again not vest in the council itself; it should be exercised by the governor. The vesting of such authority in a council is the negation of democracy. We accordingly recommend that a provision should be incorporated in the Sixth Schedule itself laying down the term of a council as five years subject to the condition that the governor may extend it by not more than six months at a time, and in no case by more than two years in all.

283. The task of delimitation of constituencies should also not be left to a district council. We understand that elections to one particular district council could not be held in time because it had not delimited its constituencies and so the governor could not but extend the term of the council. We agree with the overwhelming view expressed to us that this important work should not be left to a council but should be entrusted to an independent body. This body, which may be called the "District Council Delimitation Committee", should consist of three members with an officer of the rank of district judge as its chairman; and one of its members should be the chief electoral officer of the State. Apart from other considerations such a Committee would be able to remove the apprehensions entertained by the minorities—both tribal and non-tribal—in the hill districts about unfair manipulations in the delimitation of constituencies.

284. For elections to a district council the rules framed by the governor provide that every person who is a citizen of India and ordinarily resident in a constituency for not less than 180 days shall be entitled to vote, provided that if a person who does not belong to a scheduled tribe would be qualified to vote only if he is a permanent resident of a district—permanent resident being defined as resident for not less than 12 years. We have considered the legal points involved in the representations made by non-tribals against this 12 year qualification. While in view of the peculiar conditions of the hill areas it may be necessary to prescribe residential qualification for the non-tribal population for voting at the elections to a council, the requirement of residence for such a long period as twelve years is, to our mind, in the nature of an excessive and unreasonable restriction.

We think that the legitimate interests of the tribal people would remain fully protected, and the harshness of the restriction on the non-tribals would be mitigated, if the period of such residence is limited to 2 years. The electoral rolls prepared for the purpose of elections to the Legislative Assembly of Assam from the constituencies in autonomous district as revised from time to time could be used for the elections to a district council of the corresponding areas subject to the elimination of the names of those non-tribals who have not completed two years residence in the autonomous district concerned.

285. At present the conduct of elections is the responsibility of the governor. He issues the necessary notification calling upon the constituencies to elect the member or members to the district council, fixes a date and time for poll and appoints the returning officers, who are usually the district and sub-divisional officers. The election is held by secret ballot as in the case of the State Assembly and almost the same pattern of ballot boxes, paper seals and ballot papers are used. There is a provision for postal ballot. Necessary provision has also been made for election petitions, which are to be submitted to the governor who appoints a commissioner for hearing and deciding them. (Ordinarily a person of the rank of district judge is appointed a commissioner to hear and decide these petitions). This scheme and procedure of elections are laid down in the rules framed by the governor and have not been changed by any council. Obviously the councils have found them satisfactory; and we consider that the present position should continue. We accordingly recommend that matters relating to qualifications for voting and for being elected to a council and the conduct of elections should be governed by rules to be framed by the governor.

286. In our proposals for the reorganization of the administration of district councils we have laid great stress on the setting up of subordinate councils, as contemplated in para 2(7) of the Sixth Schedule. These subordinate councils would generally be at the level of the NES blocks. We suggest that the governor should frame rules for the setting up of these councils. In order that the latter are suitably integrated with the machinery of the district council concerned it would be necessary to provide for organizational links between the two councils. This should in our opinion be done by making the chairmen of the subordinate councils ex-officio members of the district councils. The chairmen of the subordinate councils would be elected representatives of the people; but we would not like that the proportion of the directly elected members of a district council is unduly reduced because of these ex-officio members. A substantial majority of the members of a district council should continue to be directly elected and this should be ensured, if necessary, by increasing the total

membership of a district council. The total strength should, however, not exceed 30.

287. It was also represented to us that the provisions relating to nominations to a district council were not being observed in the manner originally intended. It was argued that the main purpose for making nominations to a council was to accord "representation to those important interests... which have failed to obtain adequate representation through election."* As mentioned earlier, one of the district councils has abolished the system of nominations and some others have reduced the number of persons to be nominated by amending the rules framed by the governor. We learnt that while recommending names to the governor, the district councils, on whose advice such nominations are made by him, did not show considerations to the needs of 'special interests' for whom such nominations were intended. The allegations are not without substance. We consider it essential that a few seats in each district council should be available to be filled by nominations of persons representing special interests as originally intended. It should not be open to a council to do away with such a provision. We therefore recommend that not more than four seats should be reserved in a district council to be filled by nomination of persons to provide representation to special interests such as minorities, social workers, women etc. in accordance with the rules to be framed by the governor. And in making these nominations it should not be necessary for the governor to be bound by the advice of the council concerned.

288. To sum up, our main recommendations are—

- (i) there should be a specific provision in the Sixth Schedule itself about the term of a council;
- (ii) the rule making authority in respect of the composition of, allocation of seats in, qualifications for voting at, and for being a candidate at the elections of a council and conduct of elections and related matters should vest exclusively in the governor;
- (iii) the delimitation of constituencies should be done by a "District Councils Delimitation Committee" to be appointed by the governor;
- (iv) the actual conduct of elections should be the responsibility of the governor;
- (v) the rules for the constitution of subordinate councils should be framed by the governor;
- (vi) the rule making authority of a district council in other respects should remain as at present.

*Speech by the Chief Minister of Assam at the inauguration of the Garo Hills District Council.

The relevant provisions of the Sixth Schedule should be amended accordingly.

289. The Sixth Schedule provides that the deputy commissioner and the sub-divisional officer, as the case may be, of the Mikir Hills and the North Cachar Hills shall be ex-officio chairman of the district councils of those autonomous districts for an initial period of six years. This period is over and it is no longer necessary to retain the provision in the Schedule.

290. The governor is at present empowered to annul or suspend any act or resolution of a district council if it is likely to endanger the safety of India and take such steps as he may consider necessary to prevent the commission or continuance of such act or giving of effect to such resolutions. He has also the power to dissolve a district council after following the specified procedure.* It was represented to us that the existing provisions were not adequate to meet the actual demands of a situation in which the administration of a district council may have to be suspended and assumed by the governor in the event of failure of the constitutional machinery, gross mismanagement, danger to the peace and tranquility of the State, or in the interests of the people of the district.

291. We recognise the force of these arguments. In the reorganized set up when a district council would be concerned with a substantial portion of development administration it is not unlikely that occasions might arise for the State government to intervene in its working in the larger interests of the people. We understand that the difficulties arising out of the constitutional apparatus adopted by the councils have sometimes brought the functioning of a council virtually to a standstill. In future such a deadlock is bound to affect the progress of development programmes. It is therefore necessary that the State government should have sufficient powers to deal with such situations.

292. Viewed in the light of these considerations the existing provisions of the Sixth Schedule would require some modifications. The governor's authority with regard to annulment or suspension of an act or resolution of a district council should not be confined to cases where the safety of the country is endangered but all acts or resolutions prejudicial to public order should be brought within its ambit. As regards dissolution of a council and the assumption of its administration by the governor the existing provisions seem to be generally satisfactory. Whenever such an action has to be taken against a district council it is only reasonable that it is based on a thorough enquiry and after having given the council concerned an opportunity to explain its case. We do not therefore recommend any change in

* Paras 15 and 16 of the Sixth Schedule.

the present position, which requires the governor to act on the report of a commission of enquiry.

293. We however think that there may be a situation when it might not be possible for the governor to wait for the report of any enquiry commission before assuming to himself the administration of a council. We have earlier mentioned that the district councils have adopted the parliamentary method of working in which situations may sometimes arise when no party is able to form an executive committee or there is otherwise a breakdown in the constitutional machinery of a council. In fact, in such a situation there would hardly be any necessity of an enquiry by a commission. We therefore recommend that when the governor is satisfied that a situation has arisen in which the administration of a district council cannot be carried on in accordance with the provisions of the Sixth Schedule and the rules made thereunder he may assume to himself all or any of the functions of the district council concerned and make such other arrangements in this behalf as are considered necessary by him. The governor's orders in this regard should, however, be laid before the State legislature.

CHAPTER XX

ADMINISTRATION OF FORESTS

294. Assam abounds in forests, which form one of the most important sources of its potential wealth. Out of about 20,000 sq. miles of forests in the whole State nearly 9,300 sq. miles are in the hill areas. The reserved and protected forests in the hills account for only 1,570 sq. miles, the remaining area constituting the unclassed State forests. In accordance with the provisions of the Sixth Schedule only the reserved forests are managed by the State forest department. The unclassed State forests are under the management of the district councils, and, as we have seen, are the principal source of their revenue.

295. Our evidence revealed that the unclassed State forests administered by the district councils were not under any systematic and planned management. We were told that the areas covered by such forests were 'jhumed' extensively and deforested by the "shifting" cultivators; and such uncontrolled exploitation of the forests had led to their rapid denundation. Nor have the district councils undertaken any substantial schemes of regeneration of forests on any scientific basis. This was confirmed by a techno-economic survey of Assam conducted a few years back by the National Council of Applied Economic Research, which found that the damage was particularly severe in the Garo-Khasi-Jaintia Hills. The management of forests has a direct bearing on flood control, soil erosion, conservation of water resources etc., matters which vitally affect the economy of both the hill areas and the plains. The State government are, we understand, experiencing difficulties in implementing their State-wide remedial schemes on these subjects because of lack of realization on the part of the district councils of the benefits which can accrue from them.

296. We need not dwell upon the need for a coordinated policy for the administration and management of forests in the State of Assam as a whole. It is of the highest importance that the forest wealth of the State should be exploited in the best possible manner for its economic progress. The problem is of a highly technical nature requiring investment of large funds and we are convinced that small bodies like district councils cannot manage them in an efficient, scientific manner as they are lacking in technical and financial resources. In fact some district councils admitted to us their inability in this respect. We consider therefore that it is in the interest of the councils themselves that the management of forests is put

on a sound scientific basis. Otherwise, in a comparatively short period the hill areas would be denuded of their rich forests—thereby giving rise to numerous serious problems of soil erosion, flood control etc.—and the district councils would suffer a substantial drop in their revenues. We therefore attach great importance to satisfactory management of forests.

297. A proposal was made to us that the administration of forests should be transferred to the State government and the district councils should be compensated for their loss of revenue. There are serious difficulties in doing so. The district councils have been managing these forests for more than fifteen years and the tribal opinion will be seriously disturbed at any prospect of the councils being completely dissociated from the management of forests. The district councils must continue to participate actively in any machinery that is set up for the management of forests.

298. Keeping in view the requirements we have just described we recommend that the administration and management of forests in the hill areas should broadly be reorganized as follows:

- (a) the responsibility for formulating the broad outlines of the policy for administering forests in the hill districts should vest in the Minister for hill areas;
- (b) the Minister for hill areas should be assisted in this task by an advisory committee consisting of the chief executive members of all the district councils;
- (c) all legislation pertaining to forests in the hill areas should be governed by the special procedure recommended by us for legislation for the hill areas;
- (d) the district councils will carry out such functions in respect of management of forests within their respective jurisdictions as are assigned to them from time to time by the Minister for hill areas;
- (e) the necessary staff for the administration of forests should be provided out of the common forest services of the State government placed under an additional chief conservator of forests appointed exclusively for the hill areas;
- (f) the district councils should not be made to suffer loss of revenue, which they can ill afford, by the coordinated management of their forests by the department of hill areas;
- (g) the management of forests in the hill districts has a direct bearing on 'jhum' cultivation; the interests of the tribal cultivators should therefore be reasonably protected.

299. Under the proposed arrangement while full responsibility for forest administration in the hill districts will vest in the Minister for hill areas we expect that in formulating broad policies on the subject he will no doubt give due regard to the requirements of the State as a whole and work in close coordination with the Minister for forests. Such a coordinated policy and programmes in this field are, as mentioned earlier, particularly desirable. The arrangement also ensures that a district council would be able to influence effectively through its chief executive member the department of hill areas on all important decisions regarding forest administration.

300. Each district council should be compensated for the loss of revenue caused by the transfer of its forests to the hill areas department. The present income of the district councils from this source will thus be protected. The amount of compensation should be subject to periodic revision in line with the growth of forest revenue. The forest administration in a hill district should further ensure that land is made available to the tribal people for cultivation on a planned basis. This would be necessary because in these areas the provision of land for "jhum" is linked with the management of forests.

301. We wish to emphasize the advantages in this arrangement which will ensure a unified administration of forests in the hill areas with the active participation of the chief executive members of the district councils and without any prejudice to the real interests of the hill districts. We realize that under the proposed arrangement a district council will no longer be competent to pass a law pertaining to forests. This seems to us a small price to pay for the economic benefits which will undoubtedly accrue to the autonomous districts as a result of our proposals. In any case whatever legislation would be required to meet the special needs of the hill districts will necessarily be enacted by the State Assembly only with the approval of the Hill Areas Committee. Further, regarding "jhum" cultivation we recommend that a district council should be empowered to frame regulations to control such cultivation within the general framework of the forest policy and any consequential legislation.

CHAPTER XXI

LANGUAGE

302. The issue of language has undoubtedly agitated the minds of the hill people for some time. Although the Assam Official Language Act provided necessary safeguards* to their interests, the hill people were further assured by the prime minister that their genuine difficulties in this regard could be solved by allowing them to decide upon any language they wanted to adopt for their work. At a number of meetings with the hill leaders he repeated such an assurance; and finally it was incorporated in the draft scheme of autonomy, the relevant para of which reads as follows:

“The Hill Ministers will have authority to determine the language or languages to be used in the separate wing or department of the Hill Areas and other offices in the Hill Areas dealing with the subjects allocated for separate administration.”**

303. We do not anticipate any difficulty in implementing the proposed arrangement. The department of hill areas should be free to choose any language for its working. The tribal people, as we have said earlier, have no common language; and this in fact will be the guiding factor in the matter. In actual practice, therefore, it appears the department of hill areas will prefer to do its work in English. As such there will be no difficulty in coordinating its work with that of the other departments of the Assam secretariat. Similarly, a district council should be free to decide upon its own language. In the field of primary education, however, we hope that, in pursuance of the general government policy in this behalf, a district council will give due regard to the needs of the minority communities for imparting education to their children in their mother tongues. For communicating with the department of hill areas a district council will presumably continue the present practice of using English.

* Section 4 of the Act.

** Appendix III E.

CHAPTER XXII

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

304. Our enquiry has ranged over a wide field and the following is a summary of the conclusions we have reached and the main recommendations we have made in accordance with the terms of reference given to us :—

ECONOMIC AND FINANCIAL ASPECTS

1. Dissatisfaction with the economic progress of the hill districts is at the root of the unsatisfactory general relationship between the two regions—the hills and the plains—of Assam. (paragraphs 42 and 48).

2. A comparison of the revenue and expenditure of the two regions shows that—

- (a) The relative contribution of the hill districts to the State revenues is much less in proportion to their population; and further it has gone down over a period of 12 years since 1951-52.
- (b) The per capita contribution of the hill districts to the State revenues is much less than that of the plains. While the per capita contribution of the plains has more than doubled during the past 12 years that of the hills has remained more or less the same.
- (c) The share of the hill areas in revenue expenditure has always been more than their share of population. It is also much in excess of their relative contribution to the State revenues.
- (d) The per capita expenditure in the hill districts, which is 5 to 6 times as large as it was in 1951-52, is much more than in the plains.
- (e) The capital expenditure in the hills has been relatively small but since 1956-57 it has been stepped up.
- (f) While the allocations of the Plan outlay for the hill districts have not been unfair vis-a-vis their population, as a percentage

of the total outlay these have gone down slightly during the third Plan period.

- (g) The hill districts have recorded a higher rate of increase than the plains in respect of the State and per capita incomes. (paragraph).

3. There is no evidence of any deliberate neglect of the hill areas in the matter of development; nor has there been any diversion of funds allocated to the hill areas for the benefit of the plains. (paragraphs 66-67).

4. In respect of certain pressing needs of the hill areas, such as means of communications, the progress has been unsatisfactory. (paragraph 68).

5. The financial assistance by the Central government has generally been on a more generous scale to Nagaland, NEFA, Manipur and Tripura than to the hill areas of Assam. This has contributed to the dissatisfaction in the latter areas. (paragraph 69).

6. While there has been no failure on the part of the State government to take cognizance of the difficulties of the hill districts, the needs of these districts are greater than those of the plains areas. The exceptional difficulties of these districts justify exceptional treatment. (paragraph 71).

BASIC CONSIDERATIONS

7. The basic problem of the hill areas is that of economic development, for which the two regions of Assam—the hill areas and the plains—are interdependent. The links of the hills with the plains constitute a factor of importance to both of them; and there is great need of preserving these links. (paragraphs 73-74).

8. There should be active participation of the hill people, through their district councils, in the development programmes. The necessary guidance and counselling to these councils should also come from their own representatives functioning at higher levels. (paragraph 76).

9. Social and personal matters of the tribal communities should be left entirely in their own hands. (paragraph 77).

AUTONOMY OF THE HILL AREAS

10. The scheme of autonomy that emerged from the discussions between the Prime Minister and the hill leaders did not envisage a completely separate administration for the hill areas with only a notional superstructure remaining common with the rest of Assam. (paragraphs 82--90).

11. The scheme assured the hill people that the State Assembly would pass laws applying to them with the approval of their representatives, and that they would have full opportunity to control their social, cultural and personal matters and the development of their areas within the framework of the larger political and economic life of Assam. (paragraph 90).

LEGISLATION FOR THE HILL AREAS

12. The broad principle enunciated by the prime minister on the legislation applicable to the hill people is already embodied in the Sixth Schedule in respect of certain matters. No basic change is proposed in that position. (paragraph 91).

13. The MLAs of hill districts should constitute a Hill Areas Committee of the State Assembly. The latter should refer to this Committee all "proposals relating to legislation concerning the hill areas." If a question arises whether a Bill concerns the hill areas or not a certificate issued by the governor should be final. (paragraphs 92-93).

14. Normally the State Assembly should accept the recommendations of the Hill Areas Committee. But in case of difference of opinion the speaker will submit the matter with relevant records to the governor for decision in his discretion. The governor should convey his decision in a message to the Assembly, which, on being reported to the House by the speaker, should be deemed to be the decision of the Assembly itself. (paragraphs 94-95).

15. Autonomy of the hill areas in the legislative field should be provided by making a provision similar to article 371(1) of the Constitution in the Sixth Schedule. A Presidential Order under that provision should then lay down the constitution, functions and the procedure of the Hill Areas Committee. (paragraph 98).

