

Documentation of the Governance Arrangements in Non-Part IX Areas of North Eastern States

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TABLE OF CONTENTS

Chapter One -----	15
<i>Introduction</i>	
Chapter Two -----	25
<i>Assam</i>	
Chapter Three -----	60
<i>Manipur</i>	
Chapter Four -----	82
<i>Meghalaya</i>	
Chapter Five -----	99
<i>Mizoram</i>	
Chapter 6 -----	121
<i>Nagaland</i>	
Chapter Seven -----	139
<i>Tripura</i>	
Chapter Eight -----	157
<i>Arunachal Pradesh</i>	
Chapter Nine -----	163
<i>Sikkim</i>	
Chapter Ten -----	172
<i>Local Governance System in North Eastern States: Major Findings, Problems and Recommendations</i>	
References-----	194

Annexure One -----197

Compilation of Articles, Acts & Rules

Annexure Two -----227

Questionnaire of ADC/ Statutory Autonomous Councils /VC/other

Administrative Structure

Annexure Three -----237

Questionnaire of District, Intermediate and Gram Panchayats

LIST OF TABLES

Table 1.1	Scheduled Tribe population in North Eastern States
Table 1.2	Study Design: ADCs under the provisions in the Sixth Schedule in Non-Part IX Areas
Table 1.3	Study Design: State Created Statutory Autonomous Councils in Non-Part IX Areas
Table 1.4	Study Design: Non- ADC areas in Mizoram and Village Council in Nagaland in Non-Part IX Areas
Table 1.5	Study Design: Panchayats in Part IX areas
Table 1.6	All Categories of Samples Selected from Eight States
Table 1.7	Categories of Respondents
Table 2.1	Institutions of Local Governance in Assam
Table 2.2	Population under Sixth Schedule Areas in Assam
Table 2.3	Nomenclature of ADC Heads in Assam
Table 2.4	Legislative Powers of Sixth Schedule ADCs in Assam
Table 2.5	Judicial Powers of Sixth Schedule ADCs in Assam
Table 2.6	Executive Powers of Sixth Schedule ADCs in Assam
Table 2.7	Taxation Powers of Sixth Schedule ADCs in Assam
Table 2.8	Structure of BTC
Table 2.9	Structure of KAAC
Table 2.10	Budget of KAAC
Table 2.11	Revenue of KAAC
Table 2.12	Structure of NCHAC
Table 2.13	Budget of NCHAC
Table 2.14	Tax and Non-Tax Revenue - NCHAC
Table 2.15	Funding of MAC
Table 2.16	Nomenclature of Three Tiers of Panchayats

Table 2.17	Staff Pattern of Darrang Zilla Parishad
Table 2.18	Staff Pattern of Sipajhar Anchalik Panchayat
Table 2.19	Staff Pattern of Deomarnai Gaon Panchayat
Table 2.20	Activities and Sources of Funds: Deomarnai GP
Table 2.21	Plan 2016-17: Deomarnai GP
Table 3.1	General Information on ADC in Manipur
Table 3.2	Local Bodies: List of Acts / Rules
Table 3.3	Executive Powers of ADCs in Manipur
Table 3.4	Taxation Powers of ADCs in Manipur
Table 3.5	Structure of Chandel ADC
Table 3.6	Expenditure Pattern Chandel ADC
Table 3.7	Structure of Ukhrul ADC
Table 3.8	Nomenclature of Panchayats and Elected Heads
Table 3.9	Structure of DPC: Manipur
Table 3.10	Staff Pattern of Gram Panchayat
Table 4.1	Population: ADCs in Meghalaya
Table 4.2	Legislative Powers of ADCs in Meghalaya
Table 4.3	Judicial Powers of ADCs in Meghalaya
Table 4.4	Executive Powers of ADCs in Meghalaya
Table 4.5	Financial Powers of ADCs in Meghalaya
Table 4.6	Nomenclature of Heads of Various Institutions in KHADC
Table 4.7	Structure of KHADC
Table 4.8	Sources of Revenue of KHADC
Table 4.9	Expenditure of KHADC
Table 4.10	Nomenclature of Heads of Various Institutions of JHADC
Table 4.11	Structure of JHADC

Table 4.12	Structure of GHADC
Table 4.13	Nomenclature of Heads of Various Institutions GHADC
Table 4.14	Income Statement of GHADC
Table 5.1	Basic Statistics of Mizoram
Table 5.2	Village Councils in ADC and Non- ADC Areas of Mizoram
Table 5.3	Legislative Powers of ADCs in Mizoram
Table 5.4	Judicial Powers of ADCs in Mizoram
Table 5.5	Executive Powers of ADCs in Mizoram
Table 5.6	Financial Powers of ADCs in Mizoram
Table 5.7	Demographic profile of CADC
Table 5.8	Structure of CADC
Table 5.9	No. of Elected Members and Reservation for Women
Table 5.10	Demographic profile of MADC
Table 5.11	Structure of MADC
Table 5.12	Demographic profile of LADC
Table 5.13	Structure of LADC
Table 5.14	DPC in Aizawl District
Table 6.1	Population in Nagaland
Table 6.2	Village Development Boards in Nagaland
Table 6.3	Planning Committee
Table 6.4	Local Governance-Village Councils and Village Development Boards: Kohima District
Table 6.5	Structure of Viswema Village Council: Kohima District
Table 6.6	Structure of Village Development Boards :Kohima
Table 6.7	Profile of Mokokchung district
Table 6.8	Village Development Board Members

Table 7.1	District Population in Tripura
Table 7.2	Structure of TTAADC
Table 7.3	Legislative Powers of TTAADC
Table 7.4	Executive Powers of TTAADC
Table 7.5	Funding Pattern of TTAADC
Table 7.6	Staff Strength of TTAADC
Table 7.7	Flow of fund to TTAADC
Table 7.8	Plan Preparation
Table 7.9	Nomenclature of Panchayats
Table 7.10	Activities /Functions of PRI
Table 7.11	Plan 2016-17: Paschim Balaram Gram Panchayats
Table 8.1	Profile of Panchayats in Arunachal Pradesh (2013-2018)
Table 8.2	Administrative Head of Panchayats in Arunachal Pradesh
Table 8.3	Structure of DPC: Arunachal Pradesh
Table 8.4	Provisions in Act with respect to Gram Sabha: Arunachal Pradesh
Table 9.1	Profile of PRIs in Sikkim
Table 9.2	Plan of Phalidara GP : Sikkim
Table 9.3	Staff Pattern Maniram Phalidara GP
Table 10.1	Autonomous District Councils in Sixth Schedule Areas and the Year of Formation
Table 10.2	Statutory Autonomous District Councils in Assam and Manipur
Table 10.3	Non- ADC areas in Mizoram and Village Councils in Nagaland
Table 10.4	Select Features of Autonomous District Council and District Panchayat: North Eastern States
Table 10.5	Select Features of Village Council and Village Panchayat: A Comparative Analysis
Table 10.6	Organs of ADCs

LIST OF ILLUSTRATIONS

- | | |
|-----------|--|
| Chart 2.1 | Local Governance System in Assam |
| Chart 2.2 | Sixth Schedule ADCs and Statutory ADCs in Assam |
| Chart 2.3 | Organs of ADCs in Assam |
| Chart 2.4 | Local Governance System in BTC |
| Chart 2.5 | Structure of Local Governance in KAAC |
| Chart 2.6 | Structure of Local Governance in NCHAC |
| Chart 2.7 | Name of Statutory ADCs in Assam |
| Chart 2.8 | Structure of Statutory ADC in Assam |
| Chart 3.1 | Local Governance System in Manipur |
| Chart 3.2 | Structure of Statutory ADC in Manipur |
| Chart 3.3 | Customary Judicial Structure in Ukhrul District Pattern- I |
| Chart 3.4 | Customary Judicial Structure in Ukhrul District Pattern-II |
| Chart 4.1 | Local Governance System in Meghalaya |
| Chart 4.2 | Organs of ADCs in Meghalaya |
| Chart 4.3 | Departments of ADCs in Meghalaya |
| Chart 4.4 | Local Governance System in KHADC |
| Chart 4.5 | Local Governance System in JHADC |
| Chart 4.6 | Local Governance System in GHADC |
| Chart 5.1 | Local Governance System in Mizoram |
| Chart 5.2 | Administrative Set-up in ADC Area in Mizoram |
| Chart 5.3 | Administrative Set-up in Non ADC Area in Mizoram |
| Chart 5.4 | Departments: Chakma Autonomous District Council |
| Chart 5.5 | Departments in Mara Autonomous District Council |
| Chart 5.6 | Institutional Structure of Decentralized Planning: Aizawl District |

- Chart 6.1 Local Governance System in Nagaland
- Chart 7.1 Local Governance System in Tripura
- Chart 7.2 Organizational Structure of TTAADC
- Chart 7.3 Departments of TTAADC
- Chart 9.1 Organizational structure of Panchayati Raj in Sikkim

BOXES

- Box 6.1 Various Local Institutions and Organizations in a Village

LIST OF ABBREVIATIONS

ADC	Autonomous District Council
AP	Anchalik Panchayat
APIO	Assistant Public Information Officers
ARDD	Animal Resources Development Department
BDO	Block Development Officer
BP	Block Panchayat
BTAD	Bodoland Territorial Autonomous District
CADC	Chakma Autonomous District Council
C&AG	Comptroller and Auditor General
CEC	Chief Executive Councillor
CEO	Chief Executive Officer
CEM	Chief Executive Member
CFC	Central Finance Commission
DC	District Council
DDC	District Development Committee
DCHA	Development Commissioner for Hill Areas
DEAS	Double Entry Accounting System
DPC	District Planning Committee
DP	District Panchayat
DLFA	Director Local Fund Audit
DLFA	District Local Administration Officer
DPDC	District Planning & Development Council
DLAO	District Local Administration Officer
DM	District Magistrate

DRDA District Rural Development Agency
DDP Draft Development Plan
DPDO District Panchayat Development officer
EC Executive Council
GB Gaon-Burah
GHADC Garo Hills Autonomous District Council
GP Gram Panchayat /Gaon Panchayat
GPDP Gram Panchayat Development Plan
GPF Gram Planning Forum
GPU Gram Panchayat Unit
HDC Hill District Council
IP Intermediate Panchayat
JHADC Jaintia Hills Autonomous District Council
KAAC Karbi Anglong Autonomous Council
KHADC Khasi Hills Autonomous District Council
LAC Lalung (TIWA) Autonomous Council
LADC Lai Autonomous District Council
LAD Local Area Department
LDC Lower Division Clerk
LFA Local Fund Audit
MDC Members of District Council
MDM Mid-Day Meal
PMAY Pradhan Mantri Awas Yojana
RHAC Rabha Hasong Autonomous Council
RPDC Regional Planning and Development Councils
RMSA Rashtriya Madhyamik Shiksha Abhiyan

RMDD Rural Management & Development Department
RGSY Rastriya Gram Swaraj Yojna
RM& DD Rural Management & Development Department
SAU Social Audit Unit
SC Scheduled Caste
SDO Sub Divisional Officer
MGNREGA Mahatma Gandhi National Rural Employment Guarantee Act
SFC State Finance Commission
MSDP Multi Sectoral Development Programme
SGSY Swarnajayanti Gram Swarojgar Yojana
NCHADC North Cachar Hills Autonomous District Council
SIRD State Institute of Rural Development
NEFA North Eastern Frontier Agency
SOPD State Own Priority Scheme
NEPED Nagaland Environment Protection and Economic Development
SPIO State Public Information Officer
NFBS National Family Benefit Scheme
SRDA State Rural Development Agency
NSAP National Social Assistance Programme
ST Scheduled Tribe
NRLM National Rural Livelihoods Mission
TCLCC Territorial Constituency Level Coordination Committee
OBC Other Backward Class
TSP Tribal Sub Plan
OSD Officer on Special Duty
TTAADC Tripura Tribal Areas Autonomous District Council
PD Project Director

ULB Urban Local Body
PDF Panchayat Development Fund
UDC Upper Division Clerk
PLRC Pawi –Lakher Regional Council
VC Village Councils
PLA Personal Ledger Account
VCDC Village Council Development Committee
PIO Public Information Officer
VD C Village Development Committee
PRI Panchayati Raj Institution
VDB Village Development Board
PS PanchayatSamiti
VP Village Panchayat
P&RDD Panchayat and Rural Development Department
PWD Public Works Department
MADC Mara Autonomous District Council
MCS Manipur Civil Service
RDB Rural Development Block
RHAC Rabha Hasong Autonomous Council
RDB Rural Development Block
ZDO Zonal Development Officer
ZP Zilla Parishad
ZTC Zilla Territorial Constituencies
ZDC Zonal Development Committee

CHAPTER -1

INTRODUCTION

The North Eastern Region States - Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. Of the eight States of the region, except Sikkim, all others originated from the Assam Province of the British India. Protective laws such as the Sixth Schedule are applicable to select areas of these North Eastern States. The Sixth Schedule of the Constitution of India promises tribal people of North East with an administrative setup for the purpose of preserving and safeguarding their customs and way of life.

1.1 Historical Overview of Governance Arrangements in North Eastern States

The British administered North Eastern Region through specially appointed officials. But after independence the policy initiatives were started to create a mechanism that would allow the autonomy to the tribal societies. The Northeast Frontier (Assam) Tribal and Excluded Areas Sub-Committee found that the people of the region were sensitive towards their land, forest, lifestyle and traditional systems of justice. (Gassah 1997) It had emphasised the need for safeguards and protections to preserve their way of life. The Bardoloi Committee sought to build up autonomous administration through the District and the Regional Councils in the six hill-areas of Assam (Gopinath Bordoloi Committee Report 1950).

The Sub-Committee introduced the concept of Autonomous District Councils. Under the Sixth Schedule, the Assam Autonomous District (Constitution of District Councils) Rules 1951 and the Pawi-Lakher (Constitution of Regional Councils) Rules 1952 for the autonomous region in the Lushai Hills District were framed. Thus, the ADCs were constituted in certain hill districts (except Naga hills) of the then composite State of Assam in 1952 and in the Lushai Hills District (now Mizoram) Regional Council (are now District Council) was introduced in 1953 (Gassah 1997). Since then these Councils have been performing obligations towards local governance managing land, forest, market, primary schools, planning activities. These arrangements have made impact on traditional institutions like tribal Chiefs and tribal councils.

Table 1.1
Scheduled Tribe Population in North Eastern States

State	ST % Age of total State Population
Mizoram	94.5
Nagaland	89.2
Meghalaya	86.00
Manipur	34.2
Tripura	31.1
Assam	12.4
Arunachal Pradesh	64.2
Sikkim	33.8

Source: Census 2011

It is significant to note that among the eight North Eastern States three are tribal dominated. As is evident from Table 1.1 about 94.5 percent of population is Scheduled Tribe in Mizoram followed by Nagaland (89.2%) and Meghalaya (86%). The local governance system in these tribal dominated areas needs to be studied considering the diverse social, political and cultural factors.

1.2 Framework of Study

The provisions in the Sixth Schedule in the Constitution of India give autonomy to the tribal areas of the North Eastern States (Annexure 1). On the other hand, PRIs are local level bodies to identify, formulate, implement and monitor development and welfare programmes. One of the major functions of the Panchayats according to the 73rd Amendment of Indian Constitution is to prepare plans for economic development and social justice and to implement these schemes (Article 243 G). In the present study the key concepts need to be outlined. Working of Autonomous District Councils, Village Councils and other administrative structures to enhance autonomy and people participation in governance can be analysed to get clear understanding of the local governance system in India with specific reference to Panchayats.

