

THE VILLAGE COUNCILS OF ASSAM WITH SPECIAL REFERENCE TO LALUNG AUTONOMOUS COUNCIL

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Introduction

Assam has six autonomous councils out of which two of them are Hill Autonomous Councils created after 90s. These are Dima Hasao Autonomous Council (N C Hills) and Karbi Anglong Autonomous (KAAC) Council, and the rest are Plain Autonomous Councils- i.e. RAC, LAC, SKAC, MAC. There is also an extended sixth schedule administrative arrangement for Bodos in Assam named Bodoland Territorial Council (BTC Act of 2003) made scrapping the Bodoland Autonomous Council Act of 1993. All these autonomous arrangements for Tribal in Assam are the fruit of political arrangement made after prolong agitation of student, social organisations and followed by armed insurgent groups in Assam. It is politically considered as a desirable and suitable local self government rather than parallel imposed political system of Indian federalism. It is aimed to protect the tribal from civic hegemony on them in respect of language, art, culture, traditions and political fields. Thus the idea of formation of village council in the line of tribal chieftainship administration empowering the powers of Gram Panchayat and formation of development council empowering with powers of Anchalick Panchayat and Zilla Parishad level to Territorial Level Constituency (TLC) as experimental basis is brought to Assam considering the culture of tribal civic society and their search for local government at their own choice i.e. Hill or Plain autonomous council of which grass root institution of administration is village council in lieu of gram panchayat.

Objective

This paper aims to highlight the –

1. It aims to trace and describe the historical antecedents of village council and chieftainship.
2. It aims to find out and describe the reconstruction of constituency of village council and development council, nature, jurisdiction of the council, objectives of council,

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composition, election process, term of office, removal or vacancy of seats, powers and functions, taxations and funds of the village council of the development council.

Method and Data: Historical and descriptive method is applied to prepare this research paper. The data used to interpret the research findings are secondary data. It is collected from the government records and eminent books of history of national and international repute.

Results and Discussion

Historical Antecedents

Historically all the hill tribals are not the part of Assam but annexed after the colonialisation, for instance Assam's plains (1826), Cachar Plains (1830), Khasi Hills (1833), Jaintia Hills (1835), Karbi Anglong (Mikir Hills) (1938), North Cachar Hills (1854), Naga Hills during (1866-1904), Garo Hills (1872-73) and Lushai Hills (1890). So, they frame some sort of rules for these section of people namely- Bengal Eastern Frontier Regulation Act (1873), Frontier Tract Regulation Act (1880), formation of Government of India Act (1919) with the recommendation of Montague Chelmsford Report under section 52 (A) to prescribe Inner Line Permit (ILP) by government for North Eastern Indian hill tribals like - Garo, Khasi, Jaintia, Mikir, Dimasa (Cachar), Naga, Lushai and in Plain areas like Sadia, Balipara and Lahkimpur Tract. Presently the existence of inner line permit is found in Arunachal Pradesh, Nagaland and Mizoram.

We come to know that village councils available in the Plain and Hill Autonomous councils in Assam specially for tribal development are a political arrangement as a off shoot of tribal revolts from time to time. There are two autonomous district councils for Hills in Assam i.e. Dima Hasao District Council (DHDC) and Karbi Anglong Autonomous Council (KAAC). The two hill districts Karbi Anglong and Dima Hasao district witness the demand of autonomy, sixth schedule status and statehood on the reason of three basic factors are - a. the language policy of the Government; b. the recruitment policy of the government; and c. the aim was the dissolution of the duly elected district council and the formation of a new body in its place. There are other four other Plain Autonomous Councils in the state namely Mishing Autonomous Council (MAC), Lalung (Tiwa) Autonomous Council (LAC), Rabha Autonomous Council (RAC) and Sonowal Kachari Autonomous Council (SKAC). There is also another extended sixth schedule status autonomous arrangement in Assam Bodoland Territorial Council (BTC, 2003) which also posses village council. It comes under the 6th schedule of the constitution of India from article 244(2) and 275 (1). For the search of good governance in the North East tribal, it is made in force in Assam, Meghalaya, Mizoram and Tripura. The village council and district councils enjoy legislative powers on specified subject's like- taxation, administration of justice, welfare, land revenue, forests, education, public health etc. It is a peculiar picture of tribal administration that cannot be generalized with that of