MINISTERS FOR HILL AREAS

16. In the new set up the cabinet minister in charge of hill districts should be called the minister for hill areas. He should be assisted by as many junior ministers as may be necessary. (paragraphs 99 and 109).

17. In making appointments of the hill ministers the chief minister should consult the hill MLAs and obtain their views in an appropriate manner. (paragraph 108).

18. The number of hill ministers and the allocation of ministerial business etc., to them are matters which should be decided by the chief minister as the head of the cabinet. (paragraph 109).

DEPARTMENT OF HILL AREAS :

19. There should be a separate department of hill areas in the Assam secretariat. (paragraph 110).

20. The department should be entrusted with the administration of the following subjects in the hill districts :

“agriculture including minor irrigation; horticulture; cooperation; animal husbandry and veterinary; forests and soil conservation; community development, national extension service and tribal development blocks; education including higher and technical education; public health; local government; social welfare; revenue; public works (roads and buildings); small scale and rural industry; sericulture and weaving; publicity and information; market and fairs; burial and burial grounds, cremation and cremation grounds; and prevention of cattle trespass.” (paragraph 113).

21. The department should also be responsible for the following :

- (i) matters relating to district councils;
- (ii) supervision over the development programmes of these councils;
- (iii) special development programmes for the hill districts out of grants under article 275 of the Constitution; and
- (iv) any special development programme approved by the Central government, planning commission and the State government. (paragraph 115).

22. Even in respect of subjects not transferred for administration to the department of hill areas the hill minister should be consulted on all important matters. (paragraph 116).

COMMISSIONER FOR HILL AREAS

23. There is great need for strengthening the administrative machinery at the field level. It should be presided over by a commissioner, who should not have any additional responsibilities not connected with the hill districts. His main duty should be to guide, direct and supervise administration and development work in the field in the hill district. (paragraphs 118-119).

24. Senior officers of the rank of additional/joint/deputy heads of departments should be put in charge of the administration of their respective subjects in the hill areas. Administratively these officers should work

directly under the commissioner, but for technical purposes they should seek necessary guidance from their respective heads of departments.

(paragraph 123).

25. There is no need for separate cadres or sub-cadres exclusively for the hill areas; the present practice of common cadres for the whole State should continue. But the manpower requirements of the hill areas should be fully taken into account in the management of cadres. In the deployment of personnel also the views of the hill ministers should be given full consideration.

(paragraph 124).

FINANCIAL ADMINISTRATION

26. As far as practicable the general economic condition of the hill areas should be raised to the level of that of the plains within a reasonable period of time. The Central Government should accept special responsibility for the development of these areas. As a general principle the total development expenditure in the hill areas of Assam should at least be of the same order as in the neighbouring territories of Nagaland, NEFA, Manipur and Tripura.

(paragraphs 125 and 129).

27. Merging of article 275 grants in the State Plan outlay and in the Central assistance given for the purpose tends to make these grants subject to the same kind of downward adjustments which occur in the case of State Plan provisions. It would therefore be desirable to treat article 275 grants as special allocations earmarked for the tribal areas. (paragraph 131).

HILL AREAS BUDGET

28. The form of the State budget should suitably be modified to include a new "area budget" to show allocations for the hill districts in respect of subjects transferred to the department of hill areas. In respect of other i.e. "non-transferred" subjects also, the budget allocations for the hill districts should be shown separately. For the convenience of the Assembly, a supplementary statement giving at one place the total receipts from and expenditure on the hill districts in respect of both transferred and non-transferred subjects should be prepared and presented to the Assembly along with other budget documents. (paragraph 134).

29. The Hill Areas Committee should be given an opportunity to express its views on the budget for the hill areas before it is presented to the State Assembly. The discussion of the State budget in respect of an autonomous district by the district council concerned should be dispensed with.

(paragraphs 137-138).

30. The control of the area budget should vest in the department of hill areas. The savings in the funds allotted for the hill districts in respect of non-transferred subjects should also not be diverted for other purposes without consulting the minister for hill areas. The department of hill areas should have its own financial adviser, who should have the widest possible measure of delegated authority to enable him to carry out his duties satisfactorily. (paragraphs 139—144).

HILL AREAS DEVELOPMENT COUNCIL

31. At the headquarters of the State Government there should be Hill Areas Development Council with the chief minister of Assam as its chairman. The main duty of the Council should be to advise the State Government on the administration and development of the hill areas. (paragraphs 149-150).

32. The Sixth Schedule should contain a provision for the setting up of such a council. Similarly the new administrative arrangements should be based on appropriate provisions in the Sixth Schedule and the Assam Rules of Executive Business framed in pursuance of article 166(2) and (3) of the Constitution. (paragraph 151).

DISTRICT COUNCILS

33. There is widespread dissatisfaction with the district councils. The criticism and suggestions made on their working raise two fundamental questions, namely, whether the present organization and functions of the district councils are adequate in relation to the needs of the hill areas; and whether the financial relationship between them and the State Government is satisfactory. (paragraph 165).

34. In view of the setting up of the Hill Areas Committee there is not much need to widen the legislative authority of a district council. Only amplification of the existing powers in respect of certain subjects is recommended.

(paragraphs 170—178).

EXECUTIVE FUNCTIONS OF THE DISTRICT COUNCILS

35. A wide extension of the sphere of the activities of a district council is desirable and necessary. The administrative and executive functions of a district council should include the following:

“land and revenue administration; establishment, construction, management and administration of primary schools and educational institutions upto the higher secondary stage and in particular the prescription of the language and the manner in which

education in the primary, middle english and middle language schools is to be imparted; the establishment, construction, management and administration of roads and waterways within the district; community projects, national extension service and tribal development blocks; agriculture and minor irrigation; animal husbandry, veterinary services and diary farming, co-operative; fisheries; small scale and rural industries, and sericulture and weaving; rural water supply; public health; works programmes for rural manpower utilization; social welfare; village planning and rural housing; publicity and information." (paragraph 185).

36. A district council may undertake any commercial business or other enterprises, including means of transport, and industry authorised by the governor. (paragraph 186).

37. The policy of democratic decentralization should be extended to the working of a district council; and subordinate and village councils should be set up at the block and village levels respectively for the successful implementation of rural development programmes. (paragraph 187)

38. The services of gazetted and inspection staff should be made available to a district council by the State government on deputation. A district council should recruit its own clerical and subordinate staff but this should be done through properly constituted recruitment board or boards. (paragraphs 190-191)

39. The post of the secretary to district council should be filled by deputation of an officer of the rank of additional district magistrate belonging to the Assam Civil Service Class I. (paragraph 192)

DISTRICT DEVELOPMENT BOARD

40. Each hill district should have a District Development Board under the chairmanship of the deputy commissioner to help the district council in the execution of welfare and development schemes. (paragraphs 199-200)

41. The question of creating separate civil districts for the North Cachar Hills and Jowai should be favourably considered by the State government. (paragraph 201)

FINANCIAL ADMINISTRATION OF THE DISTRICT COUNCILS

42. A detailed examination of the financial administration of the district councils show that—

- (i) The councils have not fully exploited the financial resources available to them.

- (ii) There is reluctance to impose taxes, and laxity in realizing them with the result that sizable arrears have accumulated in all the councils.
- (iii) The councils have very often not been able to balance their receipts and expenditure.
- (iv) The expenditure on staff and establishment is unduly heavy and there is clearly an urgent need for economy.
- (v) The councils have been able to devote only meagre funds, if at all, to the development programmes which have been mostly financed out of government grants. (paragraph 217)

43. Investing a district council with additional powers of taxation will not improve its finances materially. The most satisfactory arrangement would be to help a district council by way of increased grants-in-aid from the State government. (paragraph 227)

44. Having regard to the need for both accelerating development and economy in administration of a council the State government should evolve a system which would encourage financial discipline and thrift on the part of a district council.

(paragraph 228)

45. At the beginning of each financial year a district council should be informed of its shares of taxes on motor vehicles and royalties on minerals on the basis of averages for the preceding three years. Actual payment should then be made quarterly, the necessary adjustments being made in the last quarter of the year or the first quarter of the following year.

(paragraph 231)

DISTRICT FUND AND ITS AUDIT

46. There should be uniform District Fund Rules framed by the governor for all the district councils. The Rules should provide for the laying of the audited annual accounts before a district council. A district council office should have a separate, well organized, finance and accounts branch. The services of an SAS accountant should be obtained on deputation from the accountant general, Assam to supervise the working of this branch. An examiner of accounts should be attached to the staff of commissioner for hill areas for conducting a review and internal audit of the council's accounts.

(paragraph 240)

47. The accountant general should present an audit report on the accounts of the grants received by the district councils as a separate section of his audit report on the accounts of the State as a whole. This report would be examined by the public accounts committee of the State Assembly

which should co-opt three representatives of the Hill Areas Committee for the purpose. The secretary of the hill areas department should assist the public accounts committee in examining the report.

(paragraph 241)

ADMINISTRATION OF JUSTICE

48. No change in the existing system is recommended. It may however be got examined after a few years if any modification is required in the law and procedure followed by the tribal communities.

(paragraph 252)

REGIONAL COUNCILS

49. The Sixth Schedule provides for setting up of regional councils for different tribes in an autonomous district. So far only one such council—the Pawi Lakher Regional Council in the Mizo district has been set up. The performance of this council has been very unsatisfactory. In the nature of things such a council can hardly make any substantial contribution to the well-being of the tribal people. The institutionalization of autonomy of each and every tribe inhabiting an autonomous district is not desirable. The setting up of regional councils is therefore not recommended. The existing regional council should also be abolished. The existing provision empowering the governor to set up regional councils should accordingly be deleted from the Sixth Schedule.

(paragraph 261)

NON-TRIBAL RESIDENTS IN THE HILL DISTRICTS

50. There is no evidence to show that the district councils have administered the restrictions on non-tribals in acquiring and disposing of land in an arbitrary or unreasonable manner. No change in the present position is recommended.

(paragraph 270)

51. While a district council should continue to frame regulations to control money-lending and trading activities within its jurisdiction these regulations should uniformly apply to both tribals and non-tribals.

(paragraphs 272-273)

52. The governor's assent should be necessary for giving effect to the taxation laws passed by a district council.

(paragraph 274)

53. The State government should have the right to extend their Town Planning Act to Shillong and the adjoining areas within a growing radius of ten miles or more according to the progress of urbanization; and the town of Shillong should be completely excluded from the jurisdiction of the district council.

(paragraph 279)

COMPOSITION ETC. OF THE DISTRICT COUNCILS

54. There should be a provision in the Sixth Schedule itself laying down the term of a council as five years subject to the condition that the governor may extend it by not more than six months at a time and in no case by more than two years in all.

(paragraph 282)

55. The delimitation of the constituencies of a council should be done by a "district Councils Delimitation Committee" appointed by the governor under the chairmanship of an officer of the rank of district judge.

(paragraph 283)

56. While in view of the peculiar conditions of the hill areas it may be necessary to prescribe residential qualifications for the non-tribal population for voting at a council's elections, the present requirement of 12 years' residence is in the nature of an excessive and unreasonable restrictions. The legitimate interest of the tribal people would remain fully protected, and the harshness of the restriction on non-tribals would be mitigated if this period is reduced to two years.

(paragraph 284)

57. The governor should be responsible for the conduct of elections and related matters.

(paragraph 285)

58. Not more than four seats in a district council should be reserved to be filled by nomination of persons to provide representation to special interest such as minorities etc. In making these nominations it should not be necessary for the governor to be bound by the advice of the council concerned.

(paragraph 287)

59. The governor's authority with regard to annulment or suspension of an act or resolution of a district council should not be confined to cases where safety of the country is endangered but all acts or resolution prejudicial to public order should be brought within its ambit.

(paragraph 292)

60. As regards dissolution of a council and the assumption of its administration by the governor the existing provisions seem to be satisfactory.

(paragraph 292)

61. When the governor is satisfied that a situation has arisen in which the administration of a district council cannot be carried on in accordance with the provisions of the Sixth Schedule and the rules made thereunder he may assume to himself all or any of the functions of the district council

concerned. The governor's order in this regard should be laid before the State legislature.

(paragraph 293)

62. The administration of forests in the hill districts should vest in the minister for hill areas, assisted by an advisory committee of all the chief executive members of the district councils.

(paragraph 298)

63. A district council should be empowered to frame regulations within the general framework of the forest policy and any consequential legislation to control "jhum" cultivation.

(paragraph 301)

Before we conclude we wish to place on record our deep appreciation of the manner in which our Secretary Shri B. N. Tandon has carried out his duties. His responsibilities were heavy. He has had to deal with a large mass of factual information, memoranda, evidence etc. received from the Central and State governments, a number of associations and individuals. He has had to collate and formulate tentative proposals for our consideration. He has discharged these heavy responsibilities cheerfully with energy and great devotion. His knowledge of economic and administrative matters was particularly valuable to us.

Our thanks are also due to the entire staff of our secretariat from whom we received the best service we could expect. In particular we should like to mention Shri R. K. Goel and Shri A. N. Sharma. Shri Goel's experience and knowledge of financial and accounting matters has been of use in our investigations.

Finally, we must mention the help rendered to us by Shri N. C. Sharma and Shri S. S. Washist, who have had to work often under great pressure, in typing in time the final Report.

(H. V. Pataskar) Chairman.

(Shankar Prasad) Member.

(G. S. Rau) Member.

(B. N. Tandon) Secretary.

New Delhi, 31st March, 1966.

APPENDICES

APPENDIX I

(Para 2)

SOURCES OF EVIDENCE

I—WRITTEN MEMORANDA

(a) The Government and District/Regional Councils:

1. The Government of Assam.
2. The Garo Hills District Council, Tura.
3. The Mikir Hills District Council, Diphu.
4. The North Cachar Hills District Council, Haflong.
5. The United Khasi and Jaintia Hills District Council, Shillong.
6. The Pawi-Lakher Regional Council, Saiha.

(b) Organizations and Associations:

1. Achik Asongna Chilchakgipa Kotok, Garo Hills, Tura.
2. All India Gorkha League, Tura.
3. All India Gorkha League, Mikir Hills, Diphu.
4. All India Gurkha League, Rongrenggiri Branch, Garo Hills.
5. All Party Hill Leaders' Conference, Shillong.
6. The Assam Hill Peoples' Convention, Shillong.
7. The Assam Pradesh Congress Committee, Gauhati.
8. Assam Pradeshik Gorkha League, Shillong.
9. Assam Pradesh Jan Sangh, Gauhati.
10. The Bhoi Durbar, Shillong.
11. The Chin National Front, Saiha.
12. The Communist Party of India, Assam, Gauhati.
13. The Eastern India Tribal Union (APHLC), Aijal.
14. The Garo Hills District Congress Committee, Tura.
15. The Garo Hills Merchants' Association, Tura.
16. The Hmar National Union, Churachandpur, Manipur.
17. The Jaintia Durbar, Jowai.
18. The Kalia National Council, Saiha.
19. The Khasi Hills District Congress Committee, Shillong.
20. Ka Durbar Khasi, Shillong.
21. The Karbi-i-Durbar, Diphu.
22. The Linguistic Minorities Association, Shillong.
23. Mara Freedom Party, Saiha.
24. The Mikir Hills District Congress Committee Diphu.

25. Mikir Hills Social Welfare Organization, Diphu.
26. The Mikir Hills Branch of APHLC, Diphu.
27. The North Cachar Hills District Congress Committee, Haflong.
28. North Cachar Hills Peoples' Welfare Union, Haflong.
29. The Praja Socialist Party, Assam, Gauhati.
30. The Paite National Council, Churachandpur, Manipur.
31. The Revolutionary Communist Party of India, Assam.
32. The Tribal Union, UK&J Hills, Shillong.
33. The United Karbi Council, Diphu.

(c) Other groups:

1. Biates Welfare Committee, Haflong.
2. Bodo-Kacharis of Mikir Hills, Diphu.
3. Chakma Community, South Mizo Hills, Demagiri.
4. Dimasa Tribe of Mikir Hills.
5. Garo inhabitants of the Goalpara and Kamrup districts, Nishangram.
6. Garo Hills District Koch Sammelan, Garo Hills.
7. Hmar Cultural Society of Mahur, North Cachar Hills.
8. Hmar Tribe of North Cachar Hills, Haflong.
9. Jaintia Khasi Community of Jatinga, North Cachar Hills.
10. Khasi Villagers Group, Shillong.
11. The Minority Communities of the Garo Hills district, Fulbari.
12. Nepali Backward Community of Assam, Garo Hills.
13. Non-tribal Indian Citizens of UK&J Hills, Shillong.
14. Paite National Council Special Assembly, Mizo district.
15. Rangma Naga Community of Mikir Hills, Diphu.
16. Siam Community of Mikir Hills Diphu.

(d) MPS and MLAs:

1. Shrimati Renuka Devi Barkataki, M.P., New Delhi.
2. Shri Sarbeswar Bordolai, MLA, Jorhat.
3. Shri Enowell Pohshna, MLA, Jowai.
4. Shri Emonsing M. Sangma, MLA, minister of state, the government of Assam.
5. Shri Nallindra N. Sangma, MLA, Garo Hills, Tura.
6. Shri Dhaniram Talukdar, MLA, Barpeta.

(e) Other individuals:

1. Shri Aaron Alfey, ex-minister of Assam, Shillong.
2. Shri S. K. Barooah, Gauhati.
3. Shri R. N. Barbaruah, Tinsukia.
4. Shri D. C. Barua, Shillong.
5. Shri K. C. Barua, Retd. commissioner of hills division, Shillong.
6. Shri R. N. Barua, Retd. Adviser-cum-Secretary, Assam Legislative Assembly, Shillong.

7. Shri H. D. Burman, ex-executive member of the North Cachar Hills District Council, Haflong.
8. Shri Sumanta Chaudhury, ex-organising secretary, All India Union of P&T workers, Assam circle, Maibang.
9. Shri Humphrey Hadem, member, UK&J Hills District Council, Mynso (Jowai).
10. Shri U. Keni Nonbsap Myntri, Shillong.
11. Shri W. Reade, Chairman, UK&J Hills District Council, Shillong.
12. Shri Debeswar Sarmah, ex-minister and speaker, Jorhat.
13. Shri D. D. Shullai, Bombay.
14. Shri R. J. Shullai, Shillong.
15. Shri Robinson Syiem, Shillong.