Basic parameters of the present study: Articles 244(2) and 275(1) of the Constitution of India read with the Sixth Schedule represent provisions regarding administration of the tribal areas in the North Eastern States of Assam, Meghalaya, Tripura and Mizoram. The Sixth Schedule identifies and designates certain tribal areas as autonomous districts. According to Article 243 M of the Constitution, the provisions relating to Panchayati Raj institution are not applicable to Meghalaya and hence, 73rd Amendment of Indian Constitution does not apply. Parts IX of the Constitution have not been extended to entire Meghalaya. Part IX do not cover Nagaland and Mizoram. Parts of Assam, Mizoram and Tripura are governed by the provisions of Sixth Schedule. The national self-governance frame in Part IX (Panchayats) and Part IXA (Municipalities) covers a few North Eastern States. Statutory Autonomous Councils are established by some States through Acts passed by the respective State Legislative Assembly. Traditional institutions such as Village Development Council continue to function in most of these States. Within these parameters the present study provides objective assessment of the governance arrangement in these States. This study examines how far ADCs and other administrative structures in NE States have been performing obligations towards local governance.

1.3 Methodology

1.3.1 Area and Focus of Study: The study covers the eight North Eastern States - Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura the tribal dominant areas. There is significant social, cultural, economic and political diversity among the eight States. The focus of this research is to understand the functioning of the local governance system in these States. The interactions of ADCs, Village Councils and other traditional local governance institutions and PRIs with State government and community members along with the grassroots level democracy have been considered within the study, so as to comprehend the dynamics of customary laws and practices, conditioned laws and Constitutional provisions.

1.3.2 Objectives of the Study: The main objective of the study is to examine how far ADCs and other administrative structures in NE States have been performing obligations towards local governance. The specific objectives of the study are to:

- explore the history of local governance system/Autonomous District Councils (ADCs) and its evolution over the past century including Constitutional provisions.

- examine the Council Acts and Rules/ADC Acts & Rules
- make analysis of the local governance system in each State and its comparison with the Part – IX areas in that State, wherever applicable.
- suggest options for deepening democracy in these States and adoption of better provisions of these States, if any, by other States.

This study attempts to comprehend the dynamics of power struggle. It seeks to understand the interplay, inter-linkages and conflict between different actors in different administrative structures. On the basis of readings of secondary sources and field experience, relevant research questions and issues pertinent to the study objectives are identified. A detailed methodology is prepared for the study.

1.3.3 Research Design

ADCs under Sixth Schedule Areas in Non-Part IX Areas: Census Method: The study involves a review of all the ten Sixth Schedule ADCs in four States. There is considerable variation among these four States in terms of functioning of sixth schedule area ADCs and Village Councils. Keeping the above factors in view, a comparative case study design was adopted. All the ten Sixth Schedule area ADCs are studied as separate case studies, keeping in view the individual dimensions. As is shown in Table 1.2, a total of ten Sixth Schedule ADCs are studied.

**Table1.2 : Study Design
ADCs under the provisions in the Sixth Schedule in Non-Part IX Areas**

State	ADC	Selected all the ADCs	Total Selected	Research Study Method
Assam	Bodoland Territorial Council (BTC)	Bodoland Territorial Council (BTC)	3	Census Method/Case study
	KarbiAnglong Autonomous Council (KAAC)	KarbiAnglongAutonomous Council (KAAC)		
	North Cachar Hills Autonomous District Council	North Cachar Hills Autonomous District Council		
Meghalaya	Khasi Hills Autonomous Council	Khasi Hills Autonomous Council	3	Census Method/Case study
	Garo Hills Autonomous Council	Garo Hills Autonomous Council		

	Jaintia Hills Autonomous District Council	Jaintia Hills Autonomous District Council		
Mizoram	Chakma Autonomous District Council (CADC)	Chakma Autonomous District Council (CADC)	3	Census Method/ Case study
	Mara Autonomous District Council (MADC)	Mara Autonomous District Council (MADC)		
	Lai Autonomous District Council (LADC)	Lai Autonomous District Council (LADC)		
Tripura	Tripura Tribal Areas Autonomous District Council (TTAADC)	Tripura Tribal Areas Autonomous District Council (TTAADC)	1	Census Method/Case study
Total			10	

State created Statutory Autonomous District Councils and Districts (Non- ADCs) in Non-Part IX Areas were selected using purposive sampling method.

Sampling: As per the objectives and research design, State created Statutory Autonomous Councils under non-ADC areas in two six States are covered in the field study. A total of four State- created Statutory Autonomous Councils in two states are studied. The details are given in Table 1.3.

**Table 1.3 : Study Design
State Created Statutory Autonomous Councils in Non-Part IX Areas**

State	Statutory Autonomous Council	Sampling Method & No. of Statutory Autonomous Council to be studied	Selection Criteria
Assam	RabhaHasong Autonomous Council (RHAC)	Using purposive sampling one Statutory Autonomous Council is selected	ADC from the District with maximum size of population, geographical accessibility and not affected by insurgency
	Lalung (TIWA) Autonomous Council (LAC)		
	Mising Autonomous Council (MAC)		
	ThengalKachori Hill Autonomous Council (TKHAC)		
	SonowalKachari Autonomous Council (SKAC)		
	Deori Autonomous Council (DAC)		

Manipur	Chandel Autonomous District Council	Using purposive sampling two districts were selected	ADC from the District with maximum size of population, geographical accessibility and not affected by insurgency
	Churachandpur Autonomous District Council		
	Sadar Hills Autonomous District Council, Kangpokpi		
	Manipur North Autonomous District Council, Senapati		
	Tamenglong Autonomous District Council		
	Ukhrul Autonomous District Council		
Total	Assam -6 & Manipur-4		

Purposive sampling method was used to select State-created statutory Autonomous District Councils in non-Part IX areas in each State based on the following criteria:

- ADC from the District with maximum size of population
- ADC from the District with geographical accessibility
- ADC from the District not affected by insurgency

Mizoram and Nagaland: The States of Mizoram and Nagaland are in non-Part IX Areas. Out of eight districts in the Mizoram, the six are in non-ADC area and one of out of six is studied. In the State of Nagaland, there are 12 districts. As is shown in Table 1.4, two districts in Nagaland are studied. These samples are selected using purposive sample method.

Table 1.4 : Study Design
Non- ADC areas in Mizoram and Village Councils in Nagaland in Non-Part IX Areas

State	Total No. of Districts	Districts is selected	Study method	Selection Criteria
Mizoram	Six non- ADC area districts and eight districts in the State	1 Aizawl	Purposive Sample	District with maximum size of population and geographical accessibility
Nagaland	11 in the State	2 Kohima and Mokokchung	Purposive Sample	District of State capital and geographically far off from state head quarter

Panchayats in Five States: Panchayats in five States- Assam, Manipur, Tripura, Arunachal Pradesh and Sikkim- are studied. Purposive sampling method is used to select different tiers of Panchayats in each State based on the following criteria:

- (a). Total population of Panchayat: Panchayats with medium size of population

(b). Panchayat with geographical accessibility

(c) Panchayat area not affected by insurgency

As is shown in Table 1.5 a total of thirteen Panchayats are selected for the field survey.

Table 1.5 : Study Design Panchayats in Part IX areas

Sl. No.	State	Districts Part IX areas	Nomenclature of PRIs	Sampling Method & Total Number of Panchayats studied	Selection Criteria
1	Assam	Darrang District	Darrang Zilla Parishad Sipajhar Anchalik Panchayat Deomarnai Gaon Panchayat	Using purposive sampling three Panchayats are selected	Panchayats with medium size of budget Panchayats with medium size of population
2	Manipur	Bishnupur District	Bishnupur Zilla Parishad Nganghalawai Gram Panchayat	Using purposive sampling two Panchayats are selected	Panchayats with medium size of budget Panchayats with medium size of population
3	Tripura	Dhalai District	Dhalai Zilla Parishad Ambassa Panchayat Samiti Paschim Balaram Gram Panchayat	Using purposive sampling three Panchayats are selected	Panchayats with medium size of budget Panchayats with medium size of population
4	Arunachal Pradesh	Upper Subansiri District	Upper Subansiri Zilla Parishad Daparijo Anchal Samiti Sigin-II Gram Panchayat	Using purposive sampling three Panchayats are selected	Panchayats with medium size of budget Panchayats with medium size of population
5	Sikkim	South Sikkim District	South Sikkim Zilla Panchayat Maniram Phalidara Gram Panchayat	Using purposive sampling two tier of Panchayats in one district is selected	Panchayats with medium size of budget Panchayats with medium size of population
Total				13	

A total picture of samples selected for the study covering all the categories of local bodies in eight North Eastern States is presented in Table 1.6.

Table 1.6 : All Categories of Samples Selected from Eight States

State	ADC in Sixth Schedule under Non-Part IX areas	State Created Statutory Autonomous Councils and Districts in Non-Part IX areas	Panchayats in Part IX areas
Assam	Bodoland Territorial Council KarbiAnglong Autonomous Council North Cachar Hills Autonomous District Council	Mising Autonomous Council (State Created Statutory ADC)	Darrang ZillaParishad Sipajhar Anchalik Panchayats Deomarnai Gaon Panchayats
Manipur	Nil	Chandel district: Chandel ADC and Ukhrul district: Ukhrul ADC Both are State-created Statutory ADCs	Bishnupur :ZillaParishad Nganghalawai Gram Panchayat
Meghalaya	Khasi Hills Autonomous Council Garo Hills Autonomous Council Jaintia Hills Autonomous District Council	Nil	Nil
Mizoram	Chakma Autonomous District Council Mara Autonomous District Council Lai Autonomous District Council	Aizawl District (Non-ADC Areas)	Nil
Tripura	Tripura Tribal Areas Autonomous District Council	Nil	DhalaiZilla Parishad Ambassa Panchayat Samiti Paschim BalaramGram Panchayat
Nagaland	Nil	Kohima district and Mokokchung district	Nil
Arunachal Pradesh			Upper Subansiri ZillaParishad Daparijo Anchal Samiti Sigin-II Gram Panchayat
Sikkim			South Sikkim

			ZillaPanchayat Maniram Phalidara Gram Panchayat
Total	10 ADCs	3 Statutory Councils and 5 districts	5 District Panchayats 3 Intermediate Panchayats 5 Gram Panchayats

Data Collection: Both primary and secondary data are used for this study. The data from the field is supplemented by secondary sources. Two interview schedules/ questionnaires with different sections were used for collecting primary data. Primary data was collected through a field study by using various techniques comprise of personal interviews and personal meetings. As is presented in Table 1.7 different categories of respondents covered by the survey included elected representatives and officials of ADC, administrative structures created by State, Village Councils and different tiers of Panchayats.

Table 1.7: Categories of Respondents

States	Categories
Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Arunachal Pradesh and Sikkim	State Officials
Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Arunachal Pradesh and Sikkim	Elected representatives and officials of ADC/ administrative structures created by State /Village Councils and Panchayats

Two types of Interview Schedules/ Questionnaires were prepared to elicit information about different local government arrangements. Type I was prepared for seeking information from officials and elected representative of ADCs, Village Councils, Village Boards, other traditional institutions, State government officials, experts, prominent members and NGO.

Type II was prepared for seeking information from officials and elected representative of District Panchayats, Intermediate Panchayats and Gram Panchayats, State officials, experts, prominent members and NGO.

Secondary Data: Various types of secondary data including studies, reports, Central and State Acts and Amendments, Rules, Regulations, Government orders, circulars and policy documents are used for the study.

Major variables for data collection are the following:

- State Rules and Acts
- Structure of local governance arrangements
- Election to local bodies
- Role and functioning of ADCs and traditional institutions
- Different categories of ADCs
- ADCs and District Panchayats
- Different categories of village level institutions
- Village Councils and Gram Panchayats
- Training of elected representatives
- Sources of Fund
- Availability and applicability of State Finance Commission
- Decentralized planning
- Planning Process and DPC
- Status of devolution of fund and functionaries
- Functioning of Gram Sabha/VCS

1.4 Limitations in Conducting Field Research

Cultural and Communication Barriers: Considering unique cultural practices of North-East, collecting information from various respondents was a difficult task. Our field survey team had given utmost care in collecting data without hurting their sentiments. Language barriers were also a challenge in collecting critical information.

Geographical Inaccessibility and Insurgency: Some areas were geographically inaccessible for the researcher especially in some parts of Assam and Manipur. Unfriendly weather conditions confounded the problem. This was faced particularly in the case of Mizoram, Meghalaya and Manipur.

CHAPTER 2: ASSAM

2.1 Local Governance Arrangements

Assam, a State with a population of 31,205,576 has 21 districts covered under Part IX of the Constitution and six districts under the Sixth Schedule ADCs. There are two types of Autonomous District Councils in Assam in terms of the status granted by the central and State governments. In the first category there are three Autonomous District Councils established by the Central government under the Sixth Schedule of the Constitution, while the second category consists of six Autonomous District Councils established by the State legislature. Sixth Schedule ADCs are Karbi Anglong Autonomous Council (KAAC), North Cachar Hills Autonomous District Council (NCHADC), and Bodoland Territorial Council (BTC). ADCs established by the State through Acts are Rabha Hasong Autonomous Council (RHAC), Lalung Autonomous Council (LAC), Mising Autonomous Council (MAC), Thengal Kachori Hill Council (TKHC), Sonowal Kahari Council (SKC) and Deori Autonomous Council (DAC). Karbi Anglong Autonomous Council covers an area of 10434 sq km (Assam ADC Rules, 1951). Bodoland Territorial Council comprises four districts of Kokrajhar, Baska, Udalguri and Chirang. The State of Assam has both rural and urban local bodies and in the rural local bodies a three tier Panchayati Raj system is functioning. Assam has 21 Zilla Parishads, 185 Anchalik Panchayat, and 2202 Gaon Panchayats. Six districts of Assam have Sixth Schedule areas and the remaining 21 have PRIs (See Table 2.1).

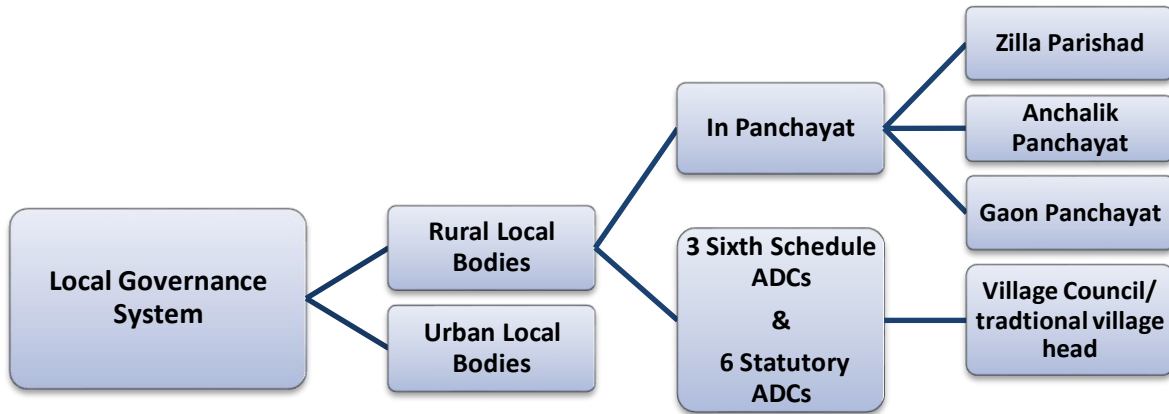
Table 2.1: Institutions of Local Governance in Assam

Districts under Sixth Schedule Area	Districts under Panchayati Raj System	Total districts in Assam
6 (Two districts are under Hilly areas and four under Bodoland Territorial Council)	21	27

Source: Assam Hills Area Development Department, Government of Assam

Local governance system in Assam is presented in chart 2.1. It has rural, urban and local bodies. Its rural local body comprises of three Sixth Schedule ADCs and six statutory ADCs apart from PRIs.