Panchayati Raj system. British also could know about the peculiar nature of tribal administration namely “local self government” but not Panchayat. British also learned the art, culture, tradition, language complexities, heterogeneity of tribal culture, administrative policy and the values that tribal try to persist. Autonomy movement of ethnic groups in Assam combines different factors like social, economic, political cultural etc. Ethnic groups especially still *feels illegally conquered* over their land and exercising a continuous exploit in social, economic, political, cultural fields. So factors like historical, inhabitant (primitive), demonstrative (Sylhet referendum, linguistic reorganization of state post 1960s), search for sixth schedule for tribal administration, stagnant in tribal’s infrastructural development, Land issue (Open villages, Closed villages, mixed villages) engulfed and encroached by immigrants and non-tribals, Assamese Chauvinism and identity crisis of ethnic groups, A sense of relative deprivation in political rights- job in top government officials, non fulfillment of quota system, non-refilling of backlog posts, political berth, deprivation in Job, economy, education and culture. As a result of search for language, culture and political identity of their own in Assam with ethnic assertions adopting with democratic and violent strategy.

If we trace back to the development of the tribal politics in Assam- pre-colonial, colonial and Post colonial era we find the significant changes and development in the tribal politics specially in the north east.

Pre-Colonial states	Colonial States in	Statehood ship (post-colonial)	Post colonial states development in tribal administration
Assam (Ahom, Koch, Kachari, Chutias,)	Assam Plains 1826 Cachar Plains 1830 Mikir Hills 1838 N.C Hills 1854	1947	6 nos. autonomous Councils (Hills and Plains) and 1 no. 6 th schedule administration (& VCDC)
Meghalaya (Khasi, Jaintia, garo)	Khasi Hills 1833 Jaintia hills 1835 Garo Hills 1872-73	1972	Autonomy to Khasi, Garo and Jaintia Hills (& Village council system)
Tripura	Colonized	(UT-1972, later state)	State system & Panchayat (towards transition of tribal administration)
Manipur	Colonised	State hood in 1972	State system & Panchayat
Mizoram (Lushai Hills)	1890	UT-1972, state hood in 1986	District council and VCDC
Nagaland (Naga Hills)	1866-1904	1960	State system & towards more autonomy
Arunachal (Arunachal Hills)	North East Frontier Tract	1971 (NEFT)	State system (tribal society)

Constituency of Village Council: The village council is a model of satellite government in the autonomous or development council to give more fruit to the tribal's in the grassroots in the place of Gram Panchayat in the Panchayati Raj system. It is noteworthy that it is experiencing only in the tribal populated areas of hills and plains comprising 6000 to 8000 population under 6th schedule of Indian constitution or by state arrangements.

Nature of Village Council in Development Council: The nature of village council can be discussed in the following sub heads.

a. **Constitutional body:** Village Council is a government at local level with a constitutional body as it is a product of MOU between state government and party or in sixth schedule in cases of BTC.

b. **Village autonomy:** It is given autonomy within the district council's satellite autonomy replacing the status of gram panchayat and hierarchical village chieftainship.

c. **Quasi judicial autonomy:** It has been entrusted to settle disputes locally arise as per custom and traditions suits to them.

d. **Elected body:** Village council has a term of five years. As its term is of office is of five years it bases on the principle of democracy. But the election of village council depends upon the decision of General council and State government.

e. **A Responsible government:** Village council is the local government at the door step of the people and is responsible to the people as it is elected by the people.

Objectives behind formation of Village Council of Development Council:

1. The formation of village council in each development councils or autonomous councils is considered a noble ideal of Indian constitution that enshrined in the 6th schedule.
2. It is difficult to generalize the tribal administration with the general community if we go through their culture, custom, tradition & social system.
3. To overcome from the continuous tribal revolt in Assam that standstills the economic development in the state.
4. To help the Tribal to develop with their social values rather than imposed values.
5. To reduce the gaps in administration that experienced in the frame work of state.
6. To experiment the experience of tribal's participatory politics in grass root society and cope with democratic institutions.

Jurisdiction of Village Council in Development Council (V.C.D.C.)