II—ORAL DISCUSSIONS

30th May 1965:

1. Members of the Cabinet of the Govt. of Assam.

31st May 1965:

1. Senior officers of the Government of Assam.
2. Delegation of the All Party Hill Leaders' Conference.

1st June 1965:

1. Delegation of the Assam Hill Peoples' Convention.
2. Delegation of the APHLC branch of the United Khasi and Jaintia Hills district.

2nd June 1965:

1. Deputy Commissioners of all the four hill districts.
2. Executive Committee of the UK&J Hills District Council.
3. Delegation of the District Congress Committee of the Khasi Hills.

3rd June 1965:

1. Executive Committee of the Pawi-Lakher Regional Council.
2. MPs and MLAs belonging to APHLC.
3. Ka Durbar Khasi.
4. Khasi Villagers Group.
5. Delegation of the Assam Pradeshik Gorkha League.
6. Delegation of the Bhoi Durbar, Shillong.

4th June 1965:

1. Delegation of the Jaintia Durbar (APHLC group) Jowai.
2. Delegation of the Jaintia Durbar (Non-APHLC group) Jowai.
3. Shri Enowell Pohshna, MLA, Jowai.
4. Shri Humphery Hadem, Jowai.
5. Shri T. R. Passah, Jowai.

5th June 1965:

1. Delegation of non-tribal residents of Shillong.
2. Shri Aaron Alley, ex-minister, Assam.

6th June 1965:

1. Delegation of the Praja Socialist Party of Assam, Gauhati.
2. Delegation of the Assam Council of the Communist Party of India, Gauhati.

7th June 1965:

1. Delegation of the Revolutionary Communist Party of India, Gauhati.
2. Delegation of the Assam Pradesh Congress Committee, Gauhati.

27th July 1965:

1. Delegation of the Garo National Council.
2. Delegation of the All India Gurkha League, Tura branch.
3. Delegation of the Koch Community of the Garo Hills.
4. MPs and MLAs representing Garo Hills.

28th July 1965:

1. Delegation of the District Congress Committee, Garo Hills, Tura:
2. Delegation of the Merchants' Association, Tura.
3. Delegation representing the minority communities of the Garo Hills.
4. Delegation of the Achik Asongna Chilchakgipa Kotok.

29th July 1965:

1. Delegation of the Garos residing in the Goalpara and Kamrup districts of Assam.
2. Members of the Garo Hills District Council belonging to the Garo National Council.
3. Delegation of the Nepali community of the Garo Hills.
4. Shri Emonsing M. Sangma, minister of State, the government of Assam.

30th July 1965:

1. The officers of the State government posted in the Garo Hills district.

1st December 1965:

1. Executive Committee of the Mikir Hills District Council.
2. Delegation of the District Congress Committee, Mikir Hills and the Karbi i-Durbar.

2nd December 1965:

1. Delegation of the Mikir Hills Social Welfare Organisation.
2. Delegation of the United Karbi Council and the Mikir Hills branch of the APHLC.
3. Delegation of the Rengma Nagas living in the Mikir Hills district.
4. Delegation of the district branch of the All-India Gorkha League.
5. Delegation of the Bodo-Kacharis inhabiting the Mikir Hills.

6. Delegation of the Dimasa tribe of the Mikir Hills.
7. The officers of the State government posted at Diphu.
8. Delegation of the Siam community of Mikir Hills.

4th December 1965:

1. Executive Committee of the North Cachar Hills District Council.
2. Delegation of the District Congress Committee, North Cachar Hills.
3. Delegation of the North Cachar Hills Peoples' Welfare Union.
4. Shri H. D. Burman, an ex-executive member of the North Cachar Hills District Council.
5. Delegation of the Biates Welfare Committee.
6. Delegation of Hmar tribe of the North Cachar Hills.
7. Delegation of the Hmar Cultural Society of Mahur, North Cachar Hills.

6th December 1965:

1. Delegation of the Hmar National Union of Assam, Manipur and Tripura.

5th February 1966:

1. Delegation of the Eastern India Tribal Union Aijal.
2. Delegation of the Kalia National Council, Saiha.
3. Delegation of the Chin National Front, Saiha.
4. Delegation of the Paite National Council.

7th February 1966:

1. Delegation of the Mizo National Front.
2. Delegation of the Mara Freedom Party, Saiha.
3. Shri A. Thanglura, MP and three other members of the Congress Party of the district.
4. The officers of the State government posted in the Mizo district.

APPENDIX II

(Para 9)

SIXTH SCHEDULE*

[Articles 244(2) and 275(1)]

Provisions as to the Administration of Tribal Areas in Assam

1. Autonomous districts and autonomous regions.—(1) Subject to the provisions of this paragraph, the tribal areas in each item of Part A of the table appended to paragraph 20 of this Schedule shall be an autonomous district.

(2) If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

(3) The Governor may, by public notification.—

- (a) include any area in Part A of the said table.
- (b) exclude any area from Part A of the said table,
- (c) create a new autonomous district.
- (d) increase the area of any autonomous district.
- (e) diminish the area of any autonomous district.
- (f) unite two or more autonomous districts or parts thereof so as to form one autonomous district.
- (g) define the boundaries of any autonomous district:

Provided that no order shall be made by the Governor under clauses (c), (d), (e) and (f) of this sub-paragraph except after consideration of the report of a Commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule.

2. Constitution of District Councils and Regional Councils.—(1) There shall be a District Council for each autonomous district consisting of not more than twenty-four members, of whom not less than three-fourths shall be elected on the basis of adult suffrage.

(2) There shall be a separate Regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule.

(3) Each District Council and each Regional Council shall be a body corporate by the name respectively of “the District Council of (name of district)” and “the Regional Council of (name of region)”, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

*Not applicable to the State of Jammu and Kashmir.

(5) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and regional Councils in consultation with the existing tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned and such rules shall provide for—

- (a) the composition of the District Councils and Regional Councils and the allocation of seats therein;
- (b) the delimitation of territorial constituencies for the purpose of elections to those Councils;
- (c) the qualifications for voting at such election and the preparation of electoral rolls therefor;
- (d) the qualifications for being elected at such elections as members of such Councils;
- (e) the term of office of members of such Councils;
- (f) any other matter relating to or connected with elections or nominations to such Councils;
- (g) the procedure and the conduct of business in the District and Regional Councils;
- (h) the appointment of officers and staff of the District and Regional Councils.

(7) The District or the Regional Council may after its first constitution make rules with regard to the matters specified in sub-paragraph (6) of this paragraph and may also make rules regulating—

- (a) the formation of subordinate local Councils or Boards and their procedure and the conduct of their business; and
- (b) generally all matters relating to the transaction of business pertaining to the administration of the district or regions, as the case may be :

Provided that until rules are made by the District or the Regional Councils under this sub-paragraph the rules made by the Governor under sub-paragraph (6) of this paragraph shall have effect in respect of election to, the officers and staff of and the procedure and the conduct of business in each such Council :

Provided further that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, of the North Cachar and Mikir Hills shall be the Chairman *ex-officio* of the District Council in respect of the territories included in items 5 and 6 respectively of Part A of the table appended to paragraph 20 of this Schedule and shall have power for a period of six years after the first constitution of the District Council subject to the control of the Governor, to annual or modify any resolution or decision of the District Council or to issue such instructions to the District Council, as he may consider appropriate, and the District Council shall comply with every such instruction issued.

3. Powers of the District Councils and Regional Councils to make laws.—(1) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas

7 M. of H.A.—10.

within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

- (a) the allotment, occupation or use, or the setting apart, of land, other than any and which is a reserved forest, for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town :

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of Assam in accordance with the law for the time being in force authorising such acquisition;

- (b) the management of any forest not being a reserved forest;
- (c) the use of any canal or water-course for the purpose of agriculture;
- (d) the regulation of the practice of 'jhum' or other forms of shifting cultivation;
- (e) the establishment of village or town committees or councils and their powers;
- (f) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- (g) the appointment or succession of Chiefs or Headmen;
- (h) the inheritance of property;
- (i) marriage;
- (j) social customs.

(2) In this paragraph, a "reserved forest" means any area which is a reserved forest under the Assam Forest Regulation, 1891, or under any other law for the time being in force in the area in question.

(3) All laws made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

4. Administration of justice in autonomous districts and autonomous regions.—

(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, to the exclusion of any court in the State and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule.

(2) Notwithstanding anything in this Constitution, the Regional Council for an autonomous region or any court constituted in that behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court, constituted in that behalf by the District Council, shall exercise the powers of a court of appeal in respect of all suits and cases triable by a village council or court constituted under sub-paragraph (1) of this paragraph within such region or area, as the case may be, other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, and no other court except the High Court and the Supreme Court shall have jurisdiction over such suits or cases.

(3) The High Court of Assam shall have and exercise such jurisdiction over the suits and cases to which the provisions of sub-paragraph (2) of this paragraph apply as the Governor may from time to time by order specify.

(4) A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating—

- (a) the constitution of village councils and courts and the powers to be exercised by them under this paragraph;
- (b) the procedure to be followed by village councils or courts in the trial of suits and cases under sub-paragraph (1) of this paragraph;
- (c) the procedure to be followed by the Regional or District Council or any court constituted by such Council in appeals and other proceedings under sub-paragraph (2) of this paragraph;
- (d) the enforcement of decisions and orders of such Councils and courts;
- (e) all other ancillary matters for the carrying out of the provisions of sub-paragraphs (1) and (2) of this paragraph.

5. Conferment of powers under Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, on the Regional and District Councils and on certain courts and officers for the trial of certain suits, cases and offences—(1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in that behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such district or region, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in that behalf by the Governor, such powers under the Code of Civil Procedure, 1908, or, as the case may be, the Code of Criminal Procedure, 1898, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

(2) The Governor may withdraw or modify any of the powers conferred on a District Council, Regional Council, court or officer under sub-paragraph (1) of this paragraph.

(3) Save as expressly provided in this paragraph the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898, shall not apply to the trial of any suits, cases or offences in an autonomous district or in any autonomous region to which the provisions of this paragraph apply.

6. Powers of the District Council to establish primary schools, etc.—The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and waterways in the district and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

7. District and Regional Funds.—(1) There shall be constituted for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Councils for that district and the Regional Council for that region in the course of the administration of such District or region as the case may be, in accordance with the provisions of this Constitution.

(2) Subject to the approval of the Governor, rules may be made by the District Council and by the Regional Council for the management of the District Fund or, as the case may be, the Regional Fund, and the rules so made may prescribe the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

8. Powers to assess and collect land revenue and to impose taxes.—(1) The Regional Council for an autonomous region in respect of all lands within such region and the District Council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of Regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed by the Government of Assam in assessing lands for the purpose of land revenue in the State of Assam generally.

(2) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of all areas in the district except those which are under the authority of Regional Councils, if any, within the district, shall have power to levy and collect taxes on lands and buildings, and tolls on persons resident within such areas.

(3) The District Council for an autonomous district shall have the power to levy and collect all or any of the following taxes within such district, that is to say—

- (a) taxes on professions, trades, calling and employments;
- (b) taxes on animals, vehicles and boats;
- (c) taxes on the entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries; and
- (d) taxes for the maintenance of schools, dispensaries or roads.

(4) A Regional Council or District Council, as the case may be, may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraphs (2) and (3) of this paragraph.

9. Licences or leases for the purpose of prospecting for, or extraction of, minerals.—

(1) Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by the Government of Assam in respect of any area within an autonomous district as may be agreed upon between the Government of Assam and the District Councils of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (1) of this paragraph to the District Council and the decision of the Governor shall be final.

10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.—(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Scheduled Tribes resident in the district.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending.

- (b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;
- (c) provide for the maintenance of accounts by money-lenders and for the inspection of such accounts by officers appointed in that behalf by the District Councils;
- (d) prescribe that no person who is not a member of the Scheduled Tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council :

Provided that no regulations may be made under this paragraph unless they are passed by a majority of not less than three-fourths of the total membership of the District Council :

Provided further that it shall not be competent under any such regulations to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulations.

(3) All regulations made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

11. Publication of laws, rules and regulations made under the Schedule.—All laws, rules and regulations made under this Schedule by a District Council or a Regional Council shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law.

12. Application of Acts of Parliament and of the Legislature of the State to autonomous district and autonomous regions.—(1) Notwithstanding anything in this Constitution—

- (a) no Act of the Legislature of the State in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;
- (b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State to which the provisions of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district or an autonomous region, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.

(2) Any direction given under sub-paragraph (1) of this paragraph may be given so as to have retrospective effect.

13. Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement.—The estimated receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the Consolidated Fund of the State of Assam shall be first placed

before the District Council for discussion and then after such discussion be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 202.

14. Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions—(1) The Governor may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts and autonomous regions in the State, including matters specified in clauses (c), (d), (e) and (f) of sub-paragraph 3 of paragraph 1 of this Schedule, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts and autonomous regions in the State generally and in particular on—

- (a) the provision of educational and medical facilities and communications in such districts and regions;
- (b) the need for any new or special legislation in respect of such districts and regions; and
- (c) the administration of the laws, rules and regulations made by the District and Regional Councils;

and define the procedure to be followed by such Commission.

(2) The report of every such Commission with the recommendations of the Governor with respect thereto shall be laid before the Legislature of the State by the Minister concerned together with an explanatory memorandum regarding the action proposed to be taken thereon by the Government of Assam.

(3) In allocating the business of the Government of the State among his Ministers the Governor may place one of his Ministers specially in charge of the welfare of the autonomous districts and autonomous regions in the State.

15. Annulment or suspension of acts and resolutions of District and Regional Councils—(1) If at any time the Governor is satisfied that an act or resolution of a District or a Regional Council is likely to endanger the safety of India, he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the assumption to himself of all or any of the powers vested in or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

(2) Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before the Legislature of the State as soon as possible and the order shall, unless revoked by the Legislature of the State continue in force for a period of twelve months from the date on which it was so made :

Provided that if and so often as a resolution approving the continuance in force of such order is passed by the Legislature of the State, the order shall unless cancelled by the Governor continue in force for a further period of twelve months from the date on which under this paragraph it would otherwise have ceased to operate.

16. Dissolution of a district or a Regional Council.—The Governor may on the recommendation of a Commission appointed under paragraph 14 of this Schedule by public notification order the dissolution of a District or a Regional Council and—

- (a) direct that a fresh general election shall be held immediately for the reconstitution of the Council, or
- (b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself,

or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months :

Provided that when an order under clause (a) of this paragraph has been made, the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the reconstitution of the Council on fresh general election :

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of placing its views before the Legislature of the State.

17. Exclusion of areas from autonomous districts in forming constituencies in such districts.—For the purposes of elections to the Legislative Assembly of Assam, the Governor may by order declare that any area within an autonomous district shall not form part of any constituency to fill a seat or seats in the Assembly reserved for any such district but shall form part of a constituency to fill a seat or seats in the Assembly not so reserved to be specified in the order.

18. Application of the provisions of this Schedule to areas specified in Part B of the table appended to paragraph 20.—(1) The Governor may—

(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part B of the table appended to paragraph 20 of this Schedule or any part of such area and thereupon such area or part shall be administered in accordance with such provisions, and

(b) with like approval, by public notification, exclude from the said table any tribal area specified in Part B of that table or any part of such area.

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in respect of any tribal area specified in Part B of the said table or any part of such area, the administration of such area or part thereof as the case may be, shall be carried on by the President through the Governor of Assam as his agent and the provisions of ¹(article 240) shall apply thereto as if such area or part thereof were a ²(Union territory specified in that article).

(3) In the discharge of his functions under sub-paragraph (2) of this paragraph as the agent of the President the Governor shall act in his discretion.

19. Transitional provisions.—(1) As soon as possible after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of the Schedule, namely—

(a) no Act of Parliament or of the Legislature of the State shall apply to any such area unless the Governor by public notification so directs: and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit:

¹Sub. by the Constitution (Seventh Amendment) Act, 1956, s. 29, and Sch.

²Sub. *ibid.*, “for territory specified in Part D of the First Schedule”.

(b) the Governor may make regulations for the peace and good government of any such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area.

(2) Any direction given by the Governor under clause (a) of sub-paragraph (1) of this paragraph may be given so as to have retrospective effect.

(3) All regulations made under clause (b) of sub-paragraph (1) of this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

20. Tribal Areas.—(1) The Areas specified in Parts A and B of the table below shall be the tribal areas within the State of Assam.

(2) The United Khasi-Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the cantonment and municipality of Shillong, but including so much of the area comprised within the municipality of Shillong, as formed part of the Khasi State of Myllem :

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b) and (d) of sub-paragraph 3 and sub-paragraph 4 of paragraph 8, and clause (d) of sub-paragraph 2 of paragraph 10 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the District.

1. [(2A) The Mizo District shall comprise the area which at the commencement of this Constitution was known as the Lushai Hills District.]

2. [(2B) The Naga Hills.—Tuensang Area shall comprise the area which at the commencement of this Constitution were known as the Naga Hills District and the Naga Tirbal Area.]

(3) Any reference in the table below to any district [other than the United Khasi-Jaintia Hills District¹ (and the Mizo District)] or administrative area ²[(other than the Naga Hills-Tuensang Area)] shall be construed as a reference to that district or area at the commencement of this Constitution.

Provided that the tribal areas specified in Part B of the table below shall not include any such areas in the plains as may, with the previous approval of the President, be notified by the Governor of Assam in that behalf.

TABLE

PART A

1. The United Khasi-Jaintia Hills District.
2. The Garo Hills District.
3. ³(The Mizo District.)
4. ⁴* * * * *
5. The North Cachar Hills.
6. The Mikir Hills.

¹Ins. by the Lushai Hills District (Change of Name) Act, 1954 (18 of 1954), s. 3.

²Ins. by the Naga Hills-Tuensang Areas Act, 1957, Sec. 3.

³Subs. *ibid.*

⁴Omitted by the Naga Hills-Tuensang Area Act, 1957, Sec. 3.

PART B

1. North East Frontier Tract including Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills District and Misimi Hills District.

2. The ⁵(Naga Hills-Tuensang Area).

21. *Amendment of the Schedule.*—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to this Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368.

¹Ins. by the Lushai Hills District (Change of Name) Act, 1954 (18 of 1954), s. 3.

²Ins. by the Naga Hills Tuensang Area Act, 1958, Sec. 3.

³Subs., *ibid.*

⁴Omitted by the Naga Hills-Tuensang Area Act, 1957, Sec. 3.