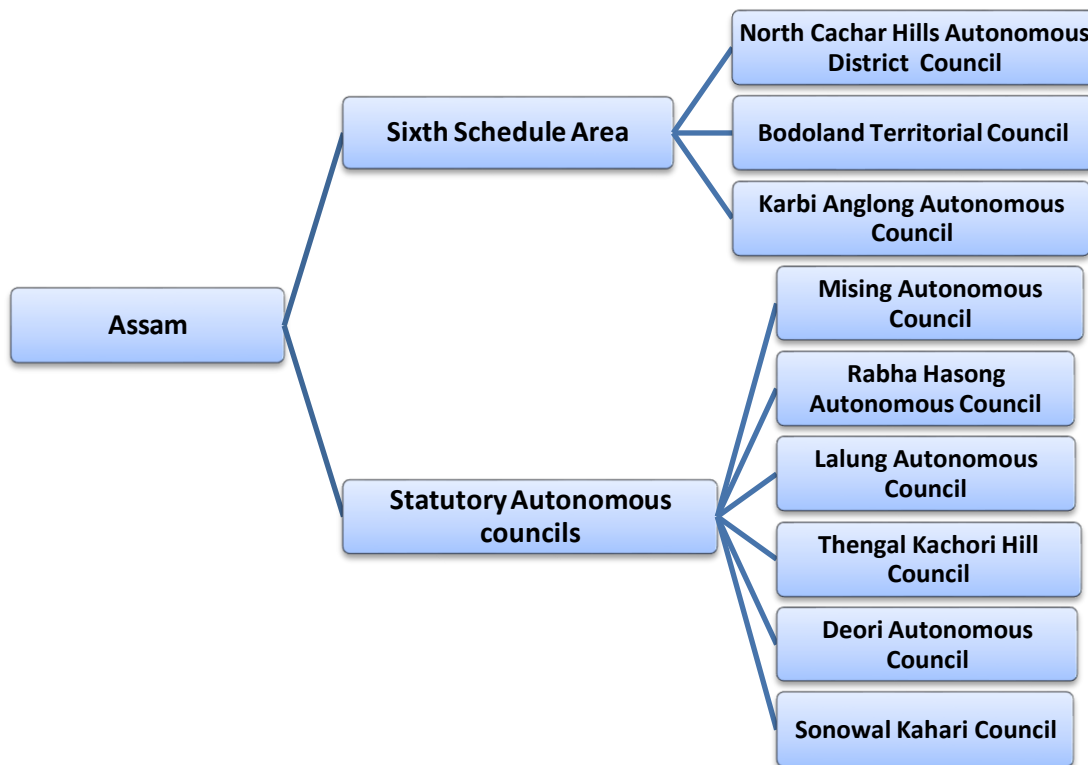
Chart 2.1: Local Governance System in Assam



Source: Assam Hills Area Development Department, Government of Assam

The details of Sixth Schedule ADCs and Statutory ADCs are reported in Chart 2.2

Chart 2.2: Sixth Schedule ADCs and Statutory ADCs in Assam



Source: Assam Hills Area Development Department, Government of Assam

The demographic profile of Sixth Schedule area of Assam is given in Table 2.2. The highest Percentage of ST population is in North Cachar Hills ADC.

Table 2.2 : Population under Sixth Schedule Areas in Assam

Districts Under ADC	Total Population	ST Population	Percentage of ST
Dima Hasao (North Cachar Hills ADC)	214,102	151,843	70.9
Karbi Anglong (Karbi Anglong)	956,313	538,738	56.3
Baksa (BTC)	950,075	331,007	34.8
Chirang (BTC)	482,162	178,688	37.1
Udalguri (BTC)	831,668	267,372	32.1
Kokrajhar (BTC)	887,142	278,665	31.4

Source: Census 2011, Government of India

Legal Framework of Local Governance System of Assam

Three ADCs were constituted under the Sixth Schedule of the Constitution of India. Assam has a strong legal frame work of its local governance system. Various Acts, Rules and regulations and guidelines are listed below:

- Assam Autonomous Districts (Constitution of District Councils Rules, 1951 as applicable to amended by the Karbi Anglong Autonomous Council.
- The Assam Autonomous Districts (Constitution of District Council) Rules, 1951 as applicable to amended by the North Cachar Hills Autonomous Council
- The Karbi Anglong District Fund Rules, 1952.
- The North Cachar Hills District Fund Rules, 1953
- The Bodoland Autonomous Council Act, 1993
- The Assam Autonomous Districts Administration of Justice Act, 1960.
- The State Finance Department issued guidelines (May 2009) for social audit
- The Mising Autonomous Council Act, 1995.
- The Assam Local Self Government Fiscal Responsibility Act, 2011
- The Assam Lusai Hills District (Acquisition of Chiefs' Right) Act, 1954
- The Lalung (Tiwa) Autonomous Council Act, 1995.
- The Assam Land Requisition and Acquisition Act, 1964.
- Lokayukta and Upalokayukta Act, 1985 and DPC guidelines
- Assam Finance Commission (Miscellaneous and Provision) Act, 1995,
- Advisory Council for the Welfare of the Other Backward Classes in Assam Rules, 1959
- The Advisory Council for the Autonomous Districts Rules, 1967

Main provisions of the ADC Acts & Rules in Assam are given in Annexure 1. It may be noted that six statutory ADCs were created by enacting laws in the State legislature of Assam.

2.2 History and Evolution of Local Governance System in Non-Part IX Areas

The Sixth Schedule of the Constitution of India is based on the recommendations of the North East Frontiers (Assam) Tribal and Excluded Areas sub-committee, popularly known as Bardoloi sub-committee under the chairmanship of Gopinath Bordoloi the then Chief Minister of Assam. The Bardoloi sub-committee of the Constituent Assembly studied the existing administrative set up in the hill areas of the North East India. The objective was to setting up of an autonomous body for the administration of the hill areas. Committee explored the possibility of setting up of an administrative body based on the concept of regional autonomy in all matters relating to customs, laws of inheritance, administration of justice, land, forests etc. The sub-committee found that the tribal people of the hill areas of North East India should be given adequate safeguard in maintaining their characteristic way of life and their sense of oneness. This is required to strengthen the unity with the rest of the country [Report of the North East frontier (Assam) 1950]. In line with these recommendations the Sixth Schedule ADC was created for administrations of the tribal communities living in hill areas of undivided Assam. In fact, the division of Assam into many parts using the constitutional provision for administration in hill areas of Assam, Meghalaya, Mizoram, and Tripura has led to the formation of ADCs. The demand for autonomy of tribal communities in plain areas was met by the amendment of provisions of State Act (Fernandez, 2007).

2.3 Local Governance: Common Features of ADCs

Nodal Department for ADCs: Assam Hills Area Development Department is the nodal department of State government of Assam for all the Sixth Schedule ADCs and statutory ADCs. This department monitor the activities of local bodies. The funding of all the ADCs is mainly under the Tribal sub plan. ADCs have own sources of revenues and grant from the State government. Own revenue base includes taxes and license fees. The responsibility to collect taxes and non-taxes is with Revenue Department of ADCs. Sources of funds of ADCs include statutory allocation from the central government and State budget allocation for salary and developmental activities.

Election in ADCs: Election to Sixth Schedule ADCs is conducted by State Election Commission of Assam. All the members of ADCs are elected through adult franchise. In

Bodoland, election is conducted by State Election Commission of Assam. The last election was held in 2015 and the next election is due in 2020 (Assam District Council Constitution of District Council rules, 1951). Nomenclature of ADC Heads in Assam is given in Table 2.3.

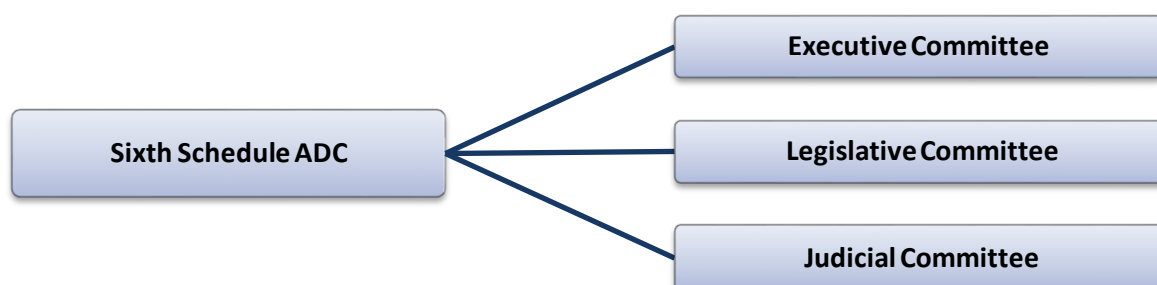
Table 2.3 : Nomenclature of ADC Heads in Assam

Name of ADC	Nomenclature
KAAC	Chief Executive Member
NCHAC	Chief Executive Member
BTC	Chief
Mising	Chief Executive Councillor

Source: Field survey

Structure of Sixth Schedule ADCs: ADCs have been provided with executive powers and functions in respect of 34 subjects. They have power to decide if a State legislation on subject matters under the ADCs should apply to their territories or not. Similarly, Union legislations on similar subjects can be excluded from applying to these areas by the State Government in Assam. ADCs have full autonomy to legislate and administer on subjects like Land Revenue, Primary Education and Customary Laws assigned to it under the Sixth Schedule of the Constitution of India (Assam ADC Rules, 1951). Sixth Schedule ADC has Executive Committee, Legislative Committee and Judicial Committee is presented in Chart 2.3.

Chart 2.3: Organs of ADCs in Assam



Source: Assam Hills Area Development Department, Government of Assam

Legislative powers of Sixth Schedule ADCs are given in Table 2.4. It is important to note that BTC has been given more powers compared to KAAC and NCHAC.

Table 2.4: Legislative Powers of Sixth Schedule ADCs in Assam

Karbi and North Cachar ADCs	ADCs have the power to make laws on the allotment, occupation or use or the setting apart of land, other than reserved forests for grazing or residential or other non-agricultural purposes. It can make laws on management of any forest not being a State reserved forest, the use of any canal or water course for agricultural purposes, the regulation of the practice of jhum or other forms of shifting cultivation, the establishment of town or Village Councils and the determination including town or Village police public health and Sanitation, the appointment or succession of Chief or headman, the inheritance of property, marriage and divorce and social customs.
Bodoland Territorial Council	BTC has legislative powers in respect to subjects transferred to it. A total of 40 subjects is entrusted to the BTC for all round development of the people in this area

Source: Assam Hills Area Development Department, Government of Assam

Judicial Powers of Sixth Schedule ADCs are given in Table 2.5

Table 2.5 : Judicial Powers of Sixth Schedule ADCs in Assam

Karbi and North Cachar ADCs	Both the ADCs have the power to constitute village courts, District Council courts in the ADC area for adjudication or trial of suits and cases or customary laws in which both the parties are tribals. But it cannot try cases involving offences punishable by death, transportation of life or imprisonment for not less than five years. The Autonomous District Council courts are courts of appeal in respect of all suits and cases tried by the village courts and the Subordinate District Council Court. No other court except the High Court and the Supreme Court of India have jurisdiction over suits and cases decided by the Autonomous District Council Courts.
Bodoland Territorial Council	There is no judicial power. Currently BTC does not have organisational structure to deal with judicial functions.

Source: Assam Hills Area Development Department, Government of Assam

Executive Powers of Sixth Schedule ADCs are given in Table 2.6

Table 2.6: Executive Powers of Sixth Schedule ADCs in Assam

Karbi and North Cachar ADCs	ADCs have executive power to construct or manage primary schools, dispensaries, markets, cattle, ponds, roads and water ways, land revenue, forest, primary education, taxes, administration of villages and towns. The executive committee of ADC to carry executive functions.
Bodoland Territorial Council	BTC has a wide range of executive powers in the delegated subjects. BTC have the full control over the officers and staffs connected with the delegated subjects working in the BTC area and are competent to transfer these officers and staff within the BTC area. ACRs of these officers shall also be written by the appropriated BTC authority.

Source: Assam Hills Area Development Department, Government of Assam

Taxation Powers of Sixth Schedule ADCs is given in Table 2.7

Table 2.7 : Taxation Powers of Sixth Schedule ADCs in Assam

Karbi and North Cachar ADCs	Both these ADCs have the power to assess and collect revenue, levy tax on the lands and buildings, tolls on persons residing within the distinct, tax on professions, traders, calling and employment, tax on the entry of goods, taxes on the maintenance of schools, dispensaries and road, licenses or leases for the purpose of prospecting or for extracting minerals. It has a right of a share in the royalties, desires by the State Government form the licenses or leases granted for the purpose of prospecting or for extraction of minerals. The rate is determined a mutual agreement by the parties concerned.
Bodoland Territorial Council	BTC has financial powers over the delegated subjects. It has powers to collect land revenues, levy and collect taxes on lands, holdings, shops, entry of goods into market and tolls, etc, within their respective jurisdictions.

Source: Assam Hills Area Development Department, Government of Assam

Departments of Sixth Schedule ADCs: A total of 16 development departments were transferred to ADCs. These included Agriculture, public work, flood control, minor irrigation, soil conservation, animal husbandry, diary & milk supply, forests, fisheries, roads and buildings, general–education, cultural programme, water supply health and family planning social welfare cottage industries , community development programme and Panchayat.

Departments placed under BTC are Agriculture, Soil Conservation, Animal Husbandry and veterinary, Dairy Development, Fisheries, Forestry and wild Life, Market and Fairs, Co-operation, Panchayat and Rural Development, Land and revenue and DM, WPT &BC, Irrigation, Water resources, Small Scale Industries, Handloom and Textile, Sericulture, Roads and Bridges (PWD), Other Transport Services, Tribal Research Institute, Tourism, Economics and Statistics, Food and Civil Supplies, Legal Metrology, Education, Sports and Youth Welfare, Art and Culture, Lottery, Cinema/Theatre, Library Services, Museum and Archaeology, Health and family welfare services, Water supply and sanitation, Urban development, Information and public relation, Labour and employment including industrial training institutes, excise, social welfare and nutrition, Printing and Stationery, Registration on Birth and Death, Rehabilitation (Assam ADC Rules, 1951).

State Finance Commission: Assam State Finance Commission was constituted in 1995, to review the financial position of the local bodies and put forward to the Government the recommendations relating to the distribution between the State of Assam and the Panchayats or Municipalities of the net proceeds of the taxes, duties, tolls and fees. However, SFC does not have any mandate in reviewing the financial position of both Sixth Schedule ADCs and statutory ADCs. SFC recommendations do not cover both the categories of ADCs.

Devolution of Fund: After finalisation of fund for the State as a whole, 7.5 percent of State divisible plan fund (since renamed as SOPD) is earmarked as the share of Hill Areas. Development Commissioner for Hill Areas allocates the divisible fund among the development sectors of the two Hill Autonomous Councils in 70:30 ratios for KarbiAnglong and N.C. Hills Autonomous Council respectively. The fund is released to the council in two six monthly instalments by Hill Areas Department. Annual Action Plan according to the need of the Council concerned is prepared by the respective ADC. Plan coordination, evaluation, monitoring, compiling and quarterly review are performed by the Development Commissioner for Hill Areas (DCHA).