As declared by Assam Gazette Extra Ordinary Act of 1995 the jurisdiction of VCDC will cover the village council area only comprising 6000 to 8000 Lalung tribal populations covering the specified area of Morigaon district of Assam. But no political demarcation is curved till date. But Assam also witnesses other such six autonomous councils including hills and plains.

Composition of Village Council

1. Village council is constituted comprising ten villages and each village council shall have single member constituency as given under section 48 & 49 of LAC,1995.

2. Village Council is formed comprising ten constituency of single member representative. Out of ten 5 seats reserved for ST (P), one for women and other 4 are open.
3. Village council may be formed in such area where 50 per cent of the population is tribal where 6000 to 8000 populations are available. The village councils in Lalung Autonomous Council is composed of one president, one vice president, an executive member or secretary and two other members as embodied u/s section 331(1) & 32 (1) , LAC Act, 1995.

Election of Village Council in Development Council (V.C.D.C.) Members

Qualifications: The qualifications of the members are mentioned under section 53, LAC act, 1995 is same to the member of Gram panchayat i.e. name in the electoral roll of the village council area, he or she must attain 25 years of age, he or she must not be bankrupt, and there must not legal case pending against him.

Disqualifications: The disqualifications of members of village council are mentioned under section 54, LAC act, 1995. These are:

1. If he is not a citizen of India.
2. If he is less than 15 years of age or fixed by Government of India from time to time.
3. If he is elected member of panchayat or municipality in Assam.
4. If he holds central or state government service.
5. If he directly or indirectly has any interest or share of contract of profit making.
6. The election of the district council and the village council shall be conducted by the state government through the District election commission under section 52, LAC act, 1995.

Electorate

Under section 50 (1), LAC act, 1995 the people who have their name in the electoral roll in the constituency of village council shall have the right to vote. 50 (2) District Election Commission shall provide list of electoral roll for each village council.

Oath and Affirmations: Oath is taken before a person appointed by the Governor of the state as stated under section 40 LAC Act, 1995.

Who shall have the right to vote?

1. As per u/s 50 (1) of the Act, who has his name in the electoral roll shall have the right to vote in that constituency. He will be allowed give only one vote.
2. He shall not be allowed to cast his vote in other constituency
3. Deleted voters will not be allowed to caste vote. In this respect the Peoples representation Act of India 1951 will be the final and legally binding.
4. No person shall vote more than one vote in the same constituency
5. No person shall caste more than one vote
6. No person in the prison or in the lawful judicial custody shall have to vote.

Term, Removal & filling up of Vacancies

Term of office of the village council is of 5 years as mentioned under section 33 (1) of LAC Act, 1995.

Removal: The president and vice president may be removed by majority decision in the special meeting and passing resolution in form of writing by elected member of the village council. The other members of the VCDC may also resign writing to their president. The president and members have to resign from their post if they are convicted of crime and local court declares them of an offence. It is embodied under section 33(1), 33(2) & 35 (1) of LAC Act, 1995.

Filling up of Vacancies: Vacancy of members of the village council may be due to death, resignation, removal or otherwise. The seats of the president and vice-president are to be filled within a month in a meeting of village council. The vacancies of other member to be filled by bye election as laid down under section 36 (1) of LAC Act, 1995.

Salaries, Office, Quorum & Meeting

The president, secretary and members village council receives salary form the autonomous council. General council and village Councils have an office for sitting.

1. **Salaries:** Under section 37 (1), LAC Act, 1995 both the president and the vice president are paid amount for their functions of the village council that is prescribed by the state government from time to time.
2. **Quorum:** Under section 41 LAC Act, 1995 the quorum of the meeting of the village council to transact any business of the council is 4 out of 10. But in order to arrive at any decision majority is required i.e. 6 out of 10.
3. **Meeting:** Under section 39 (1), LAC Act, 1995 there shall be a meeting in a month of the village council in their permanent office or in a convenient place as notified by president earlier.

Office of the Village Council:

1. Under section 42 (1) of the LAC act of 1995 there shall be an office of the village council for sitting of the president and vice president for holding office or meetings.
2. The secretary of the village council acts as the chief of the executive of the village council under the direction and control of the president.
3. The secretary of the village council presents and takes part in the discussion of the village council.
4. All the other official staffs shall be subordinate to secretary and are accountable to village council.
5. The village council may also record and produce ACR (Annual Confidential Report) of staffs of the office of village council.