⁵Subs. by the Naga Hills-Tuensang Area Act, 1957, Sec. 3, for "Naga Tribal Areas".

APPENDIX III

(Para 37)

A Summary of Discussions between the Prime Minister and the Hill Leaders.

1. The demand for a separate hill State, which had been rejected by the States-Reorganisation Commission (1955), was revived in 1960 in the wake of the decision of the government of Assam to make Assamese the official language of the State. The decision created an agitation among the hill people. The leaders of the various political organisations of the hill areas met in Shillong on 6th and 7th July, 1960 and constituted themselves into an organization called the All Party Hill Leaders Conference (APHLC). The Conference appointed a council of action to take suitable steps to oppose the State government's decision. The council submitted a memorandum to the President of India on 21st August, 1960, in which besides opposing the State government's decision on the official language it was emphasised that separation of the hill districts from Assam was the only alternative to the acceptance of Assamese as official language.

2. After the passing of the Assam Official Language Act, 1960 by the State Assembly the APHLC again met in November 1960 and reiterated its demand for the separation of the hill areas from the State of Assam. It also decided to send a delegation to meet the Prime Minister to press for the acceptance of this demand. The Prime Minister met this delegation (led by Capt. W. A. Sangma, a former minister for tribal areas in the government of Assam) on 4th and 26th November, 1960. The delegation also met the Home Minister on 25th November, 1960. At these meetings the APHLC delegation urged for the creation of the Eastern Frontier State, which it considered was absolutely essential for accelerating the pace of development for the hill areas and for satisfying the legitimate aspirations of the hill people. The advice given to the delegation by the Prime Minister and the Home Minister was that having regard to the essential economic and other ties between the people of the plains and the hill in Assam it would be in the interest of the hill people themselves not to lose the advantages which a common State offered. It was further emphasised by them that the Government of India were "keenly interested in the well-being of the hill people and would consider measures necessary to ensure adequate delegation of powers to accelerate the pace of development of the hill areas". The Prime Minister also made certain broad proposals for the administrative reorganization of the hill areas. These proposals were repeated in a letter which the Prime Minister wrote to the General Secretary of the APHLC on 19th February, 1961. The relevant portions of that letter are produced below :

"When you came here with some other members of your council, I had two meetings with you, and you also met the Home Minister. Your delegation put forward proposals for the formation of a completely separate State composed of the autonomous hill districts of Assam. I said to you then that I appreciated some of your difficulties and we were anxious to remove them so that these hill districts could have greater autonomy and could be able to progress in accordance with the wishes of their people. I pointed out also that the proposal to form a separate State of these hill districts of Assam was not a practical one and would lead to new and complicated problems. Geography communications and economic considerations

were strong arguments against the formation of such a separate state. Indeed, this might well lead to these districts getting entangled in many problems and difficulties which would delay progress. We were anxious, however, that we should provide for changes and administrative arrangements which would allow the fullest scope to these districts to develop and advance according to the genius of the people there, while at the same time maintaining the integrity of the State of Assam. The Home Minister also spoke to you on these lines.

We did not then place before your delegation any precise scheme for the administration of the hill districts because that would depend upon a general agreement on the lines of approach. Our talks, therefore, were exploratory and general, although we indicated certain lines of approach. The idea was that these matters should be the subject of further talks, if this general approach was agreed to.

Broadly speaking, we had suggested that development work and allied subjects should be put in charge of your representatives, and the funds intended for the development of the hill areas might be separately earmarked as being intended solely for the benefit of the people of the autonomous districts.

The powers of the autonomous districts could be enlarged so as to give effect to this.

At the same time, it was suggested that the elected M.L.As. from the autonomous districts could form a committee which would especially deal with legislation and like matters relating to the hill districts, which came up before the Assembly, and their decisions should prevail after the pattern of the Committee for Scotland in the British House of Commons. There should be a separate Cabinet Minister in the Assam Government assisted by one or more Deputy Ministers, who would deal with these matters and especially development plans for the autonomous districts.

Further, I suggested that a Commission might be appointed to make an investigation and report on proposals for administrative and other changes in the autonomous districts and regions. This Commission would also go into the question how far the provisions of the Sixth Schedule to the Constitution could be varied and liberalised to confer a greater measure of autonomy on the District and Regional Councils.

These were the broad tentative suggestions that were made then as the basis of possible further discussions".

3. The APHLC did not accept these proposals and sought another interview with the Prime Minister which took place on 17th May, 1961. Its delegation also met the Home Minister on 18th May, 1961. At the meeting with the Prime Minister the delegation presented a memorandum reiterating the old demand for the creation of a separate hill State. The Prime Minister told the delegation that the various matters referred to in its memorandum had been discussed fairly thoroughly in their earlier meetings. While he appreciated the desire of the hill people to develop according to their own genius and assured them of the help of the Central Government in the development schemes, he was strongly opposed to the creation of a separate State. He agreed that the funds earmarked for the development of hill areas should be

controlled by the hill people. For controlling these funds he thought they might find it necessary to set up a separate machinery in so far as the larger departments were concerned but there was no need to duplicate every single service as long as there was broad agreement on having separate allocations for the hill and the plains areas. He explained his other proposals as follows :

“Certain institutions, such as the Governor, the High Court and the Assembly, would, of course, remain common. The Assembly would work on some kind of what is known as the Scottish pattern. The State Assembly would not be empowered to pass laws affecting hill areas until these were first examined and passed by the representatives from the hills. In case of differences, the Governor would have discretionary powers to resolve the dispute.”

The Prime Minister also indicated that the details of the administrative reorganization could be worked out by a Commission if there was an agreement on the basic principles.

4. From the side of the APHLC the discussions were mainly on the question of language. The hill leaders were anxious to know how the various difficulties arising out of the language policy of the Assam government would be met. The Prime Minister explained that he did not visualise any difficulty in that regard. It was for the hill people themselves to decide the language they would like to adopt for their work. He presumed that English would continue and would be replaced by Hindi in due course. The hill people might like their own languages to be the medium at the primary stage and that would be in consonance with the government policy elsewhere also. All correspondence between the district and the secretariat was at that time largely carried on in English and it should be possible for that arrangement to continue. In reply to a question by the hill leaders whether the proposed Commission would have authority to suggest amendments to the Assam Official Language Act, however, the Prime Minister said that “the Commission could not obviously interfere in the legislative matters of the State but it could certainly advise how the hill people could carry out their work in the language of their choice and what facility should be given to them to handle secretarial work in the rest of Assam”. A record of the discussions held at this meeting is given in Appendix III A.

5. At another meeting the next day the Home Minister explained to the delegation that the Prime Minister's scheme would provide “fuller opportunities for the development of the hill areas which should be the more important thing from the point of view of the hill people.” Capt. Sangma, who led the APHLC delegation, admitted that the proposals were “satisfactory from the point of view of the development of the hill areas.” But, according to the delegation, the language problem was of vital importance to the hill people. Shri Nichols Roy, General Secretary of the APHLC and a member of the delegation, told the Home Minister that the hill people would be prepared to consider the proposals of the Prime Minister and examine them in detail in case an assurance was given that the language difficulties would be solved. The Home Minister replied that “the situation was not peculiar to Assam and that it would be advantageous if the hill people learn the regional languages. It would be duty of the Assam government to see that those who did not know the Assamese language were not put to a disadvantage.” A record note of these discussions is in Appendix IIIB.

6. The Prime Minister had a further meeting with the representatives of the APHLC at Raj Bhawan, Shillong on 21st May, 1961. The governor and the chief minister of Assam were also present. It was again stated on behalf of the APHLC that while the prime minister's proposals would prove to be suitable the people had great apprehensions on the language issue.

7. At its next session (29th June—1st July, 1961) the APHLC again rejected the scheme suggested by the prime minister. In forwarding the copy of the resolutions passed by the Conference its general secretary (Shri Nichols Roy) wrote to the prime minister as follows :—

“We regret that your administrative proposals based somewhat on the Scottish pattern for the autonomous districts of Assam could not be accepted as it was felt that the proposals do not yet solve the main problems of the hill people in relation with the Assamese people.”

It was further stated in the letter that the APHLC could not accept the proposals due to two main reasons. One was the language issue and the other was the feeling that the proposed arrangement would increase rather than decrease the constant friction between the hill and the plains people.

8. Meanwhile a certain section of the hill leaders had separated from the APHLC because they were in favour of accepting the prime minister's proposals. These hill leaders had formed the Assam Hill Peoples' Convention (AHPC). A delegation of this organization, led by Shri A. Thanglura, met the prime minister on 18th August, 1961. At this meeting Shri Thanglura told the prime minister that the hill people of Assam were “particularly aggrieved and exasperated over these language issues.” They had supported the APHLC mainly as a protest against the language policy of the State government. But ultimately when the prime minister made certain proposals which brought to them the advantages which they were seeking to gain from a separate State without actual separation from Assam they left the APHLC and formed the AHPC. The delegation told the prime minister that an appreciable section amongst the hill people would like to accept his proposals.

9. The discussions were resumed after the general elections of 1962. In March that year the APHLC passed another resolution urging upon the prime minister to take early steps for the creation of the Eastern Frontier State. The resolution was followed by a memorandum sent to him on 3rd April, 1962. In his reply to this memorandum (3rd May, 1962) the prime minister again pointed out the harm that would result from the formation of a separate State. He advised the hill leaders to accept his proposals under which the hill districts would have full opportunity to progress and have as large a measure of autonomy as possible. On the language issue it was clarified that the hill people could decide upon the use of any language they liked. This position was reiterated in reply to Starred Question No. 431 asked by Prof. G. G. Swell in the Lok Sabha on May 4, 1962. Replying to the supplementaries the prime minister said :—

“So far as I and my colleague, the Home Minister are concerned, we are always prepared to meet their representatives and discuss with them. I discussed with them on three occasions previously at length, and I am prepared to discuss it with them again if they so wish. We recognised their grievances, they were legitimate; and we tried, in our proposals, to suggest something which would lead to the removal of those grievances..

We gave them the fullest autonomy in that area. So far as language, which was the chief question was concerned they can decide about their own language, English or Hindi or any of their own languages. In fact, we gave, if I may say so, 99 per cent of what they wanted. In regard to any legislation applying to them, we suggested what is called the Scottish pattern that only if the members of the hill districts agreed to it in the Assembly then would it be passed. In fact, we went very far.

Now their proposal to have a separate State is full of difficulties, both for them and for Assam and also for India as a whole economically. Our communications are not direct with each other. Their communications are with Assam. Therefore we suggested that they should have all his autonomy which they want in their own affairs; and any allotment of funds which go to them directly, there will be no risk of their being reduced by the Assam Government. And, I still hope that if they consider this matter carefully, they will find that they get everything they want plus something more in every direction."

10. At its session in May 1962 the APHLC once again decided not to accept the prime minister's proposals. After a few months it decided to resort to a "non-violent direct action should that become necessary for the achievement of the Eastern Frontier State." The method and time for such action was left to be decided by the council of action. Simultaneously it decided to have another round of discussion with the prime minister. But when a request for the same was made to him he replied that there was little point in meeting him merely to present rigid demands. The APHLC did not take initiative for any further meeting just then but kept the door open by resolving that "should there be an opportunity given by the prime minister, the council of action expresses its desire and readiness to have discussions with him on the need for the creation of the Eastern Frontier State."

11. The next round of discussions started in the middle of 1963. On 10th June, 1963 the representatives of the APHLC met the prime minister at Gauhati and made a request for further discussions. They were advised to see the governor of Assam before meeting the prime minister. They accordingly met the governor on 18th and 19th June. They explained to the governor that although they adhered to the official demand of the Conference for a separate hill State they had gathered an impression after their last meeting with the prime minister at Gauhati that he was prepared to concede complete autonomy to the hill districts; and if that was so they wanted to find out how much autonomy was possible without setting up a separate State. The specific points on which the delegation sought clarification were these :—

- (1) Will the representatives of the hill areas be able to choose their own ministers and deputy ministers and will the latter be responsible to the former?
- (2) Will the Hill Minister be solely responsible for and have authority over all departments of the hill areas except those few which are considered to be common or unnecessary such as High Court, Higher Technical Education, Accountant General?
- (3) Will the Hill Ministers prepare the budget for the hill areas—and would this include funds from (a) sources in the Hills, (b) sources from other parts of the State as a whole and from (c) the Central sources under Article 275 of the Constitution or any special Central allocations?

- (4) Will the hill areas budget need to be passed by the Cabinet as a whole?
- (5) Will there be a Hill Minister in charge of finance for the hill areas?
- (6) In relation to autonomous district councils will the Governor act solely on the advice of the Hill Ministers or will he need the advice of the chief minister?
- (7) Will the separate secretariat for the hill areas be able to function in English without Assamese being used at all?
- (8) Will the hill representatives be able to initiate legislation meant solely for the hill areas, apart from having veto power over new legislation?
- (9) Will the Prime Minister agree to greater representation in the Assembly and in the Parliament—as per the demand made in November 1960 along with the plan for a separate State?
- (10) In the plan for a separate State the demand was made to include areas, predominantly inhabited by the hill tribal people, contiguous to the autonomous district. Will these areas, such as Garo areas of Goalpara and Kamrup, Khasi areas of Kamrup and Nowgong and Mizo areas of Cachar, be able to be included in the respective districts. If they are not included how will our tribal brethren in those areas be saved from the Assamese language and all that follows?"

These points were referred to the prime minister, who informed the governor that the points raised by the APHLC were in fact for the proposed Commission to examine. He however added that it would be wrong to put an end to the idea of cabinet responsibility and that the hill ministers should be chosen by the leader of the party but after consultations with the hill MLAs. The general secretary of the APHLC was duly informed that the clarifications sought by his party were matters to be settled by the proposed Commissions.

12. In a letter dated 29th August, 1963 Prof. G. G. Swell, an MP belonging to the APHLC, sought clarifications directly from the prime minister on the first eight points mentioned in the preceding paragraph. A copy of the prime minister's reply is in Appendix IIIC. For facility's sake the more important observations made by him are reproduced below :—

"I have already stated that the basic terms of reference to the Commission will be to give the largest measure of autonomy within the framework of maintaining the connection with Assam. Many of the points for which you seek clarification can be considered in this context. Thus, when a Cabinet is formed, it has to be such as can function as a team. Ministers have to be appointed by the Chief Minister, but representatives of the hill areas will no doubt be consulted in the appointment of their Minister or Ministers, and, as a matter of convention their views should normally be accepted, in so far as the hill areas are concerned.

* * * * *

As for the Budget, that part of it dealing with the hill areas will be largely the responsibility of the Hill Ministers, but it is to be fitted in with the state Budget. So far as our Planning Commission is concerned, they will probably recommend grants for the development schemes in the hill areas. Such allocations will be earmarked for them. The resources derived from the hill areas will largely be spent there. As for other sources, their disposal will be decided by the Cabinet as a whole, paying particular attention to the needs and views of the hill areas.

* * * * *

So far as legislation is concerned, any legislation dealing with the hill areas will, as a matter of convention, have to be approved by their representatives who can certainly initiate legislation also. Such new legislation will be considered by the whole Cabinet. But in so far as it deals with the hill areas only, the views of the hill areas representatives will have special importance."

13. At the request of the APHLC the Prime Minister again met its representatives in New Delhi on 4th and 5th October, 1963. The record of discussion of this meeting is in Appendix III D. After the first meeting with the Prime Minister the delegation met the Home Secretary where a memorandum on a scheme of autonomy for the hill districts was prepared. This memorandum was discussed at the next meeting (*i.e.*, on 5th October), and as finally approved contains the broad features of the scheme evolved at the discussions. It is given in Appendix III E.

14. The APHLC then considered the scheme at its next session and requested for a further meeting with the Prime Minister, which, however, did not take place. Meanwhile the Assam Hill Peoples' Convention at its meeting on 23rd October, 1963 passed a resolution welcoming the P.M.'s. scheme and suggesting early appointment of the proposed Commission. About the same time some MPs. met the Prime Minister in Delhi to seek clarifications on this scheme. They were advised to meet the Home Secretary also, who under instructions from the Prime Minister, gave necessary clarifications on the details of the scheme. The questions and the clarifications, which will be helpful in understanding the scope of the above scheme, are reproduced below :

"Question 1: Whether there will be one autonomous administration for the whole hill areas of Assam ?

Answer: The hill areas of Assam will have an autonomous administration in respect of certain subjects to be earmarked for separate administration in the hill areas. The list of subjects will be drawn up by the Commission to be appointed by the Prime Minister after full enquiry.

Question 2: Whether there will be a shadow hill members assembly under the Assamese Assembly for discussion about the hill problems etc.?

Answer: There will be no shadow hill members' Assembly. But there will be a Regional Committee of the Members of Legislative Assembly from the hill areas. In this connection please see paragraph 3 of the memorandum.

Question 3: Whether there will be a separate secretariat for hill areas which will mean a secretariat under the general Secretariat of the State ?

Answer : There will be a Secretariat for the hill areas for the subjects earmarked for separate administration in those areas. This will be a separate wing or department of the Assam Secretariat.

Question 4: Whether there will be a separate shadow cabinet of hill areas under the Assamese Cabinet ?

Answer: There will be no separate shadow cabinet of the hills. A member of Assam Cabinet assisted by possibly a Minister of State and one or two Deputy Ministers will be in charge of the subjects to be separately administered in the hill areas.

Question 5: What will be the constitutional position if Chief Minister differs from the Tribal Ministers?

Answer: The Cabinet will function on the basis of joint and collective responsibility. In the appointment of the Ministers for the hill areas, the Chief Minister will be guided by the recommended of the MLAs of the hill areas. Cabinet Government of the accepted form will remain."

15. At about the same time replies were given to two Questions on the subject in Parliament. Starred Question No. 160 answered in the Rajya Sabha on 26th November, 1963 and Starred Question No. 328 answered in the Lok Sabha on 2nd December, 1963. Replying to the supplementaries in the Rajya Sabha the Prime Minister made the following significant observations:

"Obviously, the legislation will have to be passed by the full Assembly. They (the Regional Committee of MLAs) can only propose it, as indeed any Member there can, but certain preference should be shown to anything which that Regional Committet proposes.

* * * *

The broad outlines are to give them the largest possibles autonomy subject to their functioning within the framework of the State of Assam.