To execute development work, the State Government would give an amount to be decided every year on population ratio basis, as grants-in-aid in two equal instalments to the BTC. The proportionate share for the BTC is calculated by the State government on the basis of the plan fund/SOPD fund available after setting aside the funds required for earmarked sectors and the salary. Allocation for BTC thus determined is communicated to BTC for preparation of budget and annual operational/action plan. After the State Budget is passed by the State Assembly and the budget is communicated by the State government, the fund is released to BTC as per the above mentioned paragraph of the MoS, i.e. two equal instalments in a year as advance by book transfer.

Staff of ADCs: Higher grade officials of ADC are appointed by the State government. Staff belonging to 3rd and 4th grade is appointed by the ADC. A large number of Staff is posted in ADC's offices on deputation basis also. The officers and staff of the transferred departments are under the immediate administrative control of the ADC though they are the State Government employees. BTC Secretariat is headed by the Principal Secretary who belongs to IAS cadre assisted by six Secretaries, two Joint Secretaries, two Deputy Secretaries, four Under Secretaries, ten Superintendents supported by Sr. Administrative Assistants and Jr. Administrative Assistants. The BTC have full control over the officers and staff connected

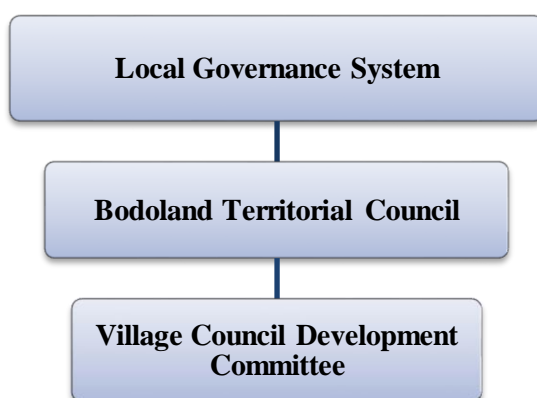
with the delegated subjects working in the BTC area and competent to transfer these officers and staff within the BTC area.

Training of Staff and Elected Representatives: Regular training of functionaries and elected representatives are absent in ADCs. The lower level employees get informal training within the departments.

2.4 Local Governance in ADC Areas: Case Study of Bodoland Territorial Council

The Bodoland Territorial Council was constituted under the Sixth Schedule of the Constitution of India in 2003 after the signing of Memorandum of Settlement on 10th February 2003 between the Government of India, the Government of Assam and Bodo Liberation Tigers, to fulfil economic, educational and linguistic aspiration and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos and to speed up the infrastructure in BTC area (Memorandum of Settlement, Bodo Accord, 2003). Local governance system in Bodoland Territorial Council is presented in Chart 2.4.

Chart 2.4: Local Governance System in Bodoland Territorial Council



Source: Assam Hills Area Development Department, Government of Assam

BTC Executive Council: There is an Executive Council comprising of 14 Executive Members, headed by the Chief and Deputy Chief. There are tribal and the non-tribal members in the Executive Council. The Chief and Deputy Chief are elected by the member of the Executive

council. As per Memorandum of Settlement 40 members are elected to the General Council from 40 constituencies. Besides this, 6 members are nominated by the Governor of Assam from un-represented community out of which two should be women. Bodoland Territorial Council Legislative Assembly consists of Speaker, Deputy Speaker and other elected MCLAs. Structure of BTC is given in Table 2.8.

Table 2.8 : Structure of BTC

Total number of Elected Members	40 (ST: 29+Non- ST :5+ Open :6)
Nominated (Nominated by the Governor for five years term from unrepresented Tribe)	6
Executive Council	14 (Including Chief)

Source: Field survey

Village Council Development Committee: Village Council Development Committee (VCDC) in the Sixth Scheduled Area of Bodoland Territorial Council (BTC) was constituted in Assam for better implementation of rural development schemes of Central and State Government as there was no PRI System. VCDC is constituted with one Chairman and a number of members. The number of members is not fixed. However, both the Chairman and the members are not elected by the people rather they are nominated. VCDC is mostly involved and responsible for implementation of developmental scheme at the village level including planning, site selection, monitoring of implementation and selection of beneficiaries. Currently, centrally sponsored rural development schemes are implemented by the Council in the rural areas as per powers devolved by the State Government.

Decentralized Planning: Schemes are formulated taking into account the various developmental needs of the area. While formulating the schemes the expertise of various departments is utilized and members of Executive Committee are involved in selecting the schemes. The guidelines are issued by the Government from time to time. BTC follows these guidelines while formulating Plans. There is BTC Planning and Development Board under the Chairmanship of the Chief of BTC to guide the development process in the BTC area. On receiving the allocation from the State government BTC prepare and communicate department wise allocation of fund to the departments. They prepare plans and submit the same to BTC along with the budget proposal. These plans for BTC are prepared by incorporating

schemes/projects to be implemented and are placed in the Council Legislative Assembly for approval. After the budget is approved by the State Assembly, and on receiving the Budget Communication from the State government, executing departments starts issuance of Administrative Approval. As soon as State government releases fund to BTC, the same is released to the executing departments for implementation of projects/schemes by observing all relevant rules and procedures etc.

Progresses of implementation of the schemes are monitored by the Secretaries and also by the Principal Secretary to sort out bottlenecks. Bi-monthly review meetings are held under the Chairmanship of the Principal Secretary. At District level District Development Committee Meetings are held in the districts to assess the progress of Implementation of the schemes under the Chairman of the DDC. There is District Vigilance and Monitoring Committees for each BTAD and these committees are headed by a Chairman nominated by the Chief, BTC from the general public. This Committee inspects implementation of the schemes and suggests remedies for removal of any impediments. A majority of the Centrally Sponsored Schemes are being entirely planned and managed by the government departments with involvement of BTC.

District Planning Committee: There is no District Planning Committee in the BTC area. However, BTC Planning and Development board acts as the planning committee. They prepare plans on behalf of BTC.

Devolution of Funds: The State Government provides funds to the BTC on the basis of its population. This is in addition to the Government of India's grant of Rs. 500 crores. The allocation is released by the State Government in two equal half yearly installments; first in April/May and the second in September/October of the year. This fund is totally untied. Thereafter the BTC makes district wise allocations. Compared to other two Sixth Schedule Councils of Assam, the size of fund at the disposal of the BTC is much larger. The Bodoland Territorial Council prepares two sets of budget—Entrusted Budget and Normal Budget. Entrusted Budget is mainly expenditure budget pertaining to salary and development works of transferred subjects and Normal Budget pertains to establishment, expenditure and revenue receipts of the Council.

Gram Sabha /VCDC Meetings: There is no meeting of Village Assembly or Gram Sabha in Villages. VCDC is similar to a Gram Panchayat. However, members of VCDC do not get an opportunity to discuss their common problems and plans.

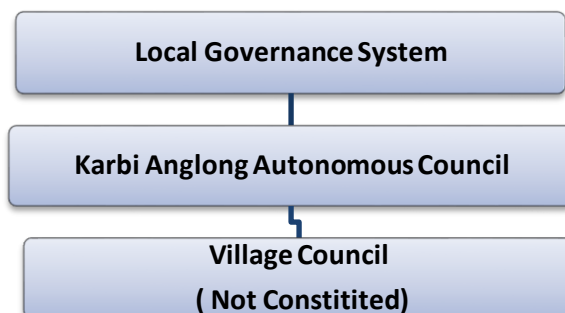
Audit /Social Audit: Monthly Accounts of BTC are submitted to AG, Assam and also regular Audit on the Accounts of BTC are conducted by AG, Assam. Bodoland Territorial Council has a Personal Ledger Account maintained by the Council with Kokrajhar Treasury as per sanction by Government and approval from AG, Assam. Accordingly, all receipts and expenditure in connection with the affairs of BTC are credited into and withdrawn from the said PL Account. The audit on the accounts of BTC is conducted by AG, Assam. The report of the Comptroller and Auditor General of India is placed before the Council Legislative Assembly with the approval of the Governor of Assam. There is no mechanism of social audit of schemes implemented by BTC.

Infrastructure: BTC secretariat has good physical, IT and human infrastructure. They have their own buildings to house various departments. All the offices and departments are computerised with all modern communication facilities. But at the VCDC level, there are no offices.

2.5 Local Governance in ADC Areas: Case Study of Karbi Anglong Autonomous Council

Karbi Anglong or Karbi Hills is one of the two hill districts of present Assam. The Karbi Anglong Autonomous Council covers an area of 10434 sq km. The district has three subdivisions, Diphu, Bokajan and Hamren and 11 development blocks. The Karbi Anglong ADC consists of both elected and nominated members (appointed by the Governor) and the total membership of the District Council at the beginning was 16 out of which 12 members were elected and 4 members were nominated. In the year 1970, the total membership of the District Council was increased to 20 with 16 elected and 4 nominated members. Again in 1978, the total membership of the KADC was increased to 30 with 26 elected and 4 nominated members and the District Council is headed by a Chief Executive member. (Souvenir, 2017 Karbi Anglong Autonomous Council) Structure of local government in Karbi Anglong-Autonomous District Council is presented in Chart 2.5.

Chart 2.5: Structure of Local Governance in KarbiAnglong-Autonomous District Council



Source: Field Survey

Structure of KarbiAnglong Autonomous District Council is given in Table 2.9.

Table 2.9 : Structure of KAAC

	KAAC
Elected members	26
Nominated members	4
Executive member	12 (Including CEM)

Source: Field Survey

Village Council: Village Councils are not constituted in Karbi ADC. However, each village has a hereditary headman called Gaon-Burah, who can be removed only through impeachment. He is the most elderly male of the village and also from a dominant clan. While KAAC does not provide for intermediate level bodies in rural areas, it has constituted six Town Committees.

Decentralised Planning: ADC has a Planning Board which is headed by a Secretary. Executive members will discuss with the people of their constitution and formulate schemes/works and submit to the planning secretary of ADC. After the approval of the scheme by the planning department this is processed for execution. CEM of Karbi ADC is the Chairman of Planning Board in ADC. For Planning, funds are allocated from various departments. For centrally sponsored programmes funds are received through DRDA.

Departments: Agriculture Department, Animal Husbandry & Veterinary Department, Co-Operation Department, Cultural Affairs / Art & Culture Department, Dairy Development Department, Environment & Forest Department, Fisheries Department, Food, Civil Supplies & Consumer Affairs Department, Handloom & Textiles Department, Health & Family Welfare Department, Information And Public Relations Department, Industries & Commerce Department, Irrigation Department, Public Health Engineering Department, Public Works Department, Sericulture Department, Social Welfare Department, Soil & Water Conservation Department, Sports & Youth Welfare Department, Taxation Department, Tourism Department, Town & Country Planning Department, Town Committees, Transport Department, Water Resources Department, Works Department, Clean Karbi Anglong Mission, Information Technology.

Devolution of Funds: Budget allocation to Karbi Anglong Autonomous Council is given in Table 2.10. KAAC is allocated Rs. 374.32 crores for the year 2018-19 against Rs. 339.44 crores in 2017-18.

Table 2.10 : Budget of KAAC

Budget Allocation for KAAC Autonomous Council (Rs. in Crore)				
Year	2015-16	2016-17	2017-18	2018-19
KAAC	282.01	282.01	339.44	374.32

Source: Field Survey

Taxation Department is one of the most important departments of Karbi Anglong Autonomous Council. It plays an important role in the field of revenue collection under the following heads:-

- Professional Taxes:- Taxes on professions is levying under the KarbiAnglong District (Professions, trades, callings and employments taxation) Regulation, 1983
- Markets:- Markets are leased/ sold under the KarbiAnglong District Market (Management and control) Act, 1954
- Trading license:- Trading license are granted and fees are realized under the KarbiAnglong District (Trading by non-tribal) Regulation, 1953
- Entry tax and ferry/ ghats:- Taxes on passenger, taxes on animals passing through Karbi Anglong district and taxes on vehicles entering into Karbi Anglong district are levied under Karbi anglong District (Miscellaneous taxes and tolls) Regulation, 1983

- Cattle pounds:- Cattle pounds are leased/ sold under the Karbi Anglong grazing Regulation, 1954.

During the financial year of 2016-17 total revenue of Rs.12.13 crore was collected from the different sources. Revenue of Karbi Anglong Autonomous Council (KAAC) is given in Table 2.11.

Table 2.11 : Revenue of KAAC: 2016-17

SI No	Categories	Revenue collection (in Rs)
1	Entry tax gate	5,59,40,650
2	Markets	1,10,49,530
3	Ghats	4,90,400
4	Cattle pounds	2,000
5	Trading license	8,92,990
6	Professional tax	5,29,00,584
	Grand Total	12,12,76,154

Source: Field Survey

Audit: Finance Department of Karbi keeps the accounts and has the responsibility of submitting monthly and annual Accounts to the A.G Assam. Auditing of accounts is being carried out by the State auditor. There is no social audit for the schemes implemented by ADCs.

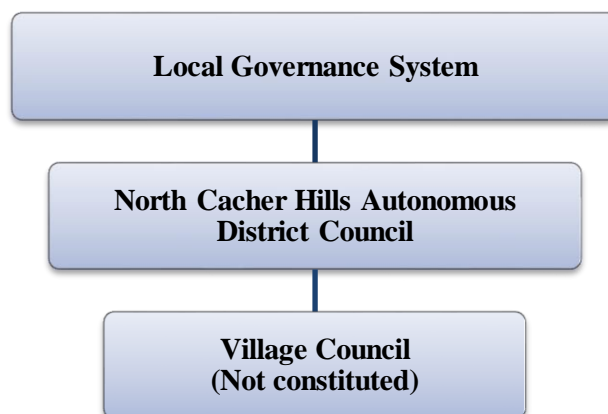
Infrastructure: Karbi ADC is function from a well- furnished building. It has computerised office with internet and email facilities. It has an advanced IT department for IT support.

2.6 Local Governance in ADC Areas: Case Study of North Cachar Hills Autonomous District Council

North Cachar Hills Autonomous District Council (NCHAC) has an area of 4890 sq km. being 90 percent of the area is forest. It has two subdivisions, namely, Haflong and Maibong, and five development blocks. Given the small size and shifting nature of habitations in the North Cachar Hills Autonomous District Council area, there are no village level representative bodies. It is quite difficult to define villages as most communities live in dispersed habitations. Moreover, they practice shifting (Jhum) cultivation. NCHAC is headed by a Chief Executive member and total number of Members of District Council is 30. It is significant to understand that the administrative structure and the planning mechanism in North Cachar Hills

Autonomous District Council are by and large similar to that of the KarbiAnglong Autonomous Council (Souvenir, 2015 North Cachar Hills Autonomous Council). Structure of Local Government in North Cachar Hills Autonomous District Council presented Chart 2.6

Chart 2.6: Structure of Local Governance in North Cachar Hills Autonomous District Council



Source : Field Survey

Structure of North Cachar Hills Autonomous District Council is given in Table 2.12

Table 2.12: Structure of NCHAC

	NCHAC
Elected Members	28
Nominated Members	2
Executive Members	15 (including CEM)

Source: Field Survey

Village Council: Village Councils are not constituted in North Cachar ADC. However, each Village has a hereditary headman called Gaon-Burah, who can be removed only through impeachment. He is the most elderly male of the village and also from a dominant clan. While the NCHAC does not provide for intermediate level bodies in rural areas, it has constituted Town committees.