Power and Functions of the President of the Village Council:

1. The village council has the power to maintain the record of administration of the village council area.

2. The village council has the power to supervise all officers and employees in the jurisdiction of village council area.
3. The village council has also executive powers are entrusted to the village council under act and also regarding appointment of Grade-III & IV posts.
4. The vice president of the village council shall act as president of the village council in his absence only if state government entrust power in writing to him.

Power and Functions of the Village council:

Notwithstanding anything contained in any administration in the village council other law or rules for the time being the village council shall enjoy the following power and functions as stated under section 43 and 44 of the LAC Act of, 1995.

1. **Executive Powers:** under section 43 and 44 The village council has given the executive power of local administration. It has given the power to appoint grade-III and Grade IV posts of village council. It has given the executive power by state government on the subjects like agriculture including agriculture extension, animal husbandry, diary development, poultry, fisheries, social and firm industry, khadi, village and cottage industries, tunnels, water ways, rural electrification, non-conventional energy, poverty alleviation programme, education including primary education, Adult and non-formal education, libraries, cultural activities, markets, fairs, rural sanitation, public health and family welfare, women and child development, social welfare (handicapped and mentally retard persons), welfare of SC and ST, public distribution system, maintenance of community assets, Construction and maintenance of dharamsalas, slaughter house, cattle sheds, public parks, playgrounds, cart stand etc. Government of Assam may also entrust power from time to time (under section of LAC 1995).

2. Power relating to General Control and supervision

Under section 44 of LAC the village council has general control and supervision over the public activities in the jurisdiction of the village council. These are -

1. Formulation of integrated development plan for the village council area
2. Implement scheme and programmes for the development of village council area
3. Power to appoint grade III and grade-IV staffs of the village council
4. Power to regulate trade and commerce within the village council area under the law and
5. Power to guide customs and traditions and social justice within the council.

Funds, Audit and Budget of village council

Under section 61 (1) of the LAC act of 1995 there shall be two funds for the autonomous districts and councils i.e.

- a. General Council fund meant for the expenses of general council constituency of the area under autonomous council.
 - b. Village Council fund meant for the expenses of the village council constituency of the area under autonomous council.
2. These funds are kept under separate sub heads within the state budget and realized under the act.

3. The state government also provides funds for the general council and village council from the tribal sub-plan and other sources.
4. **Sources and deposits of village council fund**
 - a. The contributions and grants received from the state government.
 - b. The contributions and grants received from the general council for the village council.
 - c. All receipts on account of donation, rates, fees taxes.
 - d. All other sums received by village council.
 - e. Land revenue and local rates, if any in land including tea garden lie in the area of village council.
5. All these allocations are made under the subheads as per the guidelines of act and subjects transferred by state government.
6. State government cannot divert funds allocated under these subheads except exigencies or other unavoidable circumstances.
7. All funds are allocated by central and state government to the general council and village council from time to time.
8. Village Council may create a sinking fund for the repayment of loan.
9. No money can be paid by village councilor or general council member unless such as expenditure is covered in the current budget.
10. The surplus money may be invested in the end of the current year with the help of bye laws passed by village council.
11. The accounts of general council and village council is kept and prescribed in consultation with accountant general Assam (Audit 62, subject CAG Act 56 of 1971 & under section 61(1), LAC Act, 1995.

Impose Tax and Collect Tax

Imposition of tax and collection of tax of the general council and village council is stated under section 45(1) and 46 of LAC, 1995.

1. Levy tax on tools used by persons, vehicles, animals of any class, bridge, road but not on ferry or boat.
2. Fees on registration of boats and vessels,
3. Fees for licenses,
4. Water rates where arrangements for irrigation or drinking water is made by village council,
5. Taxes on light provided in public streets in the area of Village Council.

Conclusion

The arrangement of the village council is just a model to the replacement of Panchayati Raj system to cope with the values of tribal administration under village council in democratic means replacing the chieftainship. But most of the village councils are void of election, power and development funds. Each and every village council is subject to the decisions, schemes and policies of the state government and district council. It is merely arrangement to decentralize the power at the village in the form of village council but the execution of policies and programmes are still in need of miles to go.

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