* * * *

The proposal to appoint a Commission was made by us. We would have appointed it long ago but we thought that appointing a Commission before the principles which we had put forward were accepted might not serve any useful purpose. We are waiting for the acceptance of these broad principles when the Commission would be appointed. I am prepared to appoint it as soon as possible provided these broad lines of approach are accepted."

Another Question on the subject by Shri P. C. Borooah and five others was replied to in the Lok Sabha on 12th February, 1964. Some important extracts from the replies to the supplementaries are given below:

(i) "Giving the broad features and the outlines of the scheme, the Prime Minister said:

"It is clear that the first thing was that the unity of Assam should continue. Subject to that greater autonomy should be given to the hill districts. Under the present Act they have a little measure of autonomy. That was to be increased greatly, financially, administrative-ly and otherwise. All that was subject to a Commission being appointed to consider the whole thing and it has to recommend what should be done."

(ii) Reply to another supplementary put by Prof. Swell whether the Government were thinking of withdrawing the offer, the Prime Minister said:

"There is no such intention. As a matter of fact, the offer has not been formally accepted. This was the general approach to the question which was to be referred to a Commission. The Commission has yet been appointed because the general approach has not yet been accepted."

16. At the time of the Home Minister's visit to Assam in March, 1964 the representatives of the APHLC discussed the scheme of autonomy with him. Thereafter on 4th April, 1964, Prof. G. G. Swell, M.P. met the Prime Minister. This

meeting was followed by a letter from the General Secretary of the APHLC to the Prime Minister in which it was stated that according to Prof. G. G. Swell the Prime Minister had reacted favourably to the following suggestions:

- (i) "that there would be a full implementation of your offer of full autonomy and various other assurances and that something to that effect would form part of the terms of reference of the proposed Commission;
- (ii) that the maximum number of subjects would be transferred to the hill administration; and
- (iii) that there should be increased representation from the hill areas both to the State Assembly and the Parliament."

The Prime Minister did not confirm that he had agreed to the above suggestions but replied as follows:

"In the course of this talk, I told him that any reference to a Commission would naturally deal with our desire for as full autonomy as was possible in the circumstances. What I had suggested in my talks with you and your colleagues would guide the Commission.

As for representation of the hill areas in the State legislature and Parliament, I told him that it was difficult for me to say anything definite as this would involve a change in our Constitution and may go against some principles laid down in it. This would especially be so in regard to Parliament. As for the State Legislature I said that if that Legislature was agreeable to any change, that will make their position somewhat easier."

17. The APHLC reconsidered the whole matter on 17th April, 1964 and passed a resolution to the effect that:

"....having regard to the Prime Minister's sincere efforts as embodied in his offer and his other assurances, and to his state of health which prevented the APHLC delegation from meeting him again and to the situation prevailing in the country, this Conference, while reiterating that the creation of a separate hill State would be the simplest, best and final solution to the problems of the hill people, nevertheless feels that the Prime Minister's offer of full autonomy be given a fair trial and requests the Prime Minister to proceed with the appointment of the Commission to work out the details for implementing his offer of full autonomy and his various other assurances to the hill peoples:

Provided that if the Commission's report falls short of the Prime Minister's outline of full autonomy and his various other assurances, the Conference reserves the right to revise its decision."

18. The last meeting which the representatives of the APHLC had with the Prime Minister (the late Shri Lal Bahadur Shastri) was on 11th December, 1964. At this meeting they suggested immediate appointment of the proposed Commission. They also requested that the question of increased representation to the hill districts both in the Parliament and the State legislature should be included in the terms of reference of the Commission. The Prime Minister told them that he would get the matter looked into further especially as increased representation in Parliament might involve an amendment of the Constitution. A record of the discussion with the Prime Minister is in Appendix III F.

APPENDIX III A

Record of the Prime Minister's meeting with the Delegation of the Hill Leaders' Conference on the 17th May, 1961.

Sarvashri Williamson Sangma (leader), T. Cajee, Raiding Ingti, P.C. Langthasa, Ch. Saprawnga, Hoover Hynniewta and S.D.D. Nichols-Roy, called on the Prime Minister and thanked him for receiving the Delegation and for the sympathetic approach shown by him in the past. The Home Minister was also present.

2. The Prime Minister stated that he had read their latest memorandum. The various matters referred to therein had been discussed fairly thoroughly in the earlier meetings.

3. Shri Nichols-Roy stated that he would like to have some clarifications regarding the proposals made to the P.M. in the past. In particular he wanted to know how the various difficulties arising out of the language policy of the Assam Government would be met.

4. The Prime Minister said that he did not visualise any difficulty in the matter of language. It was for the hill people to decide the language at the district level and for the hill areas. He presumed that English would continue and would be replaced by Hindi in due course. The people might want the medium at the primary stages to be the local language. This would be in consonance with the policy of the Government of India elsewhere. All correspondence between the district and the secretariat was, at present, largely carried out in English. It should be possible for this arrangement to continue.

5. The Prime Minister referred to his suggestion for the appointment of a Commission and pointed out that there was no point in appointing a Commission unless there was agreement on basic issues.

6. The Prime Minister said that he could see that apart from positive points of differences, an emotional feeling had arisen among the hill people to cut themselves off from Assam. He would appreciate all this but he did not want the people to have the feeling that they could be dominated or suppressed.

7. The Prime Minister said that in some ways his approach was the same as that of hill leaders. He wanted the people to develop in the way they liked. The Centre would be willing to help in developmental schemes but he was quite opposed to the hill areas taking upon themselves the heavy administrative burden of a separate State.

8. The Prime Minister said that the hill leaders had used the word "A State within a State". This meant that there would be certain common features for the hill areas and the rest of Assam but that the hill people would enjoy a large measure of autonomy.

9. Shri Williamson Sangma said that even if the pattern of a "State within a State" was accepted, the hill people would like to have full control over all development funds irrespective of the source from which they were allocated, i.e., control over the funds allocated by the State and the Planning Commission as well as by the Centre under Article 275 should vest entirely in the representatives of the hill people.

10. The Prime Minister said that he was in agreement that all moneys earmarked for development of hill areas should be controlled by the people of the hills. The Planning Commission would coordinate the development programme in a broad way. The hill areas may find it necessary to set up a separate machinery to control the expenditure in so far as the larger departments are concerned. It may not, however, be necessary to duplicate every single service as long as there was broad agreement that there would be separate allocations for the hill areas and the plain areas.

11. Certain institutions, such as the Governor, the High Court and the Assembly, would, of course, remain common. The Assembly would work on some kind of what is known as the Scottish pattern. The State Assembly would not be empowered to pass laws affecting hill areas until these were first examined and passed by representatives from the Hills.

12. In case of differences, the Governor would have discretionary power to resolve the dispute.

13. The Prime Minister said that all these were matters of detail which could be gone into by the proposed Commission as soon as the broad framework was agreed to.

14. Shri Nichols-Roy reverted to the question of language for the hill areas. He said that the Language Bill passed by the State Assembly discriminated against the hill people. It would be necessary for the hill people to learn Assamese to be able to get employment in the State. Unless they did so, they would remain second class citizens. Shri Williamson Sangma stated that even the technical institutions of Assam were adopting Assamese as the medium of instructions. This meant that unless the people learn Assamese, they would not be able to go in for higher education or technical training in Assam. Shri Hoover Hynniewta stated that the Assam Government had not opened a single Government College or technical institution in the hills as a matter of deliberate policy.

15. The Prime Minister said that the institutions in Assam would find it very difficult to impart instructions in technical and scientific subjects at higher stages in Assamese or indeed in any other Indian language for a long time to come. In science subjects many common international terms have to be used for which equivalents have not yet been worked out in all Indian languages.

16. The Prime Minister stated that if a Hill State were created, it would not follow that the training institutions of various kinds would get established there automatically. People would still have to go to the neighbouring States for higher education. He did not think that there was scope for many large institutions in the hill areas because of geographical and other factors. He felt, however, that the hill districts should have Polytechnics where people could be trained in various technical subjects. Some of these Polytechnics could later grow into fullfledged institutions.

17. Shri Williamson Sangma and Shri Hoover Hynniewta made the suggestion that whenever the Planning Commission agrees to allocate similar institutions for the

State of Assam, they should make a specific recommendations in regard to the area in which they should be located. The leaders felt that this was the only way they could think of whereby some of the future institutions may be started in the hill areas.

18. The Prime Minister then referred to the introduction of Panchayat Raj in the country and drew special attention to the progress that had been achieved in the States of Andhra Pradesh and Rajasthan to decentralise authority and to make the representatives of the people themselves responsible for spending development funds at the Samiti level. The Prime Minister added that he saw no reason why delegation of responsibility could not be made for the people of the hill districts of Assam in order to satisfy their legitimate aspirations.

19. Shri Nichols Roy and Shri Ch. Saprawnga once again referred to the language question and said that the objective of the plain's people was to assimilate the people of the hills. Shri Nichols Roy added that the Assamese were holding 70 per cent of the Government jobs although their population was only 50 per cent. He went on to say that once the Language Act was fully enforced, it would reduce still further the chances of employment for the hill people.

20. The Prime Minister said that this problem was inherent in the geography of the place. He mentioned that even if Assamese were eliminated there had to be a *lingua franca* for the hill districts.

21. The leaders stated that broken Hindi and not broken Assamese has been in use on a wide-scale for communication between people of various hill districts.

22. Shri Ch. Saprawnga mentioned that if the proposal for Hill State was not acceptable they would even like to switch over to Central Administration.

23. The leaders wanted to know whether the proposed Commission would have authority to propose amendments to the Language Bill.

24. The Prime Minister said that the Commission could not obviously interfere in the legislative matters of a State but it could certainly advise on how the hill people should carry out their work in the language of their choice and what facilities should be given to them to handle secretariat and legislative work in the rest of Assam.

25. Shri Sangma said that, as he understood it, the Prime Minister's proposal was that the Government could not agree to complete political separation of the hill areas from the rest of Assam but that they would be willing to give them the maximum of autonomy. The Government would see to it that the hill people were not handicapped through lack of knowledge of Assamese in administrative, legislative and developmental work. A Commission would be appointed to go into the details.

26. Shri T. Gajee suggested that the question of amendment to the Sixth Schedule of the Constitution did not have political implications and should in any case be taken up forthwith. The Prime Minister said that he did not personally see any objection and the matter could be gone into by the Home Minister, who agreed to receive the delegation the following morning at 9.30 a.m.

(Sd.) K. L. MEHTA,
Joint Secretary.
17-5-1961.

APPENDIX-III B

Record note of discussion held by the Home Minister with Hill Leaders of Assam on 18th May, 1961.

The following were present:—

HILL LEADERS

1. Capt. Williamson Sangama.
2. Shri S. D. D. Nichols Roy.
3. Shri T. Cajee.
4. Shri Raidangingti.
5. Shri P. C. Langthasa.
6. Ch. Saprawnga.
7. Shri Hoover Hynniewta.

OFFICIALS OF HOME MINISTRY

Shri B. N. Jha, Secretary.
Shri V. Viswanathan, Special Secretary.
Shri Hari Sharma, Additional Secretary.
Shri P. N. Kaul, Deputy Secretary.
Shri Harmander Singh, Deputy Secretary.
Ministry of External Affairs.

Capt. Sangama stated that the proposal made by the Prime Minister, although satisfactory from the point of view of the development of the hill areas, did not solve the language problem which was of vital importance to the people of the area. The Assam Government were going ahead with the implementation of the Assam Official Language Act which would lead to the domination of the hill people by the people of the plains. With the enforcement of the Language Act, it would become obligatory for the Hill people to learn Assamese in order to get into State Services and also to be able to work in the Secretariat.

H. M. observed that the situation was not peculiar to Assam and that it would be advantageous if the Hill people learnt the regional language. It would be the duty of the Assam Government to see that those who do not know Assamese language are not put to a disadvantage.

Capt. Sangama stated that in Garo Hills District, the Assam Government had been opening new schools with the medium of instruction as Assamese. The schools run by the tribal people are not being given grants-in-aid, after the passing of the Assam Official Language Bill. What the Assamese wanted was that no other language should flourish in Assam except the Assamese language.

Captain Sangama further stated that the present policy of the State Government was that all other communities in Assam should be assimilated with the Assamese. In support of his contention, he referred to the late Home Minister's Language formula, which was evolved after consultation with the parties concerned and considered as the best solution of the complicated language problem in the State, but was completely disregarded by the Chaliha Government. If this formula was fair it should not have been abandoned merely because Captain Sangama resigned from the Cabinet. He added that even though the Bengali and Assamese languages were akin to each other, the bitterness still existed between the two communities on account of the last July disturbances in Assam.

Home Secretary pointed out that even the I.A.S. Officers allotted to various States had to learn the regional languages.

Captain Sangama stated that so far as the hill people in Assam were concerned, they were confronted with a peculiar problem. In some other States people had to learn two languages; in Punjab—Hindi and Punjabi; but in case of hill people, they would be called upon to learn three languages, *viz.*, their own mother language, Assamese and Hindi or English. The hill people would never accept the domination by the Assamese. In support of his contention, he referred to the order issued by the Assam Government, relating to the procurement of agricultural land. Under that order, land was allotted to those persons who were indigenous residents of Assam. The Cachar people had made a protest against the issue of this order, but the Hill people were not affected by this order because they were protected under the provision of the Sixth Schedule to the Constitution.

Shri Nichols Roy then referred to the proposal made by the Prime Minister on the 17th May, 1961, for 'Scottish pattern' autonomy for the hill region in Assam. He stated that the hill people would be prepared to consider the proposals of the Prime Minister and examine them in detail in case an assurance was given that the language difficulties would be solved.

In reply Home Minister stated that the Scottish model autonomy for the hill region would provide fuller opportunities for the development of hill areas which should be more important from the point of view of the hill people. The Government of India are anxious that the backward areas should get adequate opportunities in the matter of development and should be on the level of other areas which are better developed. By giving such opportunities, their legitimate grievances would be mitigated to a large extent.

Shri Nichols Roy stated that at present in the Assam Secretariat, 12-1/2 per cent employees were from the hill region, who did not know Assamese language at all. The younger people of the tribal region will also be compelled to learn Assamese language.

It was argued that in Assam only 50 per cent of the people spoke Assamese language as mother-tongue. In view of this, there was no justification for introducing Assamese as the official language. It was stated that the hill people were handicapped both in regard to State Services and Central Services, as they did not get opportunities of getting into those services at all because of the language difficulties.

The Assam Government had been following a policy of not giving grants-in-aid to tribal schools. The State Government had been opening schools with Assamese language as the medium of instruction. It is clear, therefore, that the State Government's policy was to impose Assamese on the non-Assamese speaking people. This was precisely the reason why a demand for a separate State had been made by the Hill Leaders.

Home Minister made a suggestion that to facilitate learning of Assamese by the hill people, it would be advantageous if a college where Assamese language would be taught, was established. He casually remarked that in respect of Uttar Pradesh where Hindi is the official language, he had made a suggestion that a college should be opened where the Hindi students could acquire adequate knowledge of English, enabling them to complete in the competitive examinations along with the English-knowing students.

Home Minister also stated that Government of India's policy is to develop the national language along with the regional languages. In course of time, the difficulties that were being experienced should disappear.

Shri Nichols Roy raised the question of terms of reference of the proposed Commission. He stated that the Commission should be asked to go into the language problem and should propose amendments to the Official Language Act.

Home Minister stated that the Prime Minister had made it clear at the meeting on the preceding day that the proposed Commission would not recommend any amendments to the Assam Official Language Act but it would look into the difficulties which the hill people might experience in respect of language outside the District administration.

Shri Nichols Roy suggested that the Commission might also be required to go into the merits of the proposal for the separation of the hill areas. Home Minister emphasised that it should be everybody's endeavour to work for integration and not to think in terms of separation or direct action. The objective should be to end out ways and means for a settlement.

APPENDIX—IIIC

No. 2316-PMH/63

Prime Minister, India

New Delhi

September 24, 1963.

My dear Swell,

I have received your letter of August 29th. I am replying to it briefly. I hope this letter will be forwarded to you.

I have already stated that the basic terms of reference to the Commission will be to give the largest measure of autonomy within the framework of maintaining the connection with Assam. Many of the points for which you seek clarification can be considered in this context. Thus, when a Cabinet is formed, it has to be such as can function as a team. Ministers have to be appointed by the Chief Minister, but representatives of the hill areas will no doubt be consulted in the appointment of their Minister or Ministers and, as a matter of convention, their views should normally be accepted, in so far as the hill areas are concerned.

This same general convention should apply to the departments dealing with the hill areas.

As for the Budget, that part of it dealing with the hill areas will be largely the responsibility of the Hill Ministers, but it is to be fitted in with the larger Budget. So far as our Planning Commission is concerned, they will probably recommend grants for the development schemes in the hill areas. Such allocation will be earmarked for them. The sources derived from the hill areas will largely be spent there. As for other sources, their disposal will be decided by the Cabinet as a whole, paying particular attention to the needs and views of the hill areas.

I cannot say whether the Hill Minister will be especially in charge of Finance. But as I have said above, the part of Finance dealing with the hill areas will be based largely on the opinions of the representatives of those areas.

In regard to the autonomous District Councils, the Governor, as with other matters, will have discretion but he is bound to attach importance to the advice of the representatives of the hills.

As for Secretariat, probably there may be a department of the Secretariat dealing with the hill areas subject. There should be no difficulty about the question of language there.

So far as legislation is concerned, any legislation dealing with the hill areas will, as a matter of convention, have to be approved by their representatives who can certainly initiate legislation also. Such new legislation will be considered by the whole Cabinet. But in so far as it deals with the hill areas only, the views of the hill areas representatives will have special importance.

Yours sincerely,
Sd./- J. Nehru.

Shri G. G. Swell, M.P.
30-A Atul Grove Road,
New Delhi.

APPENDIX—III-D

Minutes of a meeting of the delegation of the All-Party Hill Leaders' Conference of Assam with the Prime Minister, held at New Delhi in the Conference Room of the Ministry of External Affairs on Friday, the 4th October, 1963.

The following were present:

Shri Jawaharlal Nehru, Prime Minister.

Hill Leaders:

- (1) Capt. Williamson Sangma, Chairman of the A.P.H.L. Conference.
- (2) Shri S. D. D. Nichols Roy.
- (3) Shri B. B. Lyngdoh.
- (4) Prof. Radhon S. Lyngdoh.
- (5) Shri L. H. Lalmawia.