Decentralised Planning Process: ADC has a Planning Board which is headed by a Secretary. Executive members discuss with the people about their needs and formulate schemes/works and submit to the Planning Secretary of ADC. After the approval of the scheme by the

Planning Department this is processed for execution. CEM of North Cachar ADC is the Chairman of Planning Board. As per Office Memorandum and MoU the government of Assam posted additional Heads of Departments under the Administrative control of the Council. In the entrusted departments, schemes are prepared by the heads of the offices and technical approval is given by the additional heads of the departments. NCHAC gives administrative approval and financial sanctions and the works are executed by the Districts Officers of various departments. The funds provided in the State budget for different sectors for the districts are released by the State Government half yearly. For Planning, funds are allocated from various departments. For Centrally Sponsored Programmes funds are received through DRDA.

Devolution of Funds: Budget allocation to North Cachar Hills Autonomous District Council is given in Table 2.13. NCHAC has been allocated Rs. 161.39 crores for the year 2018-19 against 146.50 crores in 2017-18.

Table 2.13: Budget of NCHAC

Budget Allocation for North Cachar Hills Autonomous District Council (Rupees in Crore)				
Year	2015-16	2016-17	2017-18	2018-19
North Cachar Hills ADC	121.35	121.35	146.50	161.39

Source: Field survey

As mentioned earlier, N.C hills have legislative, Executive and Judicial powers. It has powers to legislate and administer on subjects like land revenue, primary education, customary laws etc. assigned to it under the Sixth Schedule of the Constitution of India. The North Cachar Hills Autonomous District Council has been empowered to enact legislations for the welfare and development of the hill tribal people of N.C.Hills district of Assam. Assistants are working under the supervision of the Superintendent of taxes in the taxation branch. Details tax and non-tax revenue receipt of for the last 3 years are Table 2.14.

Table 2.14 :Tax and Non-Tax Revenue – NCHAC

Year	Tax Revenue	Non-Tax Revenue	Total Revenue
2012-13	3,91,06,029	8,24,11,141	12,15,17,170
2013-14	3,99,53,398	14,24,50,438	18,24,03,836
2014-15	5,86,84,591	14,24,50,438	20,11,35,029

Source: Field survey

Audit: The finance department of NCHAC keeps the accounts and has the responsibility of submitting monthly and annual accounts to the A.G Assam. Auditing of accounts is being carried out by the State Auditor. There is no social audit for the schemes implemented by ADCs.

Infrastructure: NCHAC has a good building complex to house various departments. The office does not have a good IT infrastructure. Most of the departments are not yet computerised.

2.7 Local Governance: Common Features of Statutory ADCs

Nodal Department: As is discussed earlier Assam Hills Area Development Department is the nodal department of State government of Assam for all statutory ADCs.

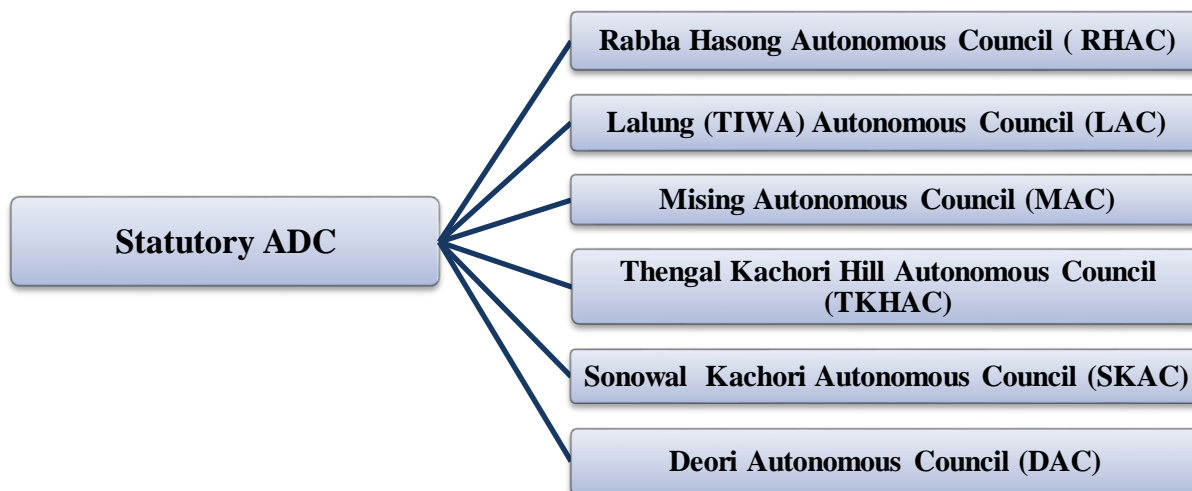
Election: The State government may, by notification in the official gazette make rules for the purpose of holding election regarding constituencies, appointment of Returning Officers, Presiding Officers and Polling Officers for election, election programme, nominations, agents, procedure, fees and any other matters relating to election disputes. Election for Village Council has yet to be conducted. First election for ADC was conducted in 2013 and next election of ADC is due in the year 2018.

Evolution and Structure of ADC: As a result of discontentment among the plains tribe, the Assam government has signed the Mising, the Tiwa (Lalung) and the Rabha Accords in 1995 followed by State legislation for each of these tribe separately with the same pith and substance. The main objective of setting up of such administrative authorities is to provide maximum possible autonomy within the framework of the Constitution of India for the social, economic, educational, ethnic and cultural development of the plains tribal peoples of the State. In the second phase, Memorandum of Understandings has been signed between the Assam government and the leading organisations of the movements of the Sonowal Kachari, the Deori and the Thengal Kachari during 2005. The similar pattern of State statutory laws was also

enacted for those communities with a view to provide them satellite forms of autonomous councils. Mising Autonomous District Council has 40 members.

Name of statutory ADCs is presented in Chart 2.7.

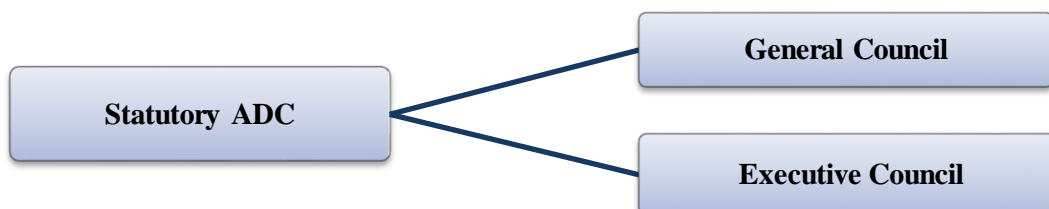
Chart 2.7: Name of Statutory ADCs



Source: Assam Hills Area Development Department, Government of Assam

Structure of Statutory ADC is presented in Chart 2.8

Chart 2.8: Structure of Statutory ADC



Source: Assam Hills Area Development Department, Government of Assam

The General Council: The General Council shall consist of 26 members out of whom four shall be nominated by the government from amongst the groups of communities residing in the council area and not otherwise represented in the General Council. Out of 26 seats 20 seats are reserved for scheduled tribe and 5 seats for women. The MPs and MLAs belonging to scheduled tribe reserved constituencies of the council area are ex-officio members of the General Council.

The Executive Council: The General Council elect from amongst themselves; (1) one member to be the Chairman, (2) one member to be the Deputy Chairman, (3) one Chief Executive Councillor (CEC) of the Executive Council, (4) one Deputy Chief Executive councillor, and (5) as many Executive Councillor directed by the General Council, but not exceeding one-third of the total members of the General Council. The CEC is the President of the General Council.

Executive Powers of the General Council: The General Council may make rules for carrying the executive powers over 34 subjects. In addition to this power the General Council subject to general policy and law of the government formulate integrated development plans, implement schemes, appoint staff and officers, regulate trade and commerce, guide customs-traditions and social justice, drive special recruitment, collect taxes, levy tolls and fees, acquire-hold or dispose of movable and immovable property exceed Rs. one lakh value, and make bye-laws applicable within the council area.

The Village Council: The Village Council consists of 10 members of which 5 seats shall be reserved for the Thengal Kachari community out of which at least one shall be a woman. The Village Council elects one President and one Vice-President who can be the Chief of the Village Council for tenure of 5 years. The term of the Village Council can be co-terminus with the General Council. The President and the Vice-President are the whole time functionaries and responsible for the maintenance of the records and administration or control of the Village Council. The Village Council will meet at least once in every month for transaction of business. The government appoints a Secretary for the Village Council in consulting with the President who shall be the Chief Executive having no voting rights. The Village Council can have the executive powers over 29 and additional functions entrusted by the government from time to time. Subject to the general policy of government and supervision and control of General Council, the Village Council executes all functions similar to that of the General Council within the Village Council area.

Department of Statutory ADCs: Cottage Industry, Animal Husbandry and Veterinary Department, Forest other than reserved forest, Agriculture Departments, Rural roads and bridges, Sericulture, Education Department Adult education, Primary education, Up to higher secondary including vocational training, Cultural Affairs Department, Fishery Department, Soil conservation, Co-operation, Panchayat and Rural Development Department, Public Health Engineering-Drinking water Minor irrigation, Handloom and Textiles, Flood control schemes for protection of Villages (not of highly technical nature), Weights & Measures, Sports and

Youth Welfare Department, Tourism Department, Market and Fair Departments, Land and Land Revenue Department Library services, Museum and Archaeology, Urban development, town and Country planning Tribal research, Social welfare, Publicity and public relation, Transport, Any other matter connected with development, Municipal board, improvement trust, districts of boards and other local self-government of Village administration, Tribal welfare, Lotteries , theatres, dramatic performances and cinema, Vital statistics including registration of birth and deaths, Food and civil supplies.

Devolution of Funds to Statutory ADCs: The government of Assam provides fund to the statutory Autonomous Council from Tribal Sub Plan and other resources mostly as Grant-in-Aid for implementation of various Plan Schemes within the Council area as per the State Government budget provision. The Village Council fund consists of Contributions and grants received from the government, Contributions and grants received from the General Council, All receipts on account of donation, rates, fees, taxes etc All other sums received by or on behalf of the Village Council, Land revenue and local rates on land including Tea Garden, which falls in the Village Council area. They have also provision for taking loans for development activity.

2.8 Local Governance in Statutory ADC Areas: Case Study of Mising ADC

The Mising general council consists of 40 members of which 36 are directly elected and 4 are nominated by the Government. Out of 40 members 9 seats are reserved for STs and 6 seats are reserved for women. There is a Chairman and deputy chairman for the General council and a Chief Executive Councillor for Executive council. The strength of executive members is one third of the total number of general council members. The term of office of the General Council is for five years (MAC Annual Report 2014-15).

Village Council: Village Councils are constituted in Mising ADC. However no elections were held till date. They are following village headman and lineage system for conducting the business of Village Council.

Decentralised Planning: Mising Autonomous Council is constituted for social, economic, ethnic, educational and cultural development of the people residing within the MAC area. The thrust of schemes/works taken up by MAC to reduce backwardness, poverty, unemployment and to provide better infrastructure, roads, drinking water, health, sanitation, education,

livelihood support and economic security. MAC provides additional and supplementary wage employment, food security and improve standard of living. Each department of MAC in consultation with the concerned Executive Councillor, independently prepare the annual plan before the beginning of each financial year. The Executive Councillor consults all General Members for identification of need or demand based schemes in his or constituency. The total amount will be equivalent in value of the amount either sanctioned by the Government of Assam or allocated by the CEC. The annual plan is placed in the Executive Council meeting for discussion and recommendation for approval by the CEC. No work can be taken up unless it forms part of the Annual Plan. The administrative sanction for the works under the Annual Plan will be given by the Principal Secretary of the MAC. The technical sanction would be accorded as per rules of the Government of Assam. The MAC would be responsible for the overall coordination and supervision of the works. Different officers/staff of MAC may be deployed for coordination and supervision of different works/schemes.

Audit of Works: Both physical and financial audit of the works under the MAC are compulsory. This must be carried out at the end of every financial year. The Mising Autonomous Council, after approval by the Executive Council appoints a Chartered Accountant for audit and the Report of the Chartered Accountant shall be placed before the General Council for discussion and approval. The audit report together with action taken on the Auditor's observations submitted to the Government of Assam.

Social Audit: The MAC has introduced Social Audit in case of all works implemented under the council. It will form Social Audit Committee in each existing Gaon Panchayat area comprising of at least seven members where at least 50% will be woman members.

Devolution of Funds: The General Council prepare in each financial year a budget of its estimated receipts and submit it to the government by 1st November of the financial year. The Village Councils also prepare its budget and submit the same to the General Council for consideration on or before the 1st October of the financial year. The MAC is funded by the State Government of Assam under Tribal Sub Plan (TSP).

Fund allocation of MAC over the years is given in Table 2.15.

Table 2.15 : Funding of MAC

Year	Proposed/Sanctioned Amount (Rs. in Crore)	Utilized/ Released Amount (Rs. in Crore)
2013-14	Not Applicable	53.69 Crore (Utilized)
2014-15	58.52 Crore (Sanctioned)	29.26 Crore (Released)
2015-16	64.37 Crore (Sanctioned)	32.18 Crore (Released)
2016-17	147.25 Crore (Sanctioned)	117.25 Crore (Released)
2017-18	72.00 Crore (Proposed)	Not Available

Source: Field survey

In the ADCs areas of Assam State, there were traditional Village Panchayat in all the Villages of the district. These traditional Village Panchayats are constituted with the Village elders generally presided over by the Mauzadars (tax collector in the Villages) or the Village headman who had been authorized to hear disputes concerning tribal laws and customs and also cases of petty civil and criminal nature. These Panchayats still decided petty cases in their respective Villages according to their customs and traditions. The Village authorities of these traditional Panchayat such as Mauzadars and Gaon-Burahs (Village headman) are authorized to perform the functions and duties of the Village Courts.

2.9 Panchayat: Part IX Areas of Assam

Administrative Set up: The State of Assam has a three-tier Panchayati Raj system comprises of Zilla Parishads, Anchalik Panchayat and Gram Panchayats. The Assam Panchayat Act, 1994, Assam Panchayat (Financial) Rules, 2002, The Assam Finance Commission (Miscellaneous and Provision) Act, 1995, The Assam Lokayukta and Upalokayukta Act, 1985 and DPC and social audit guidelines are the relevant Acts and guidelines which governs the Panchayats in Assam. Assam has 21 Zilla Parishads, 185 Anchalik Panchayat, and 2202 Gaon Panchayats. Let us discuss the structure of the Panchayati Raj System in Assam.

Gaon Panchayat (Deomarnai): President is directly elected by people. One Vice President is elected among the members of Gaon Panchayat. Ten members are directly elected by people. All the GPs are subdivided into 10 wards on a uniform basis.

Anchalik Panchayat (Sipajhar): President is elected by the elected members of the Anchalik Panchayats. Vice President is elected by the elected members of the Anchalik Panchayats. One member from each Gaon Panchayat area is directly elected by people. President of the Gaon Panchayats, Members of Parliament and Legislative Assembly are part of Anchalik Panchayats.

Zilla Parishad (Darrang): President is elected among the directly elected members of Zilla Parishad. Vice President is elected among the elected members of Zilla Parishad. Members are directly elected from the Zilla Parishad constituencies of the district. Presidents of the Anchalik Panchayats and Members of Parliament and member of Legislative Assembly are part of Zilla Panchayat.

