

# North East Autonomous Councils and proposed amendments

January 31, 2019

## Manifest Pedagogy

North East as an issue is important this year due to the issue of refugees and migrants. Aspirants will be focusing mostly on issue of refugee, migrants and other social aspects like Regionalism but certain tangential aspects like the concept of citizenship (which became prominent because of NRC), North East autonomous councils and issue of decentralization also become relevant. Hence, it is advisable for aspirants to focus on Governance aspects as well – related to North East.

## In news

Cabinet decides to strengthen North East Autonomous Councils

## Placing it the syllabus

Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein

## Static dimensions

1. Provisions of VI schedule
2. Importance in working of the VI schedule

## Current dimensions

1. Amendments proposed to North East Autonomous Councils

2. Their advantages and criticisms
3. Issue of Decentralization as a whole

## Content

### Amendments and its provisions

The cabinet approved a landmark amendment to **Article 280 and VI Schedule** of the Constitution. The most important part of these amendments is that these will significantly improve the financial resources and powers of the autonomous districts councils in Assam, Meghalaya, Mizoram, and Tripura, fulfilling longstanding aspirations of the tribal population in these Northeastern states

**Article 244** of the constitution talks about the administration of Scheduled Areas and Tribal Areas, and **Article 244A** provides for formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both, further **Articles 244(2) and 275(1)** mentions some Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura, and Mizoram.

### Amendments

The Union Cabinet approved the amendment to increase the powers of the autonomous councils in the VI Schedule areas of the North East, it includes :

1. Under the amendment the Finance Commission will be mandated to recommend devolution of financial resources to the councils.
2. It also provides for transfer of additional 30 subjects, including departments of Public Works, Forests, Public Health Engineering, Health and Family Welfare, Urban Development and Food and Civil Supply to Karbi Anglong Autonomous Territorial Council and Dima Hasao Autonomous Territorial Council in Assam.
3. The proposed amendments provide for **elected village**

**municipal councils.** The village councils will be empowered to prepare plans for economic development and social justice, including those related to agriculture, land improvement, implementation of land reforms, minor irrigation, water management, animal husbandry, rural electrification, small scale industries and social forestry.

4. At least **1/3rd of the seats will be reserved for women** in the village and municipal councils in the VI Schedule areas of Assam, Mizoram and Tripura and at least 2 of the nominated members in all autonomous councils in the North East VI Schedule areas resulting in empowerment of women.
5. There will be **State Election Commissions** for holding elections to the autonomous councils, village and municipal councils in the areas of Assam, Mizoram and Tripura.
6. There will be a provision for **anti-defection** too.
7. The amendments will **fulfill the commitments made under tripartite Memorandum of Settlements** signed by Government of India, governments of Assam and Meghalaya, United People's Democratic Solidarity (UPDS), Dima Halam Daogah (DHD) and Achik National Volunteers' Council (ANVC).
8. The amendments proposed to **rename the existing autonomous councils** as Karbi Anglong Autonomous Territorial Council (KAATC), Dima Hasao Autonomous Territorial Council (DHATC), Garo Hills Autonomous Territorial Council (GHATC), Khasi Hills Autonomous Territorial Council (KHATC), Jaintia Hills Autonomous Territorial Council (JHATC) and Tripura Tribal Area Autonomous Territorial Council (TTAATC) as the present jurisdiction of these councils extend to more than 1 districts.

**Autonomous councils, their powers and functions**

1. The VI Schedule provides for autonomous decentralized self-governance in certain tribal areas of Assam, Meghalaya, Mizoram and Tripura. Under this arrangement, autonomous councils are administered by their own elected representatives.
2. The VI schedule lays down a framework of autonomous decentralized governance with **legislative** and **executive** powers over subjects like water, soil, land, local customs and culture. These bodies have also been given **judicial** powers to settle certain types of civil and criminal cases also.
3. The councils are to be headed by a chief executive member, aided by executive members, roughly similar to cabinet ministers.
4. The district and the regional council under the VI Schedule can receive grants-in-aid from the Consolidated Fund of India to meet the costs of schemes for development, health care, education, roads and regulatory powers to state control.
5. But autonomy does not imply financial self-sufficiency. **Autonomous councils are dependent on their respective state governments for funds** in addition to the occasional special package from the Centre.

### **How will the new amendments help?**

1. This will also help to groom younger leadership and talent among tribals who would like to come forward to head the village council.
2. It will give some financial resources to the councils.
3. One-third of the seats reserved for women in the village and municipal councils would help proper representation of women in the local governance.
4. Empowerment of grassroots democracy.

### **Criticisms of the amendments**

- Though the Finance commission has been enabled to

recommend for funds, the councils would continue to be dependent on the state government for salary expenditures and administrative costs. Because the Finance Commission can only recommend funds under specific projects for developmental works.

- The proposal, however, is being opposed by the autonomous councils as they fear that this may result in dilution of powers for the independent bodies at the district and regional levels. As per the provision, the money will only be released by the State government after satisfaction, by authorities that the work has been started in a phase-wise manner. The councils will also be required to submit a completion certificate for the release of final payment.