Officials:

- (6) Shri M. J. Desai, Foreign Secretary.
- (7) Shri V. Viswanathan, Home Secretary.
- (8) Shri Hari Sharma, Secretary for Kashmir Affairs.
- (9) Shri K. Ram, Principal Private Secretary to the Prime Minister.

Shri Nichols Roy opened the talks by reminding the Prime Minister of their meeting with him at the Gauhati airport during his last visit to Assam and said that the Hill Leaders had at that time urged the creation of a separate State for the hill people of Assam, but that the Prime Minister had suggested an alternative, which according to him would give them more or less full autonomy. This suggestion, he said, could not be considered further because of paucity of time. He explained that the Hill Leaders had further discussed among themselves the details arising out of this proposal to give them hundred per cent internal autonomy and the result was communicated to the Prime Minister by their representative in Parliament, Shri G. G. Swell, by a letter to which the Prime Minister had already replied. Shri Nichols Roy said that within the constitutional set-up for Assam, it seemed difficult for them to actually achieve what the Prime Minister had envisaged in general terms. This was because they felt that it was obvious from the Prime Minister's reply to Shri Swell's letter, referred to earlier, that they had to depend, to a large extent, on the goodwill of the ruling party and the Chief Minister of Assam and that it seemed to them that no specific assurance could be given to them to guarantee the proposals made by the Prime Minister. This, he said, was the impression they had formed from the Prime Minister's reply to Shri Swell's letter. They would, however, like to have a clarification from the Prime Minister of this point, although they felt that the fullest autonomy could only be given to them by having a separate State. He added that as Shri Swell could not reach Delhi in time to take part in these discussions, they would like to meet the Prime Minister again on Saturday, the 5th October, so that the proposal could be considered further. In any case, the Hill Leaders felt that

some of the specific points that arose from the Prime Minister's offer and the replies which he had given, seemed to satisfy them to some extent, but they were of the view that they could not achieve their objective in the existing set-up. He said that it was much simpler and much more satisfying to the hill people as a whole to have a separate Hill State.

The Prime Minister replied that he was not actually referring to goodwill then although goodwill was always necessary where a number of people were trying to get together. He was referring to conventions which governed the conditions for working together. Conventions, he said, were much more than goodwill and a little less than statutory regulations, but for all practical purposes, they had the force almost of Acts, Statutes, etc. The Prime Minister said that originally he had proposed to them what is known as the "Scottish Pattern". It was a very specific measure according to which no laws could be passed relating to the hill areas except with the consent of their representatives. But, as it had produced some confusion, the phrase had to be dropped. He reiterated what he had written to Shri Swell, *viz.* that the hill people should have the largest measure of autonomy within the framework of the State. He, however, felt that it was a little difficult to go into every detail of this proposal as that would require a very careful consideration of every step in its larger context. That was why he had suggested the appointment of a High Powered Commission which could discuss these matters with them and with others concerned and then make recommendations. The Prime Minister further explained that any system of Cabinet Government involved a certain measure of joint responsibility. That joint responsibility, he said, could be governed by certain conventions, but it would obviously be difficult to have two cabinets within the Cabinet, as it would go against the very basis of the Cabinet form of government. He felt that in practice, by these conventions they should be able to get over difficulties that might arise. He added that although some of the important matters could be discussed at the present meeting, ultimately it would be better if the whole question was considered by a Commission.

Shri N'chols Roy said that in the present set-up this system would not work unless the proposed conventions were embodied in the Constitution by carrying out suitable amendments.

The Prime Minister replied that there could be any number of proposals, but the broad approach should be that any proposal affecting the hill areas should have the consent of the people of these areas and their Minister. It would, however, be difficult to say so about every proposal because many proposals would not only affect the hill areas but also the rest of the State. The Prime Minister reminded the Hill Leaders that the whole question arose from the language difficulty. He said that there was at the moment a rather unsatisfactory situation because of the Sixth Schedule which must undergo certain changes. As this Schedule affected adversely the administration of a district, it would have to be considered by the Hill Leaders and others concerned, what the measure of autonomy of the district would be within the larger framework. The Prime Minister said that he would like to have their views about this matter. But as there were many other specific problems, like language etc., he said that it would be far better if they were considered in their entirety by a Commission at leisure after full discussion with the Hill Leaders.

Shri B. B. Lyngdoh said that they appreciated that the Prime Minister had understood their legitimate grievances, although they felt that he had not fully realized the real situation. It appeared to them that the Prime Minister's impression was that the Hill people suffered from two handicaps, one was in regard to the language and the other of being dominated by the people of Assam. The actual position, however,

was that after 1960, attempts had been made to assimilate the hill people in Assam. Therefore, the real problem was the existence of the hill people as a separate and distinct entity. Large portions of the hill areas, e.g. the Mikir Hills, had already been swallowed up and in some districts, schools were being run with Assamese as the main language and their children were from the beginning being taught the Assamese language and culture. He added that even in their marriage ceremonies, the hill people were being forced to follow the Assamese customs and way of life. They were thus being threatened with extinction. They believed in their identity, their culture, their way of life and they wanted to live that way. This was the crux of the whole problem and they appealed to the Prime Minister to save them from that situation.

Prof. Radhon S. Lyngdoh clarified the position further by saying that it was wrong for anyone to say that their demand for a separate State was based only on the language policy of the Assam Government. He added that long before 1873, the hill people and the plains people were living in great harmony, but as soon as the hills were placed under one province, i.e. Assam, in 1874, some friction began to grow. The reason was that the hill people saw the danger of being swallowed up at any time by the Assamese community. He pointed out that the British Government saw that danger and that was why they introduced the "Inner Line" in order to enable the hill people to develop their own way of life. But as the people of the hill areas and of the plains began to understand each other slowly and gradually, the Assamese people grew more and more aggressive and wanted to assimilate the hill people in their own pattern. They followed it up by many policies, of which the most important was the language policy. He went on to say that even now the Assam Government had appointed a commission in order to divide the tribal community into many sections so that it could become easier for them to assimilate the tribal people. The British Government divided the tribes into two sections, Khasi and Jaintia, but these were later reunited. The Assam Government, he said, were even now attempting to divide the hill community once again into two sections. In regard to the point about the importance of conventions, he said that he greatly appreciated the idea behind it, but he was afraid that in Assam conventions had been threatened by the aggressive attitude of one community alone and not even one convention had been respected. He said that the hill people had the right to adopt their own language and if they concentrated only at the district level and not at the National level, there would be no solution. A separate State was, according to him, the only solution. He then referred to the proposal made by the late Home Minister (Shri G. B. Pant) to all the parties during the language riots but unfortunately none of the parties respected his wise counsel. He then referred to the legislative pattern which the Prime Minister had suggested, according to which, in case of a conflict between the representatives of the hills and of the plains, the opinion of the hills' representatives should prevail. He said that the Prime Minister had later told their General-Secretary that in such cases the Governor should intervene. There was thus still some confusion about the working of the system. He said that it was difficult to function unless the Legislature itself was bifurcated. He pointed out that according to the Prime Minister, the system of joint and collective responsibility could not be ruled out. This was all very confusing, for instance, to whom should the Hill Minister be responsible, i.e. should he be answerable to the Hill Leaders or to the State Cabinet? He was strongly of the view that a wrong convention in this case would be very harmful and it was, therefore, necessary to have some sort of a constitutional provision, according to which the hill people would be allowed to have their own way of achieving their purpose. He could not envisage how this system could work successfully unless and until there was bifurcation of the Cabinet, which meant bifurcation of the State itself. He said

that the Prime Minister had raised the important question of development. He thought that development would go on faster if the hill people had their own State because that would give them the feeling that whatever they did would be in their own interest.

Cap. Sangma said that they had some apprehensions as to how this complete autonomy would function. He could not see how, within the constitutional framework of Assam, the powers which the Prime Minister wanted to confer on the hill people could be given effect to. He referred to the advice given to them by the Prime Minister some years ago that it was always better to have a convention but to that this had ultimately failed. He also referred to the assurances given by the Prime Minister that they would have full control over expenditure and complete freedom regarding language. He could not see how these powers could be exercised because of the constitutional difficulties. He said by way of an example, that if there was a difference of opinion in the Cabinet, then, according to convention, the Minister in-charge had to quit office as he had himself done when he could not agree to the Assamese language being declared the official language.

The Prime Minister replied that the democratic system of Government was largely based on conventions, that collective responsibility was a convention which always had the force of law, and that it was only in an authoritarian State that power was concentrated in one person when no convention was needed. He further pointed out that it was necessary to have some conventions whereby relations between different States could be governed. There might, however, be some statutory guarantees in regard to some matters but the rest might remain merely as conventions. The basic thing as the Prime Minister understood was the fear in the minds of the hill people that they might not be able to preserve their separate entity. That was, of course, an important consideration. In this connection, the Prime Minister mentioned that he had repeatedly expressed himself in favour of preserving the separate entity of the hill areas. He however, realised that there were forces at work which were for some kind of a larger integration. All these were governed not so much by legislative Acts but by the development of human life under new conditions, i.e., science and technology. He said that there was a strong movement now in Europe for a united Western Europe. Probably no country had a stronger opinion on it than France and, perhaps, Western Germany. These common urges tended to bring about a certain unity. In spite of that, it was good for a country to have separate cultures and separate entities. The Prime Minister said that he fully appreciated their desire to preserve their own way of life.

He then referred to the suggestion he had made to give them 100 per cent autonomy. He said that he still believed that all their internal subjects, e.g., education, language, etc., should be entirely in their own hands. He, however, felt that they would be affected by certain forces at work developing in Assam or in India. In this connection, he mentioned that the "Inner Line" arose from the emigration which had taken place in East Bengal. It was natural because the Mymensingh district had an overwhelming population. It had nothing special to do with the hill areas, although the hill areas were influenced by it Mymensingh had now become a separate district of East Pakistan.

The Prime Minister pointed out that the hill people could have a separate entity in a number of ways but not in all matters. He was very much alive to the need of preserving their separate entity, their culture and their way of life and it should certainly be in their own hands to preserve them or to change them as and when

necessary. At the same time, it was necessary for them to keep their various contacts with the larger State of Assam because without such contacts their own development would suffer greatly.

The Prime Minister explained that when the hill people controlled their inner administration, nothing much was left which affected their culture, identity, etc. Statutory guarantees, he said, might be desirable, but it would have to be done by conventions. If the proposed Commission made certain recommendations, some of them might become statutory and others might remain merely as conventions.

Cap. Sangma asked whether the conventions would govern all the subjects over which the hill people would have complete control.

The Prime Minister replied that it was difficult for him to say whether they would govern all the subjects but the basic idea of autonomy should prevail in regard to specific matters, e.g., language. He said that language functioned in three fields, i.e., education, administration and Legislature. So far as education and administration of the hill areas were concerned, the hill people could keep them within their discretion but so far as the State Assembly was concerned, presumably, the two languages would be Assamese and English, in the same way as it was at the Centre. English would have to be continued as an alternative language for a long time. The Prime Minister said that the real question was of development. Development meant finances and how to control them. It meant essential training of human beings who could take part in development. For this purpose, engineers would have to be trained and grants that were made for specific purposes would have to be handed over to the hill people to be used for those purposes. This meant that development schemes in the hill areas would almost entirely be controlled by the hill people, subject to the condition that development schemes all over India had to be coordinated by the Planning Commission. Actually, all the essential functions of life in the hill areas would be controlled by the hill people themselves. The details could, of course, be worked out by the proposed Commission.

Shri Nichols Roy then invited the Prime Minister's attention to his letter to Shri Swell in which it was stated that the Chief Minister would make the appointment of Ministers but that the representatives of the hill people would be consulted by the Chief Minister as a matter of convention and their views would normally prevail. He said that if the proposal to give them internal autonomy was only to be carried out as a matter of convention, it would mean that they would have to depend on the good intentions of the Chief Minister of Assam. He felt that in the context of what was happening, the present Chief Minister would largely carry out these conventions but tomorrow if a different person came, it might become difficult. The hill people, therefore, had a strong apprehension that their views might not necessarily be accepted.

The Prime Minister replied that if they were apprehensive of conflicts, then all the conventions and statutes by themselves could not solve the conflicts.

Shri B. B. Lyngdoh said that that was the reason why they were pressing for the creation of a separate State.

The Prime Minister said that he did not know what all of them would have to face when they worked together in the hill districts and he was not sure whether, with any assurance, they would work in complete harmony with each other with no divergent views.

Shri B. B. Lyngdoh pointed out that they had full faith in the Prime Minister's sincerity but that Shri B. P. Chaliha who was himself a good man was sometimes coerced into doing things against his will. He added that they had raised eight specific points in the letter to the Prime Minister and that no real assurance was given to them on any of those points.

The Prime Minister said that in his reply to Shri Swell, he had merely indicated his broad approach to these questions as he had in his mind the appointment of a Commission which would go into this matter more deeply and be precise in its recommendations.

Capt. Sangma said that unless and until they got a concrete proposal from the Prime Minister, it would not be possible for the Commission to make recommendations. The Commission should, therefore, be informed specifically what the issues involved were.

Shri Nichols Roy said that if there was a conflict between the larger section and another section in the Assembly, the Governor could not always align himself with the minority. In this connection he invited the Prime Minister's attention to his earlier statement that if there was a conflict, the Governor should exercise his discretion.

The Prime Minister said that what he meant was that the Governor would not refer such a matter to the Council of Ministers but would decide it in his own discretion. He added that legislation in respect of the hill areas would not be passed if the representatives of the hill areas were opposed to it.

Capt. Sangma then raised the point about expenditure to be incurred and the mode of receipts. He asked if it would be possible for them to initiate proposals if the Planning Commission agreed to give grants for certain programmes.

The Prime Minister replied that they could certainly initiate proposals and the Assam Government and the Central Government would then consider them in the light of grants which were meant for the hill areas and were placed under their control. Their representatives could also deal with the Planning Commission directly.

Shri B.B. Lyngdoh asked in what way they could have control over the budget.

Shri V. Vishwanathan said that there would be a separate allocation made in the Budget and it would be provided that the representatives of the hill areas would have full control over those funds. The allocation would be separated under the General Plan and the Annual Budget would show the hills' budget separately from the rest of the State Budget.

Shri Lyngdoh then asked if they would have any control over the P.W.D. The Prime Minister replied that it might not be easy for them to obtain the requisite staff for their P.W.D. Assam had also suffered from that difficulty, because good engineers were difficult to get. The Assam Government had to obtain their engineers from other parts of India. It would, therefore, be necessary for the hill people to get people from outside.

Capt. Sangma said that if they had full control, they could recruit people from outside, e.g., Kerala, Madras etc.

Shri V. Vishwanathan said that if the allocation was made for a department, then the control over expenditure would also be passed on to that department. The Prime Minister said that if the Planning Commission considered it desirable to make special

allotments for the development of the hill areas, then the hill areas' representative would get that money and he could carry out those schemes, as he wished, with the Central assistance.

Shri Lalmawia then said that the Governor had told them that they would have their own Engineering Service, Education Service and so on. They also felt that it was very essential for them to have their own P.W.D. which was necessary for the development of the hill areas. The Prime Minister said that he had no objection to their having their own engineers but, as already pointed out by him, it was difficult to get really first class engineers especially in hill areas. He gave the example of Pondicherry where it was decided at the instance of the Central Government to take engineers from Madras.

Shri Lalmawia then raised the point regarding the setting up of a Hill Peoples' Secretariat and other connected matters.

The Prime Minister suggested that the Hill leaders should meet the Home Secretary and discuss with him all these questions. At their request, he also agreed to meet them again the next day for about half an hour or so.

Minutes of a meeting of the delegation of the All-Party Hill Leaders' Conference of Assam with the Prime Minister held at New Delhi in the Conference Room of the Ministry of External Affairs on Saturday, the 5th October, 1963.

The following were present:—

- (1) Shri Jawaharlal Nehru, Prime Minister.

Hill Leaders:

- (2) Capt. Williamson Sangma, Chairman of the A.P.H.L. Conference.
- (3) Shri G. G. Swell, M.P.
- (4) Shri S. D. D. Nichols Roy.
- (5) Shri B. B. Lyngdoh.
- (6) Prof. Radhon S. Lyngdoh.
- (7) Shri L. M. Lalmawia.

Officials:

- (8) Shri M. J. Desai, Foreign Secretary.
- (9) Shri V. Viswanathan, Home Secretary.
- (10) Shri K. Ram, Principal Private Secretary to the Prime Minister.

Capt. Sangma opened the discussions by saying that, as suggested by the Prime Minister, their delegation had met the Home Secretary on the previous day (the 4th October, 1963, in order to give a concrete form to the proposals regarding the set-up for the autonomous Districts of Assam which were generally discussed yesterday. The Home Secretary gave to the Prime Minister a copy of the note (Paper 1) which represented the result of those discussions.

The delegation then asked for clarification of some of the points mentioned in the Home Secretary's note. In amplification of the Sixth sub-para of para 2 of that note, the Home Secretary said that with regard to the departments which were not transferred to the administrative control of the Hill Areas Secretariat, e.g., the P.W.D., separate allocation would have to be made for the hill areas in the main Budget.

During the course of discussion on para. 3 of the Home Secretary's note, the Prime Minister enquired whether and if so in what way, the autonomy of the Hill districts would be affected. The Home Secretary explained that it would depend on what amendments were made in the Sixth Schedule. The Prime Minister observed that some changes would no doubt have to be made in that Schedule, but the point whether the powers conferred on the District Councils should remain, more or less, as they were or they should be increased or lessened, was largely for the Hill Leaders to decide.

Shri Swell said that there was one fundamental question to which they attached great importance, *i.e.*, the appointment of Ministers. According to him, it appeared from the Home Secretary's note that under the present party system, the Chief Minister, who would be the leader of the majority party in the Assembly, would appoint these Ministers and that it would perhaps mean that out of the Members of the Legislature, only those who were members of the Congress party, would be appointed.

The Prime Minister replied that it need not necessarily mean that. It was constitutionally the Chief Minister who would appoint his Ministers, but, as was explained at yesterday's meeting, the Chief Minister, while appointing a Minister from the hill areas, would be guided by the recommendations of the representatives of those areas.