The district Darang is situated in the central part of Assam and on the Northern side of the river Mighty Brahmaputra. The district is bounded by Arunachal Pradesh (State) and Bhutan (Country) and Udalguri district in the North. The total population is around 9, 08,090 out of which 8, 52,692 in rural area and 55,398 in urban area (as per 2011 Census). The district has one Zilla Parishad, six Anchalik Panchayats and has seventy five Gaon Panchayats.

At the State level, the Panchayat and Rural Development Department (P&RDD) headed by a Principal Secretary exercises administrative control over the PRIs. The Directorate of P&RD, in the Department, supervises institutional and statutory administration of PRIs. The Directorate is headed by the Commissioner P&RD. Nomenclature of three tiers of Panchayats is given in Table 2.16.

Table 2.16: Nomenclature of Three Tiers of Panchayats

Tiers of Panchayats	Nomenclature	Panchayats covered by the Survey
District Panchayat	Zilla Parishad	Darrang ZP
Intermediate Panchayat	Anchalik Panchayat	Sipajhar AP
Village Panchayat	Gaon Panchayat	Deomarnai GP

Source: Field survey

Functioning of Gram Sabha: Gram Sabha plays an active role in the preparation of plans. Gram Sabha meetings are held on a regular basis in Deomarnai GP. Apart from GP Secretary, other officials, especially BDO or an appointed officer from Anchalik Panchayat, attend these Gram Sabha meetings. Accountant, Gram Rozgar Sevak, Assistant Engineer and Computer Assistant of Deomarnai GP are the other officials who used to attend these meetings. Gram Sabha meetings are held at GP office or in schools. They discuss issues related to general public and select beneficiaries for various schemes. Frequency of meeting is in the range of 5 to 8 meetings in a year.

State Election Commission: There is a State Election Commission to prepare electoral roll, supervise, direct, control, and to conduct all elections to the Panchayats. State Election Commission consists of a State Election Commissioner appointed by the Governor. The conditions of service and tenure of office of the State Panchayat Election Commissioner are as per the rule determined. The last election held in Darrang district was in 2017. On 10 Nov, 2012 the Assam Government has brought some modifications in the reservation policy and announced 50 per cent reservation of seats for women in Panchayat bodies. Accordingly, in the last Panchayat election in 2017-18 there was 50 per cent reservation of seats for women in all Panchayats bodies of Assam.

Status of Devolution and Activities of Panchayats: Assam has carried out the Activity Mapping exercise in most of the subjects. A total of 18 departments have been identified for devolution. On 13 October 2009 a subcommittee is constituted for finalizing the modalities for devolution of Funds, Functions and Functionaries in 18 departments. The State has created Panchayat window in the State budget for all the departments having assigned responsibilities on Panchayats. All the three tiers of Panchayats have involved in the execution of rural development programmes. Functions of line departments are not yet devolved to Panchayats. Line departments have been implementing their programmes without involving Panchayats.

However, in the case of beneficiary selection through Gram Sabha, line departments sought the involvement of PRIs.

Availability of Functionaries: The Assam Panchayat (Administrative) Rules, 2002 has laid down the staffing pattern for Grade III and Grade IV staff of the GPs, APs and ZPs. In addition to the staffing pattern for Grade III and IV staff, provided by the aforesaid Administrative Rules, the Assam Panchayati Raj Act, 1994, has also provided for a Chief Executive Officer, a Chief Planning Officer, and a Chief Finance Officer for each Zilla Parishad and for an Executive Officer for each Anchalik Panchayat. CEO of Zilla Panchayat and BDO of Anchalik Panchayat belong to Assam cadre of employees and they are appointed by P&RD. ACS (Assam cadre service) selection is by Assam public service committee. The Panchayats District Selection Committee of P&RD (under section 140) select regular Panchayat staff other than CEO of Zilla Panchayat and BDO of Anchalik Panchayat. It is CEO of Zilla Panchayat appoints the regular and contract staff of various tiers of Panchayat. The selection of contract staff is made by CEO of Zilla Parishad in consultation with the concerned Panchayat Committee. The appointment of Contract staff and Casual staff at GP, AP, and ZP level are made based on resolutions of standing committee and the concerned Panchayat Council. Staff pattern of Darrang Zilla Parishad is given in Table 2.17.

Table 2.17 : Staff Pattern of Darrang Zilla Parishad

Regular Staff	
Chief Executive Officer	1
Accounts Officer (UDA)	1
LD	3
Junior Engineers	1
Junior Assistant	4
Tax Collector	1
Driver	1
OP	2
Peon	2
Total	16
Contract Staff	
Total Contract (Tax Collectors, computer assistants, drivers, etc)	17
Total	33

Source: Field survey

Staff pattern of Sipajhar Anchalik Panchayat is given in Table 2.18

Table 2.18: Staff Pattern of Sipajhar Anchalik Panchayat

Regular Staff

Executive Officer /BDO	1
JE	2
Gram Sevak & Gram Sevika	8
Office Staff	3
Tax Collector	2
Total	16
Contract Staff	
Total Contract (Accredited Engineers, Gram Rozgar, Sahayak, Computer Assistant)	13
Total	39

Source: Field survey

Staff pattern of Deomarnai Gaon Panchayat is given in Table 2.19

Table 2.19: Staff Pattern of Deomarnai Gaon Panchayat

Regular Staff	
President is the elected representative and Executive Officer. He or she is not a staff and getting just honorarium from own source of revenue(subject to its availability)	
Secretary	1
Tax Collectors	2
Peon	1
Contract Staff	
Total Contract (Accountant Assistant ,GRS, Computer Assistant)	3
Total	7

Source: Field survey

Own Sources of Revenue: The annual own source of revenue of Gaon Panchayat covered by study is in the range of Rs 0.28 lakh to Rs.1.48 lakhs. There is no tax collection at Zilla Panchayat, Anchalik Panchayat and Gaon Panchayat. Income from tendering of weekly markets and sale of tender forms are the main sources of non-taxes for Panchayats. The task of collection of the rent is contracted to private parties on tender basis. Tenders contract above Rs. 1 lac is issued by Zilla Parishad while Anchalik Panchayat handles tenders contract from Rs. 25000 to 1 lac and Gaon Panchayat handles tenders contract less than 25000 is with GP. A nominal fee for issuing hand puller license, Bicycle license, and trade license are charged by the Gaon Panchayat. Non tax revenue is the only source of own revenue .Taxes on property are not levied by Panchayat due to the lack of political will and required legal and administrative framework. Bye- laws to enable Panchayat to collect tax are not available. Panchayats are not delivering any services to the citizens Components of own source of

revenue of Darrang Zilla Parishad Hat-ghat settlement, share of tax collected by GP, house rent and sale of tender form

District Planning Committee

In every district a District Planning Committee is constituted to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Town Committees, Municipal Boards and Municipal Corporations and to prepare a draft development plan for the district as a whole. The District Planning Committee consists of the members of the Lok Sabha who represent the whole or part of the district, the members of the Assam Legislative Assembly whose major part of the constituencies fall within the district, the President of the Zilla Parishad, the Mayor or the Chairpersons of the Municipal Corporation/Municipal Board/Town Committee as the case may be, such number of persons not less than “four /fifth” of the total number of members as may be specified by the Government elected from amongst the members of the Zilla Parishad, Municipal Corporation or the Municipal Board and Town Committees in the districts on rotation annually. The Deputy Commissioner is permanent invitee of the Committee as an Ex-Officio Member. The Chief Executive Officer of the Zilla Parishad is the Ex-officio Secretary of the Committee. The President of the Zilla Parishad is the Ex-officio Chairman of the District Planning Committee. There is no budget allocation for running of DPC in Darrang. Neither a separate building nor staff members is provided for the functioning of DPCs. DPC is functioning from the Darrang Zilla Parishad office. In practice none of the DPCs engages technical experts for plan formulation. DPC is supposing to submit Draft plans to State Government every year. But we found that in Darrang, the DPC meets very rarely and there is no proof that the DPC are submitting the draft plans to State Government.

Decentralised Planning

The decentralized planning division at the State level supervises the development plans and this department issues guideline from time to time to guide planning process at the district level. This division is headed by a Director drawn from departmental cadre. State Planning department suggest the broad structure of the district plan and the forms to be annexed to the documents. Schemes and works are discussed and approved by the Gram Sabha as it is mandatory for the preparation of Plans. The Gram Sabha meets and approves the schemes

against the fixed fund allocation. The plan formulated by each Gaon Panchayat is passed on the Anchalik Panchayat, which after incorporating GP plans into its own, sends it to the Zilla Panchayat for similar action, and before the ZP plans is integrated into the District Plan. It is found that in Darrang, this process is taken place in order to meet the requirement of every scheme. The Gram Sabha meets and approves the schemes against fund allocation. District planning and monitoring cell committee constituted at the district level monitor the implementation of plans. But the P & RD prepares a priority schemes list under annual plan for all four quarters. District plans form part of State plan. District Planning Committee submits the District Development Plan to the State government. There is no uniformity in the structure of plan of any Panchayat. There is no proper approach in respect of plan preparation. Plan is, by and large, scheme based and is prepared based on the fund allocation.

In Darrang, there is no uniformity in the structure of Annual plan. There is no proper approach in respect of plan preparation. Plan is, by and large, scheme based and is prepared based on the fund allocation. For each scheme, plan is prepared in line with the guideline of the respective scheme. By and large, construction, upgradation and maintenance of road, culverts, buildings and Tube Wells are the activities included in these plans. There is no place for schemes of service delivery or innovative practices in annual Plans. Plans are prepared based on the previous year allocations and expectations for the coming year. Major Activities at Deomarnai GP are rural employment activities and housing centrally sponsored schemes. Activities and sources of funds in Deomarnai GP is given in Table 2.20.

Table 2.20: Activities and Sources of Funds:Deomarnai GP

Activities	Amount (Rs. In lakhs)	Source of Funds
Rural transportation railed platform, IBS, flood protection, etc.	8.00	CSS
Rural shelter	7.00	CSS

Source: Field survey

Annual plan 2016-17 of Deomarnai GP is given in Table 2.21.

Table 2.21: Plan 2016-17: Deomarnai GP

Activities	Source of Funds
Agriculture	CSS
Drinking water	State Plan
Construction, drinking water, earth filling	CSS
Construction road, land development	CFC
Rural shelter	CSS
Social Welfare, Construction of ponds	State Scheme
Construction, account maintenance	CFC
Rural transportation railed platform, IBS, flood protection, etc.	CSS
Connectivity and road construction	CSS
Construction of sheds	CSS

Source: Field survey

Effectiveness of GPDP in part IX Areas : GPDP formulation process was initiated by the Gram Sabhas as the part of “Gram Swaraj Abhiyan” of Government of India. There were significant improvements in the role of Gram Sabhas in the preparation of Gaon Panchayat Development Plan. Deomarnai Gaon Panchayat had prepared Gaon Panchayat Development Plan.. Schemes included in the plan were in the category of construction related activities, water supply, drainage and livelihood activities. Some Gaon Panchayats have prepared plans against allocated fund while others against anticipated fund allocation. Most of the Gaon Panchayats do not have database to make plans. Though a few Gaon Panchayats have data it does not have any link with the plans formulated. Significant number of GP functionaries have got capacity in the preparation of plans for economic development. A list of possible sector wise activities were not available with Gaon Panchayats.

State Finance Commission: The State Government constitute a Finance Commission to review the financial position of the Panchayat Bodies. The Finance Commission consists of a Chairman and two other members appointed by the Governor. Finance Commission make recommendations to the Governor on (1) distribution between the State and the Panchayats the net proceeds of the taxes, duties, tolls and fees levied by the State which may be divided between them and allocation between Panchayats at all levels of their respective share of such proceeds; (2) determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Panchayats (3) The grants-in- aid to the Panchayats from the consolidated

fund of the State. (4) The measures needed to improve the financial position of the Zilla Parishad, Anchalik Panchayats and Gaon Panchayats. The final report of the Fifth Assam State Finance Commission covering the period of five years from 1st April 2015 to 31st March 2020 was tabled on May 22, 2017. However, the distribution of the net proceeds of taxes, duties, tolls and fees leviable by the State is between General and Sixth Schedule areas and between Panchayats and municipalities is determined on the basis of needs of local bodies as assessed by the State Finance Commission. According to the feed back received from the respondents some of the SFC recommendations are implemented. SFC grant was transferred to Panchayats without delay.

Deomarnai GP: The scheme funds comprise of CSS and State Schemes. In respect of untied funds, the main funds include SFC and Central Finance Commission Grant. It is estimated during filed visit that in a sample GP, about 45 percent of its revenue comes from Central Finance Commission grant, 30 percent from MGNREGA and 20 percent from State Plan fund of the State government. Another 5 percent comes from own source of revenue.

Sipajhar Anchalik Panchayat: The scheme funds comprises of CSS, and State Scheme Funds. These are tied funds. In respect of untied funds, there are non-scheme funds that consist of, SFC, Central Finance Commission Grant. Revenue components of a sample Anchalik Panchayat is estimated that about 30 percent of its revenue comes from Central Finance Commission grant , another 20 percent from MGNREGA , 15 percent from rural housing scheme, 15 percent from other CSS and 20 percent from State Schemes. It is important to note that own source of revenue is very miniscule.

Darrang Zilla Parishad: The scheme funds comprises of CSS, and State Schemes. Other than above two, ZP receives Central Finance Commission Grant and SFC grant. Revenue components of a Darrang Zilla Parishad are estimated that about 60 percent of its revenue comes from CSS grant and the rest comes from State Plan. Zilla Parishad has no major source of tax revenue.

Infrastructure: Zilla Parishad is functioning from its own building. Darrang ZP owns many buildings and collecting rent from them. Deomarnai GP do not have e-governance system. Accounting system and documentations are not digitalized. It has poorly managed websites. Emails and internet facilities are available only to a few Panchayats. Most of the GPs are

having their own building with electricity, water and internet facilities. Computers are available for official works.

Monitoring Activities: Gram Panchayats monitor activities implemented by the line departments. They also monitor implementation of State Schemes.

Auditing and Social Auditing: Director of Audit, Local Fund (DALF) Assam established under Assam local Funds (Accounts and Audit) Act, 1930 is the primary auditor of all tiers of PRIs and ULBs in the State. CAG of India conducts audit of substantially financed local bodies. On 30 August 2013 departmental audit committee on PRIs is constituted under the chairmanship of CP&RD. The committee discusses and settles the outstanding audit objections pertaining to P&RD Department. There are four types of audit i.e., CAG audit, Local Fund Audit, Audit by Chartered Accountant and internal audit. However frequency and coverage of Panchayats are varied. In Deomarnai, Sipajhar and Darrang, audits are conducted by Chartered Accountant (CA) appointed by CP&RD. While CA audit is an annual exercise, AG audit and local fund audit are once in 2 years.

Social Audit: State Finance Department issued guidelines in May 2009 for conducting social audit. According to this guidelines the specific requirements are : (1) Use of Gram Sabhas and Ward Committees as important vehicles for spread of awareness about social audit, (2) Appointment of nodal officer at the level of Gram Sabhas and Ward Committees who would register complaints and fix date for social auditing, (3) Wide publication of the date of social audit through local newspaper, hand bills leaflets and notice boards , (4) Presentation by the GP Secretaries and representatives of ULBs of the relevant data on revenue and expenditure of their organizations including bills vouchers, muster rolls, measurement books, copies of sanction orders and other books of accounts and papers necessary for the purpose of social auditing. However, in Deomarnai GP, the role of Gram Sabha is limited while conducting a social audit. Social audit is conducted only for MGNREGA scheme.