Capt. Sangma then raised another point and said that they had been requesting the Government of India to give some seats for the hill areas in the Assembly as well in Parliament, the reason being that they were a backward people and their territory was bordering on Pakistan. He added that the Government of India had, on political considerations, agreed to give a number of seats to them even though it could not be justified on the basis of the population figure. In this connection, he quoted the case of Manipur where two Parliamentary seats had been allotted even though the population was only 5 lakhs. Similarly, in the Northern Cachar area, the Election Commission had agreed to give one seat. He, therefore, stressed the need for giving them some seats in the Assembly and four seats in Parliament on the basis of at least one seat for each of the four Districts.

The Prime Minister said that this would naturally have repercussions elsewhere. The normal figure was to have one representative for about a million people, but in some places it might be a good idea to give some representation even though the population was less.

Shri Nichols Roy said that in Tripura, for a population of 5 lakhs two Parliamentary seats had been allotted. The Home Secretary replied that in the Union territories, a higher proportion was allowed. The Prime Minister further explained that this was so because the Union territories had no separate legislative Assemblies of their own. When Shri Swell pointed out that some of the Union territories had now acquired separate legislative Assemblies, the Prime Minister replied that the allocations of seats were made earlier on the basis of conditions obtaining at that time.

Shri Lalmawia then raised the point that in the hills, the population might be less but the area was very large. He added that in the Mizo hills, they did not have an M.P. and the M.P. from Cachar never visited that area except during the election campaigns. The Prime Minister replied that that applied to all the hill areas in the Himalayan and sub-Himalayan ranges. Capt. Sangma said that the late Home Minister (Pt. G. B. Pant) had agreed to the increase of seats for the hill areas. Their present number of seats was 16 on the basis of population.

The Prime Minister replied that it was very difficult for him to say anything about this matter without consulting the other people concerned, especially about the seats in Parliament.

Shri Swell reverted to the Home Secretary's note and invited the Prime Minister's attention to page 2 thereof where it was stated that "the Annual Financial Statement, in so far as it relates to the hill areas, shall be referred by the Assembly

to the Regional Committee for consideration." He suggested that besides consideration, they should have the power to approve, otherwise they would always be in a minority and be over-ruled. He, however, assured the Prime Minister that they would not be unreasonable in their demands. The Prime Minister asked the Home Secretary whether the Budget in this respect could be shown to them and the latter replied that the Budget, as presented, was initially prepared by the departments concerned and as such the portion of the budget relating to the hill areas was always within the knowledge of the Hill Minister.

Capt. Sangma then suggested that the Budget should first be discussed in the Advisory Council. Shri Swell added that the taxation aspect might be kept confidential but so far as the proposed allocation for the hill areas was concerned, it should be fully discussed. What he wanted was that the hill leaders should have a say in the Budget even before it went to the Assembly. Capt. Sangma felt that the procedure in this regard would probably be governed by para. 13 of the Sixth Schedule of the Constitution. The Home Secretary said that it would create difficult problems if the budget was shown to a part of the Assembly only and not to others. Shri Lyngdoh said that it would be enough if the Hill Minister had a say in the matter before the budget was presented.

The Prime Minister explained that the question of projects to be undertaken in the hill areas was presumably discussed in the departments concerned before they were included in the budget. He added that the principal thing to be considered was taxation and not the number of projects which were included or excluded, depending on the resources available provided the total allotment was not exceeded. The total allotment for the hill areas would, in any case, be fixed in consultation with the Hill Minister.

Shri Lalwamia said that nothing was stated in the note about fixing the number not make any mention of the fact that the hill area people's Secretariat would operate in the language which it chose. The Home Secretary replied that there was absolutely no objection to their using the language they liked.

Shri Lalwamia said that nothing was stated in the note about fixing the number of Ministers. The Home Secretary replied that the number of Ministers in a Cabinet could not be fixed. Capt. Sangma pointed out that Assam could have upto 20 Ministers.

Capt. Sangma then said that in order to implement the various assurances given, some sort of a directive to follow the conventions was needed. Shri Swell added that by and large respect for conventions had not yet developed in India, and especially in Assam, where promises were easily violated. He, therefore, suggested that it might take the shape of a letter from the Prime Minister to the Governor and the Chief Minister. The Prime Minister replied that, as he had said these previously, the proposed Commission would go into all these questions and their report would include these conventions etc. Shri Swell thought that as the Commission must function within certain assurances which the Prime Minister had given, a letter from the Prime Minister to the Governor and the Chief Minister containing these assurances was necessary. The Prime Minister said that the Commission would naturally keep in mind such assurances as had been given.

Shri Swell then raised the question of having a university of their own. He said that there were at present only two Universities in Assam, one in Gauhati and the other was coming up in Dibrugarh, but the system of education there had an

Assamese slant. He, therefore, suggested for the Prime Minister's consideration the establishment of a university of their own under the Central Act. The Prime Minister agreed that it was desirable for them to have a separate university, but it meant many things—the university should be first-rate; it should have sufficient funds plus trained personnel. He, however, said that a proposal for a separate university for the hill areas had already been sent to the University Grants Commission for their consideration.

Capt. Sangma questioned the use of the words "maximum autonomy" and suggested the words "full autonomy" instead. The Prime Minister said that it would be full autonomy of the hill Districts subject to the preservation of the unity of the State of Assam.

Referring to the creation of a Secretariat for dealing with the subjects to be transferred to the hill areas Secretariat, Shri Swell suggested that it might be called a "Hill Areas Wing". After some discussion, the Prime Minister said that he did not want to use words unless he was sure of what they meant. He, therefore, suggested that for the present they could use both the words, i.e., "Wing" or "Department" of the Secretariat for Hill Areas, which could be divided into sub-departments.

The Prime Minister finally asked if he could go ahead with the idea of a Commission. Shri Nichols Roy replied that these proposals would be put before their Conference and that they would let the Prime Minister know if these were acceptable.

In the end, the Hill Leaders thanked the Prime Minister for the cordiality and understanding with which the various proposals were discussed.

PAPER I

Set up for the Autonomous Districts of Assam

1. Two fundamental objectives have to be kept in view:

- (a) preservation of the unity of the State of Assam;
- (b) maximum possible autonomy to the Hill districts.

2. Executive Wing:

Cabinet Government of the accepted form should remain. There should be collective and joint responsibility to the State Assembly. There should, however, be a Cabinet Minister in charge of the administration of the Hill areas assisted as far as it is necessary by possibly a Minister of State and one or two Deputy Ministers.

A list of certain subjects such as Education, Agriculture, Horticulture, Forests, Health and possibly Roads should be drawn up. The administration of these subjects in the Hill areas will be entirely in charge of the Cabinet Minister for the Hill Areas and his junior Ministers.

There would be a separate Hill Areas Secretariat with the necessary departments for the administration of the subjects so allocated for separate administration in the Hill Areas. The necessary complement of staff will have to be provided.

Full executive power will be given to the group of Hill Ministers for the administration of these subjects separate for the purpose of the Hill Areas.

At the beginning of each financial year a complete separate budget allocation for the subjects allotted to the Hill Areas will have to be made. This will take the form of an area budget under the subjects meant for separate administration.

In regard to other subjects not transferred for separate administration, the share of allocation of funds to be spent on the Hill Areas should also be separately indicated under the budget heads.

The group of Hill Ministers will have complete power of expenditure control over the allocations for the departments placed for separate administration.

The Hill Areas Secretariat will have its own separate Financial Adviser for expenditure control.

3. Legislative Wing:

The M.L.As. of the autonomous Hill districts will form a Regional Committee of the Assam State Assembly. All proposals relating to the legislation concerning the Hill Areas will be referred by the State Assembly to the Regional Committee. This Committee may also initiate legislative proposals. Normally the recommendations of the Regional Committee will be accepted by the Legislature.

In the event of a disagreement between the State Assembly and the Regional Committee the matter will be referred to the Governor who acting in his discretion may take decisions, after obtaining directions of the President, where necessary.

The portion of the Annual Financial Statement in so far as it relates to the Hill Areas shall be referred by the Assembly to the Regional Committee for scrutiny.

4. Judicial Wing:

There will be a common High Court for the whole of Assam. The judicial set up in each of the autonomous districts will be as provided in the Sixth Schedule.

APPENDIX III E

Set up for the Autonomous Districts of Assam

1. The objective to be kept in view is full autonomy for the Hill Districts subject to the preservation of the unity of the State of Assam.

2. Executive Wing:

Cabinet Government of the accepted form should remain. There should be collective and joint responsibility to the State Assembly. There should, however, be a Cabinet Minister in charge of the administration of the Hill Areas assisted, as far as may be necessary, by possibly a Minister of State and one or two Deputy Ministers. In the appointment of the Ministers for the Hill Areas, the Chief Minister will be guided by the recommendation of the MLAs. of the Hill Areas.

A list of certain subjects such as Education, Agriculture, Horticulture, Forests, Health and possibly Roads will be drawn up. The administration of these subjects in the Hill Areas will be entirely in charge of the Cabinet Minister for the Hill Areas and his junior Ministers.

There will be a separate wing or department of the Secretariat for the Hill Areas to be divided into the necessary number of special departments for the administration of the subjects allocated for separate administration in the Hill Areas. The necessary complement of staff will have to be provided.

Full executive power will be given to the group of Hill Ministers for the administration of these subjects in the Hill Areas.

The Hill Ministers will have authority to determine the language or languages to be used in the separate wing or department of the Hill Areas and other offices in the Hill Areas dealing with the subjects allocated for separate administration.

At the beginning of each financial year a separate complete budget allocation for the subjects allocated to the Hill Areas will be made. This will take the form of an area budget under the subjects meant for separate administration.

In regard to other subjects not transferred for separate administration, the share of allocation of funds to be spent in the Hill Areas should also be separately indicated under the budget heads.

The Hill Ministers will have complete power of expenditure control over the allocations for the departments to be separately administered.

The Hill wing or department of Secretariat of the Hill Areas will have its own separate Financial Adviser for its expenditure control.

3. Legislative Wing :

The MLAs of the autonomous Hill district will form a Regional Committee of the Assam State Assembly. All proposals relating to the legislation concerning the Hill Areas will be referred by the State Assembly to the Regional Committee. This

Committee may also initiate legislative proposals. Normally, the recommendations of the Regional Committee will be accepted by the Legislature. In the event of a disagreement between the State Assembly and the Regional Committee the matter will be referred to the Governor who acting in his discretion may take decisions, after obtaining directions from the President, where necessary.

The portion of the Annual Financial Statement in so far as it relates to the Hill Areas shall be referred by the Assembly to the Regional Committee for consideration.

4. Judicial Wing:

There will be a common High Court for the whole of Assam. The judicial set-up in each of the autonomous districts will be as provided in the Sixth Schedule.

APPENDIX—III F

Record note of the discussions at a meeting of a delegation of the All-Party Hill Leaders Conference of Assam with the Prime Minister held at New Delhi in the Prime Minister's Room at Parliament House on Friday, the 11th December, 1964.

The following were present:—

(1) Shri Lal Bahadur Shastri, Prime Minister.

(2) *Hill Leaders:*

(i) Capt. Williamson Sangma, M.L.A

(ii) Shri G. G. Swell, M.P.

(iii) Shri S.D.D. Nichols Roy, M.L.A.

(iv) Shri Hoover Hynniewta, Ex-M.P.

(3) *Officials:* Shri Rajeshwar Prasad, Joint Secretary to the Prime Minister.

1. The Hill Leaders presented a memorandum to the Prime Minister dated December 11, 1964 in which they requested him to take immediate steps for appointment of the Commission to implement the assurances given to the Hill Leaders by the late Prime Minister. They enquired about the probable date of appointment of the Commission. The Prime Minister said that he hoped to be able to appoint the Commission soon, probably by the next month. It was mentioned that Shri Pataskar was being considered for appointment as Chairman of the Commission after his retirement from his present post.

2. The Hill Leaders then requested that the question of giving increased representation to the Hill Districts both in the Assam State Assembly and in Parliament should also be included in the terms of reference of the Commission. They pointed out that Manipur with a population of 6 lakhs had two representatives in Parliament whereas the four Autonomous Districts with a population of 13 lakhs had only one representative. The Autonomous Districts were spread over vast areas with very poor means of communication and it was difficult for a single M.P. to maintain adequate contact with the people. Moreover, these districts were on the Pakistan border and needed to be more fully represented. It was suggested that there should be one M.P. for each district.

Regarding increased representation in the State Assembly, the Hill Leaders mentioned that the reaction of the Chief Minister, Assam, was favourable.

The Prime Minister said that he would get this matter looked into further, especially as increased representation in Parliament might involve an amendment of the Constitution.

3. The Hill Leaders emphasised that the broad outline for greater autonomy had already been settled between them and the late Prime Minister, and it was only the details which had to be worked out by the Commission. The agreement with the late Prime Minister represented the very minimum which the Hill people were prepared to accept. The present leadership of the APHLC represented the moderate leadership in the Hills today, and they were not pressing their original demand for a

separate Hill State in the light of the assurances of the late Prime Minister and with a view to giving a fair trial to the scheme agreed upon with him. There should be no attempt at whittling down what had been agreed upon on the part of the majority community in Assam. If the assurances of the late Prime Minister were faithfully implemented, then this would have a great effect not only on the people of the four hill districts, but also on the people of the outlying areas, particularly Nagaland.

The Prime Minister pointed out that the agreed scheme was already before them, but the details would have to be worked out by the Commission. Rigid adherence to what had been said in principle might involve difficulties in detail. The Commission's report should be awaited and, thereafter they could have further talks if these were found necessary. There would be no difficulty about amendment of the Constitution once it was decided what should be done. The Prime Minister also said that it would be best if settlement was reached with the agreement of the majority, as only then would it be fruitful and lasting.

4. In response to a suggestion that the Members of the Commission should be those who are sympathetic to the Hill people, the Prime Minister said that the Members should be those who will be completely objective. The Hill Leaders remarked that while they should certainly be objective, they should also be those who know something of the background and who can approach the problem with imaginative sympathy.

5. At the end, the Hill Leaders wanted to be assured again that there would be no going back on the offer which had been made to them by the late Prime Minister and which they had accepted. The role of the Commission should be to implement this agreement by working out the details. The Prime Minister agreed that the Commission would be concerned with working out the details and said that the Commission will have to look into all these points very carefully.

6. The Prime Minister said that he was not likely to visit Shillong next month. The Hill Leaders requested that whenever he came to Assam the Hill people would very much like to meet him. There was great goodwill and good feeling for the Government of India and they looked to it for safeguarding their rights and giving them opportunity for full development.

APPENDIX—IV
(Para 50)

Statement of Revenue receipts of the State of Assam

Years	Receipts (excluding grants-in-aid from the Central Govt.)		Total receipts excluding Grants-in-aid	Percentage of receipts to total		Per capita receipts		Population figures in thousand	
	General	Six. Sch. (Pt. A) Areas		General %	Six. Sch. (Pt. A) Areas %	General	Six. Sch. (Pt. A) Areas	General	Six. Sch. (Pt. A) Areas
			(Rs. in lakhs)			Rs.	Rs.		
1951-52	959·96	30·07	990·03	96·97	3·03	12·21	2·56	7863	1173
1952-53	1143·69	40·09	1183·78	96·61	3·39	14·12	3·32	8098	1206
1953-54	1082·76	61·34	1144·10	94·64	5·36	12·98	4·95	8340	1240
1954-55	1193·30	76·18	1269·48	94·00	6·00	13·89	5·97	8589	1275
1955-56	1743·97	78·87	1822·84	95·67	4·33	19·71	6·01	8846	1312
1956-57	1828·37	66·60	1894·97	96·49	3·51	20·07	4·94	9110	1349
1957-58	2219·15	67·12	2286·27	97·06	2·94	23·65	5·12	9382	1312
1958-59	2471·70	50·33	2522·03	98·00	2·00	25·58	4·20	9663	1199
1959-60	2918·37	36·14	2954·51	98·78	1·22	29·32	2·92	9952	1236
1960-61	2654·10	68·74	2722·84	97·48	2·52	25·89	5·39	10250	1275
1961-62	2662·19	39·96	2702·15	98·52	1·48	25·22	3·04	10557	1315
1962-63	2822·85	30·36	2853·21	98·94	1·06	25·96	2·24	10873	1356
1963-64	3231·45	59·55	3291·00	98·19	1·81	28·86	4·26	11198	1398
1964-65	3697·36	59·72	3757·08	98·41	1·59	32·06	4·14	11533	1442

NOTES: (i) The population figures taken for the purpose of working out per capita figures are as per census reports 1951 and 1961. For other years these are based on the geometrical growth rate.