Grievance Redressal Mechanism: The State government in November 2011 appointed 10 Ombudsmen in 12 out of 27 districts in the State under section 27(1) of the MNGNERA Act, 2005. State government has appointed LokAyukta to deals with the anti –corruption activities and Ombudsman for CSS like MNREGA. According to district officials, each tier of Panchayat provides information to the public under RTI Act. The CEO of Zilla Parishad , BDO of

Anchalik Panchayat and Secretary of Gaon Panchayat are the concerned Information Officers under RTI Act at each Panchayat. CEO of ZillaParishad is the 1st Appellate and Commissioner, Panchayat & Rural Development is the 2nd Appellate. State has made policy for disclosure of information by the Panchayat to the public and accordingly, notice board is placed to paste important information on the board.

Protection of Environment : Goan Panchayat covered by the survey has carried out awareness creation about Swatch Bharat (SBM). It has facilitated the involvement of people in beautification of village roads, public places by planting flowering plants and trees – waste management by placing dustbins and regular cleaning. GP promotes plastic free environment and household level composting GP has made awareness creation about plastic free environment among the public through the involvement of school children.

Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions:

SIPRD is the premier institute to train elected representatives. It has given training under various schemes implemented by the Panchayats. The Institute has conducted exposure visits for elected representatives and functionaries of PRIs. It has given software training for accounting practices. Most of the elected representatives and officials of the Panchayats covered by our survey have undergone capacity building and training (CB&T) programme imparted by the SIPRD HQ and Extension Training Centres (ETCs) in Assam. For most participants skills acquired were found effective in performing their role, especially in motivating them generation of Own Sources of Revenue, in the preparation of GPDP through decentralised planning exercise and active gram sabha meetings. Another positive impact of CB&T programmes was enhanced service delivery to citizens and administrative efficiency.

Convergence of SHG activities with Panchayat: There are several active SHGs and SHG federations. The individual plans of a few SHGs were submitted to the SHG federation. In fact, SHG network engaged with different line departments such as PWD, Department of Agriculture and Veterinary Department. The frequent federation meetings and consultative meetings with the Gaon Panchayat changed the scenario in GP. The Gaon Panchayat integrated the plan prepared by the SHG network with the GPDP plan prepared by them. SHG federations prioritized demands were approved by the Panchayat committee. For instance, one of the demands was the repair of roads in the Panchayat. Funds for the repair of four of these roads have been sanctioned and work has begun in these areas. With the liaising with the

agriculture department, various materials were provided to the SHG members based on the demands put forth by them. Training programmes and seed distribution programmes were organised by the agriculture and veterinary departments. Number of youths who demanded for work under DDU-GKY have already been placed. It has also led to effective convergence between institutions of the poor and various institutions like the Panchayat, line departments and the SRLM. The GP level coordination committee was constituted. In the district, there was a lot of enthusiasm about creating the committee. Discussion of social development issues and discussion on giving loans to the SHGs were some of the agenda of the meeting. The committee's meeting was attended by officials from the bank.

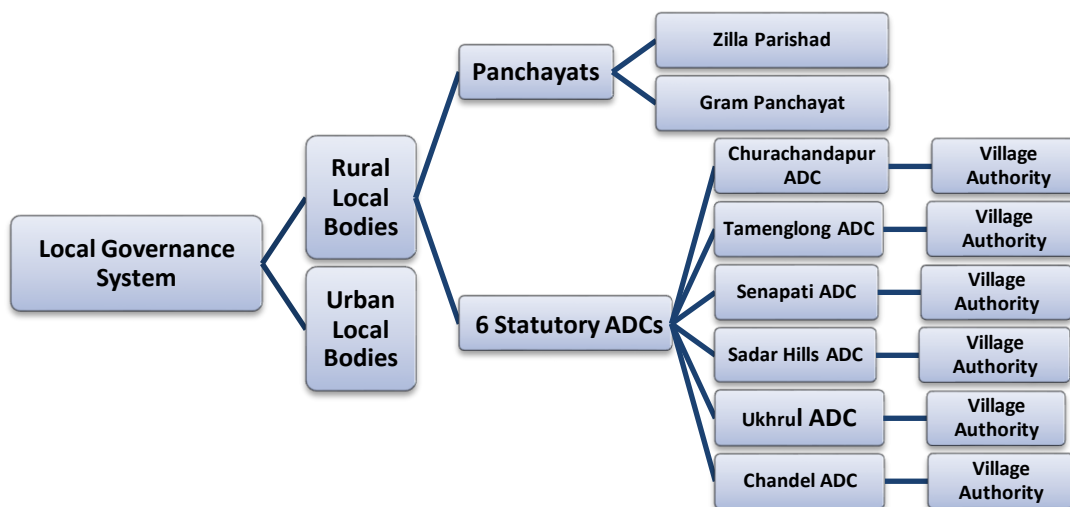
Assessment: The PRI system in Assam is functioning fairly well in comparison with ADCs. There are many overlapping laws and institutions which hinders the functioning of ADCs. The PRIs are entrusted with a wide range of functions that exceeds what is available to the ADCs under the Sixth Schedule. There are institutions Gram Sabha in places for the efficient functioning of PRIs. At the same time such institutions are not available for ensuring the participatory governance in areas covered by ADCs. SFC's terms of reference do not cover ADCs. Village Councils are not yet constituted in Karbi and North Cachar ADCs. Gram Panchayat is constituted and regular elections are held in Part IX areas. To deepen democracy, there is a need to constitute these grassroots level institutions.

CHAPTER 3: MANIPUR

3.1 Local Governance Arrangements

Manipur is geographically divided into the hills and valley. The Hill Area of Manipur is covered by ADCs created by State legislature. On the other hand, the valley has Panchayati Raj system. It has six statutory ADCs in five hill districts. One of the districts-Senapati - has two ADCs, namely, Sadar Hills ADC and Senapati ADCs. The other ADCs are Chandel, Churachandpur, Senapati, Tamenglon and Ukhrul. ADC under the Sixth Schedule of the Constitution is a constitutional authority or body whereas the present ADC in the Hill Areas in Manipur is only a statutory authority. There is clear distinction between the statutory body and constitutional body in terms of power, status and jurisdiction under the Constitution. The present Autonomous District Councils in Manipur is absolutely under the extensive control of the State Government. The sources of administrative powers of the present Autonomous District Councils in Manipur is only drawn from the Manipur (Hill Areas) District Council Act 1971. In the hill districts, there are Village Authorities, almost similar to Village Panchayats, functioning under the provisions of the Manipur (Village Authority in Hill Areas) Act 1956. The administrative structures operative in Manipur is Hill Village Authority Act and Manipur Hill Areas District Council. The Panchayati Raj institutions have been functioning only in the valley districts and Jiribam sub-division. Local Governance System in Manipur presented in Chart 3.1

Chart 3.1: Local Governance System in Manipur



Source: Tribal Affairs and Hill Department, Government of Manipur

General information on ADCs in Manipur as given in Table 3.1

Table 3.1: General Information on ADC in Manipur

	District Council	District	Area (Sq KM)	Population
1	Churachandpur	Churchandpur	4570	274143
2	Tamenglong	Tamenglong	4391	140651
3	Senapati	Senapati	1885	157359
4	Sadar Hills	Senapati	1386	193744
5	Ukhrul	Ukhrul	4544	183998
6	Chandel	Chandel	3313	144182
	Total		20089	1094077

*Boundary of each ADC is co-terminus with the boundary of each district, except for ADC Senapati and ADC Sadar Hills, which are under Senapati District

Source: Tribal Affairs and Hill Department, Government of Manipur

The Manipur (Hill Areas) District Council Act, 1971, an Act passed by the Parliament paved the way for establishment of six Autonomous District Councils in Manipur. In accordance with the powers vested on the Governor of Manipur, the six Autonomous Districts Councils were constituted on 14th February, 1972. List of Acts/ Rules is given in the Table 3.2. Village

Authority was created within the framework of Manipur (Manipur Village Authority in the Hills area) Act 1956. Main provisions of the District Council Acts and Rules/ADC Acts & Rules in Manipur are given in Annexure 1.

Table 3.2 : Local Bodies: List of Acts / Rules

Local Bodies	Acts / Rules
Valley	
Panchayati Raj Institutions	Manipur Panchayati Raj Act - 1994
Urban Local Bodies	Manipur Municipality Act - 1994
Hill	
Autonomous District Councils	Manipur (Hill Areas) District Council Act - 1971
Village Authority	Manipur (Village Authority in the Hills area) Act 1956
Urban Local Bodies (Small Town Committee, Moreh)	Manipur Municipality Act 1975

Source: Government of Manipur

Main provisions of the ADC Act and Rules of Manipur are given in Annexure 1.

3.2 History and Evolution of Local Governance System in Non-Part IX Areas

The Hill areas are inhabited predominantly by the Nagas, Kukis, Paites and Gangtes. The valley is inhabited mainly by Meiteis, Pangals Nepalese, Marwaris, Punjabis and Biharis. The Barak basin is inhabited by the Meiteis and the Bengalis. The Manipur Constitution Act, 1947, established a democratic form of government with a legislature constituted by election based on adult franchise. However, the Legislative Assembly was dissolved after the integration of the State with India in October 1949. It became as a part 'C' State under the Indian constitution with effect from 26 January 1950. Manipur became a State on January 21, 1972. The genesis of the ADC in Manipur date back to Manipur (Hill Areas) District Council Act, 1971, an Act passed by the Parliament meant for Hill areas of the State. It paved the way for establishment of six ADCs in Manipur on 14th February, 1972.

In Manipur, the first Act in 1947 gave the Chiefs the right to nominate the members of the Village Authority/Council. In the hill districts, there are Village Authorities, almost similar to Village Panchayats, functioning under the provisions of the 1956 Manipur (Village Authorities in Hill Areas) Act. In Manipur, a Notification for Village Authority, 1971 entrusted village authorities to identify and select beneficiaries under poverty alleviation schemes. They are also entrusted to review all the developmental works within the village and report to the Block

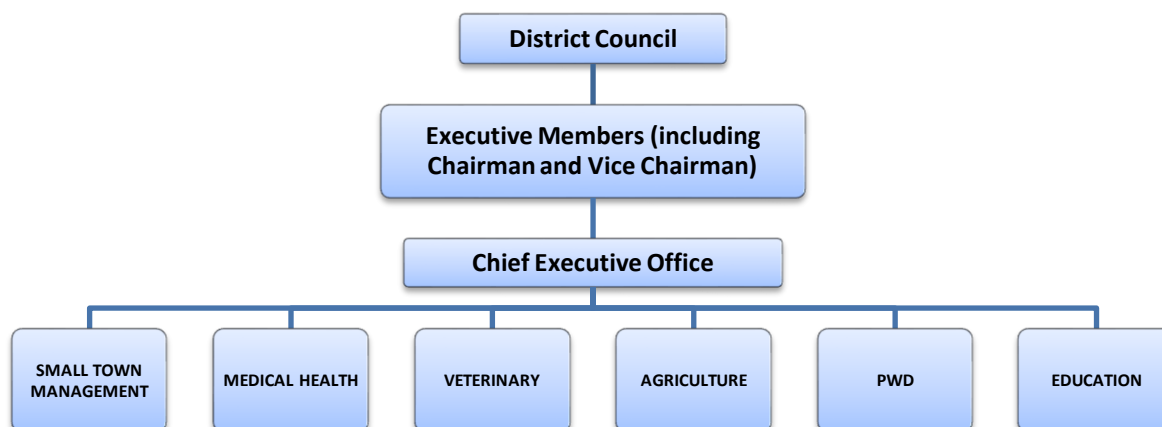
Development Officer. So far, The ADC Act in Manipur is amended four times in Manipur. The First amendment of 1975 was related to the provision for the removal of the Chairman of the District Council by the Government. The Second Amendment of 2006 was for notifying areas as urban areas for the purpose of development plan and to execute the works. The Third Amendment of 2008 was to increase membership from 18 to 24 and to entrust the responsibility of holding ADC election to State Election Commission. The Fourth Amendment of 2011 aims to prevent emergence of unstable conditions in ADC due to several moves of no-confidence motions against the Chairman (Chungkhoseibaite, 2016).

3.3 Local Governance: Common Features of Statutory ADCs

Nodal Department: Tribal Affairs and Hill Department is the nodal department which monitor the activities of the statutory ADCs in Manipur. Earlier this department was known as Department for Development of Tribal & Scheduled Caste. This is renamed as Tribal Affairs & Hills Department and given the responsibility of the Autonomous District Councils.

ADC Election: The first election to ADC was held in 1973. Delimitation was carried out in 2009 for ADCs as for the last 21 years (ADC formally established in 1971) there was no election. The Fifth Autonomous District Council election that was held on 1st June 2015 in the Hill areas of Manipur witnessed an improvement at grassroots level as compared to the fourth ADC election of 2010. The elections are being held on political party basis. In each ADC there are 24 elected members and two nominated members. Nominated seats are reserved for unrepresented community. While women are free to contest the election there is no reservation for women. Similarly, there is no reservation for SC/ST/OBC. Under MLR Acts, non-tribal cannot buy land in "Hill Areas". Consequently there are only tribal residents in the hill region. Elections are conducted by State Election Commission. Deputy Commissioner is the District Election Officer. SDOs are the returning officers. Ballot papers are still in used as using EVMs are costly. There is no anti-defection law in ADCs.

Structure of Statutory ADC: All the statutory ADCs in Manipur have similar structure as presented in Chart 3.2.

Chart 3.2 : Structure of Statutory ADC in Manipur

Source: Tribal Affairs and Hill, Government of Manipur

ADCs have following powers as prescribed by the Manipur (Hill Areas) District Council Act 1971. The Manipur District Council Act, 1971 did not confer any legislative or judicial power to District Council. (Ngaihte Thangkhanlal, 2014) Executive Powers of District Councils in Manipur given in Table 3.3

Table 3.3 : Executive Powers of ADCs in Manipur

Chandel	The functions of the District Council are executive in nature. It is supposed to attend to the welfare of the villagers by exercising and implementing the various functions entrusted to it. Activities related to 40 subjects are transferred under ADC. They carry out functions related to these subjects.
Ukhrul	

Source: Tribal Affairs and Hill, Government of Manipur

The District Councils are granted taxation powers which are given in Table 3.4.

Table 3.4 : Taxation Powers of ADCs in Manipur

Chandel	Powers to levy taxes on items such as taxes on profession, trades and employment, on animals, vehicles and boats, on the entry of goods into the market for sale therein and tools on passengers and goods carried in ferries, on the maintenance of schools, dispensaries or roads and any other tax falling under list II of the Seventh Schedule of the Constitution which the Manipur legislature may, by law, empower the District Council to levy. To fix and levy schools fees and fees for the use of or benefits derived from any of the works done or service rendered under this section of the Act with the prior approval of the administrator.
Ukhrul	

Source: Tribal Affairs and Hill, Government of Manipur

Departments: In Chandel district, there are seven departments under ADCs: Education, Agriculture, Medical (Health), Veterinary, Small town management, Head Quarter and PWD. In Ukhrul district has five departments under ADCs. They are Education, Agriculture, Medical (Health), Veterinary and General Administration.

State Finance Commission: Manipur State Finance Commission recommends for sharing of funds with local government institutions including ADCs. The fund for every ADC is allocated according to the size and population of the district. The last SFC had recommended the allocation of fund. Every department in the ADC will get their share.