(ii) The figures in respect of Sixth Schedule Areas including the respective figures for the Naga Hills District upto 30-11-57,

APPENDIX—V

(Para 51)

Statement of Revenue Expenditure of the State of Assam

Years	Revenue expenditure		Total expenditure	Percentage of expenditure to total		Per capita expenditure		
	General	Sixth Sch. (Pt. A.) Areas		General%	Sixth Sch. (Pt. A.) Areas %	General Rs.	Sixth Sch. (Pt. A.) Areas Rs.	
	(Rs. in lakhs)							
1951-52	964.50	128.53	1093.03	88.25	11.75	12.27	10.96	
1952-53	1111.00	147.01	1258.01	88.32	11.68	13.72	12.19	
1953-54	1171.62	204.13	1375.75	85.16	14.84	14.05	16.46	
1954-55	1548.30	373.33	1921.63	80.57	19.43	18.03	29.28	
1955-56	2010.91	434.55	2445.46	82.23	17.77	22.73	33.12	
1956-57	1900.64	519.73	2420.37	78.53	21.47	20.86	38.53	
1957-58	2220.08	622.54	2842.62	78.10	21.90	23.66	47.45	
1958-59	2478.12	399.43	2877.55	86.12	13.88	25.65	33.31	
1959-60	2822.25	557.26	3379.51	83.51	16.49	28.36	45.10	
1960-61	3331.68	718.32	4050.00	82.26	17.74	32.50	56.34	
1961-62	3664.91	579.60	4244.51	86.35	13.65	34.72	44.07	
1962-63	3803.99	640.51	4444.50	85.59	14.41	34.98	47.24	
1963-64	4698.39	736.37	5434.76	86.45	13.55	41.96	52.67	
1964-65	6411.64	932.90	5344.54	82.54	17.46	55.59	64.69	

APPENDIX—VI

(Para 52)

Statement of expenditure on "social and development organizations" of the State of Assam

Years	Expenditure		Total expenditure	Percentage of expenditure to total expenditure		Per capita expenditure		
	General	Sixth Sch. (Pt. A) Areas		General %	Sixth Sch. (Pt. A) Areas%	General Rs.	Six. Sch. (Pt. A) Areas. Rs.	
			(Rs. in lakhs)					
1951-52	294.99	45.06	340.05	86.75	13.25	3.75	3.84	
1952-53	334.37	39.97	374.34	89.32	10.68	4.13	3.31	
1953-54	387.20	50.06	437.26	88.55	11.45	4.64	4.04	
1954-55	522.61	75.10	597.71	87.44	12.56	6.08	5.89	
1955-56	766.76	135.28	902.04	85.00	15.00	8.67	10.31	
1956-57	782.08	132.35	914.43	85.53	14.47	8.58	9.81	
1957-58	935.53	156.27	1091.80	85.69	14.31	9.97	11.91	
1958-59	1068.72	171.49	1240.21	86.17	13.83	11.06	14.30	
1959-60	1236.32	226.26	1462.58	84.53	15.47	12.42	18.31	
1960-61	1395.46	278.71	1674.17	83.35	16.65	13.61	21.86	
1961-62	1493.48	244.21	1737.69	85.95	14.05	14.15	18.57	
1962-63	1737.99	261.32	1999.31	86.93	13.07	15.98	19.27	
1963-64	1884.62	356.87	2241.49	84.08	15.92	16.83	25.53	
1964-65	2235.46	372.15	2607.61	85.73	14.27	19.38	25.81	

APPENDIX—VII

(Para 54)

Statement showing capital expenditure (net) of the State of Assam

(Major Heads 95 to 119)

Year	Expenditure		Total	Percentage of expenditure to total		Per capita expenditure	
	Plains	Hills		Plains	Hills	Plains	Hills*
I	2	3	4	5	6	7	8
	(Rs. in lakhs)					Rs.	Rs.
1951-52	16·19	..	16·19	100·00	..	0·21	..
1952-53	51·13	0·30	51·43	99·42	0·58	0·63	0·02
1953-54	111·15	1·17	112·32	98·96	1·04	1·33	0·09
1954-55	345·46	1·92	347·38	99·45	0·55	4·02	0·15
1955-56	627·48	6·79	634·27	98·93	1·07	7·09	0·52
1956-57	652·38	19·05	671·43	97·16	2·84	7·16	1·41
1957-58	518·55	30·44	548·99	94·46	5·54	5·53	2·32
1958-59	448·09	28·37	476·46	94·05	5·95	4·64	2·37
1959-60	433·91	31·00	464·91	93·33	6·67	4·36	2·51
1960-61	539·56	26·92	566·48	95·25	4·75	5·26	2·11
1961-62	457·99	24·77	482·76	94·87	5·13	4·34	1·88
1962-63	530·80	44·75	575·55	92·23	7·77	4·88	3·30
1963-64	744·52	74·69	819·21	90·88	9·12	6·65	5·34

Note :Major Heads 95 to 119 show capital outlays on the following schemes : 95-Agricultural improvement and research; 95-A-consumers cooperatives; 96-Industrial development, development of co-operatives and development of sericulture, weaving and cottage industries; 100-Irrigation N.B.D. Works (Non-commercial); 101-Electricity schemes; 103-Public works; 109-other works; 114-Road and water transport schemes and 119-Forests.

*Sixth schedule Part (A) Areas.

APPENDIX VIII

(Para 55)

Statement showing plan expenditure of the State of Assam

	1st Plan	2nd Plan	3rd Plan
	(Rs. in crores)		
x. Plan outlay			
Plains	16·25	45·13	116·62
Hills	4·25	9·35	17·36
Total	20·50	54·48	133·98
2. Percentage of plan outlay in the hills to the total outlay	20·07	17·01	12·09
3. Additional expenditure in the hill districts on the centrally sponsored schemes.			
(a) home ministry/department of social security or other ministries . . . . .	..	1·88 0·35	2·05 0·77
(b) development of road communication in backward areas—award of the 3rd Finance Commission.	..	..	0·75
(c) border security roads . . . . .	..	..	2·45

Source : The memorandum on the "Integrated Plan for the Autonomous Districts", 1966-67, submitted by the government of Assam to the Planning Commission.

APPENDIX—IX

(Para 66)

Estimates and actual expenditure under Revenue and Capital Accounts of the State of Assam

(Rs. in lakhs)

Year		Original estimates		Revised estimates		Actuals	
		R	C	R	C	R	C
1951-52	G . . .	853·15	188·84	947·55	103·87	964·50	163·81
	S . . .	207·09	12·27	140·13	10·78	128·53	(—)4·34
1952-53	G . . .	1101·17	348·64	1114·87	177·04	1111·00	377·84
	S . . .	158·91	10·14	153·49	11·76	147·01	1·22
1953-54	G . . .	1261·80	432·18	1278·96	263·38	1171·62	314·44
	S . . .	235·48	8·28	214·14	4·47	204·13	(—)0·93
1954-55	G . . .	1368·84	528·62	1619·87	534·63	1548·30	278·78
	S . . .	301·88	10·08	319·26	(—)10·55	373·33	1·35
1955-56	G . . .	1728·86	2110·84	1831·79	1054·54	2010·91	801·78
	S . . .	418·42	34·45	410·10	30·62	434·55	7·08
1956-57	G . . .	2076·41	1995·32	1881·90	963·88	1900·64	963·16
	S . . .	478·53	60·63	514·82	33·54	519·73	12·08
1957-58	G . . .	2133·23	1585·06	2226·32	1721·86	2220·09	1573·98
	S . . .	756·52	207·78	732·43	205·25	622·54	25·92
1958-59	G . . .	2354·84	967·15	2464·90	1230·43	2478·12	854·40
	S . . .	484·64	41·89	405·57	48·99	399·43	22·84
1959-60	G . . .	2565·13	1098·96	2837·89	1226·64	2822·25	1102·81
	S . . .	488·88	58·68	543·74	76·31	557·26	19·64
1960-61	G . . .	2949·47	1207·48	3300·31	1529·05	3331·68	1583·56
	S . . .	638·26	70·82	766·59	32·67	718·31	(—)8·63
1961-62	G . . .	3105·76	1535·25	3563·39	2505·62	3664·91	2349·94
	S . . .	595·75	87·21	580·07	43·95	579·60	19·45
1962-63	G . . .	3705·11	2762·44	4113·09	2839·18	3803·99	4216·85
	S . . .	617·11	102·11	621·56	96·51	640·51	26·48
1963-64	G . . .	4448·63	3095·80	4840·96	3607·58	4698·39	4853·43
	S . . .	647·98	82·37	715·93	104·09	736·37	46·88
1964-65	G . . .	5083·65	3307·30	5422·49	7075·84	6411·46	2609·47
	S . . .	823·01	164·89	844·82	160·32	932·90	276·71

G—General

S—Sixth Schedule (Part A) Areas

R—Revenue Account.

C—Capital Account.

APPENDIX—X

(Para 69)

Statement of Revenue Expenditure in Tripura, Manipur, Nagaland, NEFA and the Hill Areas of Assam.

Territory	Years	Total revenue expenditure.	Expenditure on social and development services.	Per capita expenditure	
				Revenue expenditure.	Expenditure on social and development Services.
1	2	3	4	5	6
				Rs.	Rs.
		(Rs. in lakhs)			
Tripura	1950-51	640.82	108.83	56.11	9.53
	1961-62	821.46	140.12	71.93	12.27
	1962-63	954.09	161.89	83.54	14.17
	1963-64	891.39	283.01	78.05	24.78
	1964-65	1078.02	405.56	94.40	35.51
Manipur	1960-61	518.44	81.21	66.47	10.41
	1961-62	510.51	83.17	65.45	10.66
	1962-63	517.98	92.19	66.40	11.82
	1963-64	410.45	190.58	52.62	24.43
	1964-65	595.56	230.16	76.35	29.51
Nagaland	1960-61	333.18	85.72	90.29	23.23
	1961-62	309.02	109.28	83.74	29.61
	1962-63	396.41	122.28	107.40	33.14
	1963-64	673.83	156.27	182.61	42.35
	1964-65	889.27	224.45	240.99	60.82
NEFA	1960-61	918.94	74.94	272.68	22.24
	1961-62	1108.67	87.04	329.00	25.83
	1962-63	1194.14	102.34	354.84	30.37
	1963-64	1365.89	130.29	405.31	38.66
	1964-65	1490.25	146.82	442.21	43.56
Hill areas of Assam	1960-61	718.32	278.71	54.62	21.19
	1961-62	579.60	244.21	44.07	18.57
	1962-63	640.51	261.32	48.71	19.87
	1963-64	736.37	356.87	56.00	27.14
	1964-65	932.90	382.15	70.94	28.30

NOTES: (1) The figures have been taken from the Budgets Appropriation Accounts etc. The per capita figures have been arrived at on the basis of 1961 Census figures, treating the figures as constant for all the years. This also explains the difference in the per capita figures of Assam Hill Areas given above and those shown in the other appendices.

(2) The revenue expenditure figures for 1963-64 mentioned in column 2 in respect of Manipur and Tripura do not include expenditure for 3 months on "other civil works, communications and central road fund etc." which were accounted for in demands other than area demand of the territories.

APPENDIX—XI

(Para 210)

Statement of cumulative arrears of the various district councils

	1960-61	1961-62	1962-63	1963-64	1964-65
	(Rs. in lakhs)				
<i>Land Revenue</i>					
Garó	0.16	0.48	0.56	0.57	1.34
UKJ	0.61	0.81	0.94	1.20	1.49
Mikir	5.56	7.09	8.40	9.32	11.04
North Cachar	0.06	0.12	0.18	0.25	0.23
TOTAL	6.39	8.50	10.08	11.34	14.20
<i>House Tax</i>					
Garó	0.20	0.67	0.89	1.14	1.38
UKJ . . . . .	..	..	..	..	..
Mikir . . . . .	..	..	..	..	..
North Cachar . . . . .	..	..	..	..	..
TOTAL	0.20	0.67	0.89	1.14	1.38
<i>Forests</i>					
Garó	0.60	0.53	1.04	1.53	0.52
UKJ . . . . .	..	..	..	..	..
Mikir	0.10	0.11	0.11	0.14	0.13
North Cachar	0.01	0.02	0.06	0.14	0.19
TOTAL	0.71	0.66	1.21	1.81	0.84
<i>Tolls on persons</i>					
Garó . . . . .	..	..	..	0.39	0.76
UKJ . . . . .	..	..	..	..	..
Mikir . . . . .	..	..	..	..	..
North Cachar	0.04	0.04	0.04	0.04	0.03
TOTAL	0.04	0.04	0.04	0.43	0.79
<i>Income from Hats</i>					
Garó	0.89	1.13	1.46	2.40	2.10
UKJ . . . . .	..	..	..	..	..
Mikir	0.41	0.50	0.77	0.69	0.83
North Cachar . . . . .	..	..	..	..	..
TOTAL	1.30	1.63	2.23	3.09	2.93

	1960-61	1961-62	1962-63	1963-64	1964-65
	(Rs. in lakhs)				
<i>Grazing tax, fisheries and local rates</i>					
Garó	0·34	0·78	1·17	1·16	1·14
UKJ	0·06	0·05	0·10	0·14	0·16
Mikir	0·38	0·26	0·43	0·49	0·47
North Cachar . . . . .	..	..	..	..	..
TOTAL	0·78	1·09	1·70	1·79	7
Mizo District	0·14	0·15	0·35	0·52	..

NOTES : (i) The above data has been furnished by the councils.

(ii) The Mizo District Council did not intimate full details of demand, collections and arrears.

APPENDIX XII-A
(Para 215)
Statement showing receipts of the District Councils

Years	Receipts from councils'			own resources		Grants-in-aid for					Total receipts
	Land Revenue	Forests	Markets	Others	Total of cols. 2 to 5	Normal Admn.	Educa-tion	Develop-ment	Others Loans	Total of cols 7 to 10	
I	2	3	4	5	6	7	8	9	10	11	12
(Rs. in lakhs)											
<i>Garo Hills District Council</i>											
1960-61	4.59	5.60	2.06	4.07	16.32	..	1.88	4.74	..	6.62	22.94
1961-62	3.62	6.05	2.21	6.00	17.88	..	2.74	2.11	1.34*	6.19	24.07
1962-63	4.30	7.78	2.33	4.27	18.68	..	8.69	4.15	..	12.84	31.52
1963-64	5.04	7.64	1.92	4.19	18.79	..	7.02	3.91	..	10.93	29.72
1964-65	4.11	8.69	2.96	5.58	21.34	..	4.06	3.12	..	7.18	28.52
TOTAL	21.66	35.76	11.48	24.11	93.01	..	24.39	18.03	1.34	43.76	136.77
<i>United Khasi and Jaintia Hills District Council</i>											
1960-61	0.33	3.00	0.13	0.48	3.94	..	2.65	2.72	..	5.37	9.31
1961-62	0.46	4.42	0.18	0.69	5.75	..	..	0.56	..	0.56	6.31
1962-63	0.38	5.40	0.17	6.61	12.56	..	9.85	3.45	..	13.30	25.86
1963-64	0.29	5.69	0.18	0.80	6.96	..	9.40	2.94	..	12.34	19.30
1964-65	0.29	5.93	0.27	0.76	7.25	..	..	..	..	14.70	21.95
TOTAL	1.75	24.44	0.93	9.34	36.46	..	33.72	12.55	..	46.27	82.73

Loan.

I	2	3	4	5	6	7	8	9	10	11	12
(Rs. in lakhs)											
<i>Mikir Hills District Council</i>											
1960-61 . . .	2.11	4.56	0.56	0.28	7.51	..	0.80	2.43	..	3.23	10.74
1961-62 . . .	1.78	6.09	0.61	0.18	8.66	..	2.15	1.69	..	3.84	12.50
1962-63 . . .	1.84	6.11	0.62	0.25	8.82	..	5.23	3.02	..	8.25	17.07
1963-64 . . .	2.47	8.88	0.97	0.29	12.61	..	5.49	2.44	..	7.93	20.54
1964-65 . . .	2.00	8.32	0.66	0.21	11.19	..	4.12	2.91	..	7.03	18.22
TOTAL . . .	10.20	33.96	3.42	1.21	48.79	..	17.79	12.49	..	30.28	79.07
<i>North Cachar Hills District Council</i>											
1960-61 . . .	0.23	1.15	0.82	0.54	2.74	..	..	1.16	0.30*	1.46	4.20
1961-62 . . .	0.26	1.62	0.81	0.45	3.14	..	..	0.93	..	0.03	4.07
1962-63 . . .	0.30	2.00	1.03	0.63	3.96	..	..	1.05	..	1.05	5.01
1963-64 . . .	0.34	2.66	1.20	0.48	4.68	..	..	1.27	0.92†	2.19	6.87
1964-65 . . .	0.32	3.38	1.37	0.57	5.64	..	2.84	2.90	1.49†	7.23	12.87
TOTAL . . .	1.45	10.81	5.23	2.67	20.16	..	2.84	7.31	2.71	12.86	33.02
<i>Mizo District Council</i>											
1960-61 . . .	1.70	1.99	0.04	0.22	3.95	2.00	3.80		..	5.80	9.75
1961-62 . . .	2.19	2.77	0.01	1.48	6.45	2.00	5.07		..	7.07	13.52
1962-63 . . .	1.76	3.41	0.03	0.33	5.53	1.72	16.96		..	18.68	24.21
1963-64 . . .	1.90	3.20	0.06	1.20	6.36	1.00	20.72		..	21.72	28.08
TOTAL . . .	7.55	11.37	0.14	3.23	22.39	6.72	46.55		..	53.27	75.56

*Loan.

† G rants for Test Relief Works.

APPENDIX XII-B

(Para 215)

Statement showing expenditure of the district councils

Years	Expenditure on					Total
	Establishment, pay allowances of staff other than education	Education	Development		Other expenditure	
			Out of councils' own resources	Out of government grant		
1	2	3	4	5	6	7
(Rs. in lakhs)						
<i>Garo Hills District Council</i>						
1960-61	5.54	2.25	3.91	4.99	4.62	21.31
1961-62	5.83	5.14	2.67	2.25	7.18	23.07
1962-63	5.95	7.96	3.24	3.79	6.93	27.87
1963-64	5.75	11.80	2.59	3.21	9.38	32.73
1964-65	6.46	8.42	4.91	3.05	12.05	34.89
TOTAL	29.53	35.57	17.32	17.29	40.16	139.87
<i>United Khasi and Jaintia Hills District Council</i>						
1960-61	3.95	2.82	0.29	5.15	0.87	13.08
1961-62	4.28	1.28	0.27	1.40	1.02	8.25
1962-63	4.51	9.15	1.00	2.09	0.95	17.70
1963-64	4.94	13.79	0.92	1.86	1.04	22.55
1964-65	5.36	14.19	0.53	2.59	1.01	23.68
TOTAL	23.04	41.23	3.01	13.09	4.89	85.26
<i>Mikir Hills District Council</i>						
1960-61	3.82	1.12	1.93	2.16	2.80	11.83
1961-62	3.90	2.86	1.49	1.10	1.32	10.67
1962-63	3.95	4.42	1.60	2.92	1.70	14.59
1963-64	4.53	6.49	1.00	2.38	2.19	16.59
1964-65	5.18	7.82	1.88	2.55	3.51	20.94
TOTAL	21.38	22.71	7.90	11.11	11.52	74.62

1	2	3	4	5	6	7
(Rs. in lakhs)						
<i>North Cachar Hills District Council</i>						
1960-61	1.80	0.48	0.19	0.81	1.11	4.39
1961-62	1.79	0.48	0.23	0.48	1.73	4.71
1962-63	2.25	0.36	0.07	1.17	0.89	4.74
1963-64	2.43	0.35	0.13	0.94	2.31	6.16
1964-65	3.23	3.51	0.12	0.66	4.10	11.62
TOTAL	11.50	5.18	0.74	4.06	10.14	31.62
<i>Mizo District Council</i>						
1960-61	5.00	0.23	..	2.30	1.87	9.40
1961-62	5.32	3.77	..	2.85	1.70	13.64
1962-63	5.43	11.45	..	2.01	1.75	20.64
1963-64	6.24	15.80	..	9.25	2.04	33.33
1964-65	7.79	16.19	..	14.61	2.64	41.13
TOTAL	29.78	47.44	..	31.02	9.80	118.14