Devolution of Powers: Results of our field survey indicate that ADCs have very limited administrative powers as the real power rests with the State appointed DC (Deputy Commissioner). Tangible powers are not actually devolved to ADCs. There is no devolution of funds to ADCs. Through the State budget, allocation for ADC goes to the Tribal Affairs and Hill department. The department divide this fund in the ratio of 60 to 40 among the Plain and Hill areas. The six ADCs together get this 40 percent of funds for their development activities. The department has taken up initiative for major decentralization of administration through transfer 50 per cent of the allocations under the different schemes to the ADCs along with formula for intra-transfer of resources amongst the ADCs. Furthermore, the remaining 50 percent of the fund will be utilized on the basis of recommendation of the District Level

Screening Committee chaired by the respective Deputy Commissioners. Grant-in-aids are released in various instalments. CEO of the ADC is the Drawing and Disbursement Officer.

Section 45 of the Manipur (Hill Areas) District Council Act 1971 and Rule 32 of the Manipur (Hill Areas) District Council Rule 1972 with regard to budgetary provision to the ADCs have not been implemented yet. Despite the provision of Section 27 (B) of the Manipur (Hill Areas) District Council (3rd Amendment) Act 2008 which entitles salary and allowances to Members, a small sum is given in the form of honorarium. The State Government does not give them salaries and allowances as per the provision of the Act and open the benefit of pension to ADC Members. Budgetary allocation of funds to ADCs by the State Government is quite inadequate and hence ADC members demanded more central assistance. ADCs have recently approached central ministries and central agencies for central financial assistance (Manipur District Councils Act, 1971).

Audit/Social Audit: The accounts of Statutory Autonomous Councils are subjected to external audit every year. The Accounts General conducts audit of accounts. The internal audit is conducted by Local Fund Audit department. There is no social audit in ADC areas.

Staff: The functionaries of ADC include a CEO who should be a state government employee belonging to Manipur Civil Service (MCS), Grade 1. The others staffs, including the HODs of the various departments, are directly recruited by ADC. There are over 1000 staffs under ADC.

Grievance Redressed Mechanism: There is no formal Grievance Redressal Mechanism in ADCs. However, ADCs are covered under RTI Act. CEO is the SPIO.

Training of Staff and Elected Representatives: There is no formal training given to ADC staff. They get some kind of informal training from the departments. There are no training centers for training staff or elected representatives of ADC.

3.4 Local Governance in ADC Areas: Case Study of Chandel District

The ADC office of Chandel District is located in Imphal. However, there is also an ADC complex in Chandel HQ but all the elected officials along with their high level executives work at the Imphal office. In 2010, when the ADC was revived, the ADC offices of Chandel, Senapati, Ukhrul and Tamenglong districts were temporarily shifted to Imphal, the capital of Manipur. This was due to the hostile political climate created by the Naga armed groups. It is important to note that these four districts are dominated by Nagas. Nagas had boycotted the

2010 ADC election and so a large number of candidates were elected unopposed. But after reaching an agreement with the Government, the ADC offices of Senapati, Ukhrul and Tamenglong districts were allowed to be permanently located in their respective districts. However, Chandel ADC does not belong to this category and the elected members of ADC are living in the quarters of ADC Bhawan, Chingmeirong, Imphal East. It remains to be seen whether Chandel ADC can move to its permanent office in Chandel HQ before 2020 ADC election.

ADC Structure in Chandel: Each Council comprises of 24 elected members and two members are nominated. One nominated post is given to a Woman. All the members are belongs to ST. The tenure of the ADC is 5 years. Structure of Chandel ADC is given in the Table 3.5

Table 3.5 :Structure of Chandel ADC

Elected members	24
Nominated members from the minority/unrepresented community	2 (One male and one Female)
Total	26

Source: Field Survey

Decentralised Planning: ADCs receive funds from the State. Planning department of the State government prepare plans for the ADCs. There is no separate planning committee in the ADCs. Deputy Commissioner is a government appointed official in charge of the district whereas ADC is the elected body. Funds for Centrally Sponsored schemes come through District Rural Development and the Chairman of ADC is also the Chairman of this body. Deputy Commissioner is the Project Director. Drawing any fund from DRDA requires the approval of the Chairman. There is a State level Work Advisory Board. The policies and work programmes is formatted by this Board every year. There is a district level beneficiary selection committee in all five hill districts. This committee is authorised to identify and recommend the deserving beneficiaries and other work programmes of the concerned district. There is no decentralised planning system in ADCs. Expenditure and source of revenue of Chandel district reported in Table 3.6

Table 3.6 : Expenditure Pattern ChandelADC: 2017-18

Sl. No	Items	(Rs Lakh)
1	General Administration department	117.64
2	Agriculture department	29.49
3	Medical department	57.23
4	Education department	2750.08
5	Public works department	NA
6	Veterinary department	24.01

Source: Field Survey

Role and Functions of Village Authority: The nomenclature of the lowest level of local governance in Hill regions is *Village Authority* against Village Council in States of Nagaland and Tripura. The size of Village Authority varies according to the coverage of households. Village Authority covers a range of 50 to 250 households. The ADC does not interfere in the functioning of Village Authority. Though Village Authority is under the ADC the latter cannot interfere in former activities. The main role of Village Authority is in performing judicial function and land management. It undertakes development activities in a limited sense. As per the Act, Village Authority elections are conducted by the State. But in most of the cases there is no election as they follow consensus approach to select a Village Chief. ADC takes up the developmental works in villages with the consent of the Chief of Village Authority. Village Authority is quite powerful in the hills.

Village Authority and Different Tribe: It is pertinent to understand that there are considerable variations in respect of functioning of Village Authority between different tribe.

Village Authority and Naga tribe: There are around 150 households in Japhou Village of Chandel District belongs to Naga Tribes. All the 150 households belong to Monsang community. The Village Chief is democratically elected by the people in the village as any villager can take part in the election process. The tenure of Chief is fixed for 5 years but the Chief can be removed anytime if there is a palpable discord among the people. Usually elections are not held. Instead all the villagers select the Chief in a public meeting or give consent for continuance of the current Chief. There is no limit to the number of terms he can get elected but age limit is 70 years. The current Chief was elected in 2017. Women are barred from contesting for the post of Village Chief. The Chief has absolute authority over his village. The functionaries are elected democratically by all the Chiefs of the Village Authority of Monsang community. This body takes care of the social customs of the tribe. If the Village

Authority fails to resolve any dispute, then it will be taken up to the head of the tribe/clan. Every Village Authority has a cabinet. The cabinet of the Village Authority consist of the Chief, Assistant Chief, 'Lulakpa', 'Mantri'. Chief also employs a Secretary who privately works for the Chief. These cabinet level officials are supposed to be from different clan. Single clan cannot hold more than one post in the cabinet. The only tax Village Authority can collect is House Tax, which is Rs 15 per annum. This revenue is transferred to the State Revenue Department. Village Authority does not have any other source of revenue.

Land Management is the main function of Village Authority. Regarding land distribution, villagers cannot claim private land over the area covered by the Village Authority. As per rule, the land is jointly owned by the community and any claim to private property is a violation of that social rule. Their residential area consists of the communal land and he/she lives there only because he/she has the consent of the fellow villagers. He/she cannot sell the land. This rule is applicable to the Chief also. Judicial Function is another main role of Village Authority. The Village Authority has full authority to resolve cases of the village. The Village Court will settle all the disputes related to their village. The Chief is the head of this court. They preside over matter of family dispute, domestic violence and any other local affairs. They have so much power that they can even adjudicate cases of murder. The police or any state authority never interferes in any matters pertaining to the internal affairs of the village. Village Authority has a role in public distribution system. Each family gets 5kg of rice. Subsidies are distributed through Agents, who are selected by the local MLA. Chief also plays a role in the selection.

Village Authority, being a democratic body in a limited sense, conducts meetings of village assembly. Such public meeting are organized compulsorily twice in a year for the review of policy and programmes of the regime in the past one year. Here the agenda and programmes for the succeeding year are also discussed. The villagers voice their concerns and wants and their issues are formulated into formal policies and action programme. Public assemblies are also called if any serious situation arises. The Village Authority can initiate developmental activity like construction of building, drainage facilities, community halls etc if funds are provided by the State government.

Dispute Resolution Mechanism in Village Authority of Naga tribe: Village Authority of Monsang community takes care of the social customs of the tribe. The main function of

Village Authority is to resolve any dispute. If the Village Authority fails to resolve any dispute, then it will be taken up to the head of the tribe/clan. Every Village Authority has a cabinet. The cabinet of the Village Authority consist of the Chief, Assistant Chief, ‘Lulakpa’, ‘Mantri’. Chief also employs a Secretary who privately works for the Chief. These cabinet level officials are supposed to be from different clan. Single clan cannot hold more than one post in the cabinet.

Dispute Resolution Mechanism of Village Authority under Kuki Tribe: Zion Village has 65 households belonging to Kuki Tribes. The office of the Chief is following lineage system. There is no system of election to the post of Chief and only the male members can become a Chief. If the current Chief retires or dies, then his eldest son will take over the office of Chief. If the Chief has no son then the eldest son of his brother will take over. In any case, the Chief has to come from his family or dynasty but a woman can never become a Chief. The current Chief has been reigning for more than 30 years. The Chief refers to himself as “King” and not as a “Chief”. His Cabinet consists of 7 members. The Chief or Village Authority has full authority over the village. Village Authority can adjudicate cases pertaining to the internal affairs of the village. The Village Court is the first and last resort for settling disputes.

The ownership and the distribution of land have certain interesting features in this village. The Chief owns all the land in the village. The village land belongs to the ancestors hence belongs to the Chief. The residents/ village, who are outside the Kuki tribe, are only residing in his “private property and pay *private* land tax to the Chief. This tax does not translate into revenue of the Village Authority. It is a private tax paid to the Chief and not to whole body of Village Authority. The poor are exempted from such taxes. Apart from this, house tax (Rs 15/annum) is collected by the Village Authority. However, the residents can claim these private properties in actual practice and can even sell his/her land. But any such activity requires the approval of the Chief. This practice is valid in the plain area where the villagers are residing but the Hill area cannot be claimed in such manner as it is owned by the Chief.

For minor development activities the Village Authority raises fund by selling their properties such as land or trees. However, major developmental works are carried out with the help of State grants. The major difference with the practice of Naga villages is that any non-Kuki tribe willing to settle in this village is not required to change his tribe or custom. This is because such non-conversion ensures the purity of clan/tribe lineage, and the issue of purity is of

utmost importance because of the practice of kingship. Village Authority has role in public distribution system. Every household gets 10 kg of rice and the Agent for distributing food subsidies are selected by the Chief. Public meeting or assemblies are compulsorily organized twice in a year just like in Naga villages. Emergency meetings are also called if any serious situation arises. For the past few years, Village Authority has not received any funds. Funds for public schemes are used up by government officials like Deputy Chairman before reaching Village Authority.

Village Authority and Aimol Tribe: Aimol Satu Village has 60 households from Aimol tribe. The Aimol tribe has the same practice of the Naga tribe but is more democratic. The Chief is elected through election/consensus of the people. Public meetings are held regularly, once or twice a year. Policy programmes are discussed over the meeting and the Chief carry out only those policies consented by the villagers. Cabinet has 8 members. The Village Authority also has full jurisdictional authority over the village. Any non-Aimol person willing to settle in the village does not convert to Aimol. He/she can still practice his/her customs and practice while being a villager of an Aimol village. Lands are communally owned. The Chief cannot be removed by the village before his tenure ends but the Chief lose his respect among the villagers if he engages in any unwanted activities. Public distribution system is managed by the Village Authority.

3.5 Local Governance in ADC Areas: Case Study of Ukhrul District

Ukhrul district has around 250 villages and over 90 per cent are inhabited by Tangkhul Naga tribe. The remaining villages are inhabited by Kuki tribes. Each village has its own dialect. There are over 250 different dialects in the Ukhrul district alone. However, there is a common language called the Ukhrul language for communication. Ukhrul district is one of the major districts in Manipur in terms of both size and population.

Table 3.7 : Structure of Ukhrul ADC

Elected members	24
Nominated members from the minority/unrepresented community	2 (One male and one Female)
Total	26

Source: Field Survey

Ukhrul ADC has 24 elected members including the Chairman and the Vice Chairman. In addition, two members are nominated from the minority/unrepresented community making a total of 26 members in the Executive Council of UkhrulADC. This ADC has six departments: General Administration department, Agriculture department, Medical department, Education department, Public works department and Veterinary department. The Agricultural Department looks after the welfare of the farmers. They provide technical support and expert knowledge for better production. One of the major programmes of this department is the programme of assisting small and marginal farmers for increasing agricultural product. For this scheme, they receive Rs.6 lakhs from the Department of Agriculture, Government of Manipur every year. Under this programme, 12 beneficiaries are selected. The elected members of ADC select the beneficiaries of any scheme.

Jhum Cultivation is encouraged as it can host multiple cropping but they refrain from advising it to be practiced in large scale as it can cause large scale soil erosion. Cash cropping is not advised. District Agricultural Officers and District Horticulture Officer, both under the Deputy Commissioner, have more funds than Agricultural Department of ADC. The Medical Department looks after only the Civil Dispensaries in the district. Each dispensary consists of Auxiliary Nurse Midwife, Pharmacist, DAI and Attendants. The total number of ADC staff is around 30.

Village Authority: Ukhrul District

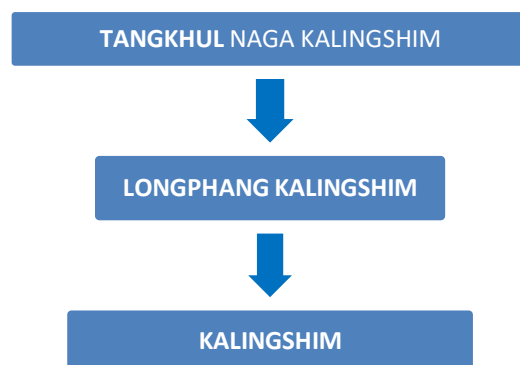
Tangkhul Naga Tribe: There are significant district level variations in respect of functioning of Village Authority. There are 2600 households in Hungphung Village and the Village Chief is the head of Village Authority. Unlike what we found in Chandel district, the VA members in this village of Ukhrul district are following lineage system. Elections are never held. Each of the members including the Chief will be replaced by their eldest son when they retire from office. There are 32 members in the Village Authority. These 32 members represent a member of each "sagei" (clan/lineage) living in the village.

Village Authority collects House Tax (Rs 15 per household). This tax is deposited to the State government account. There is no other mechanism to generate revenue independently. However, this does not diminish the power of Village Authority. The most important function of Village Authority is judiciary. Development works are done by the State government through ADC or DC. The Village Authority has the ultimate authority in the village. The Chief

is the head of the “Kalingshim” (Village Court) which adjudicate over any issue arising in the village. It has the authority to even try murder cases. However, if “Kalingshim” fails to satisfy the parties involved in any cases, the villager can appeal to higher authority which is “LongphangKalingshim” (Tangkhul Court). There are four “LongphangKalingshim” in Ukhrul according to geographical direction. Thus, the four “LongphangKalingshim” are East LK, North LK, West LK and South LK. Hungphung comes under the North LK. Even if the cases fails to be satisfied by “LongphangKalingshim” , then the matter will be resolved by the highest authority in the legal custom of the Tangkhuls, “ Tangkhul Naga Kalingshim”. Tangkhuls consider this as their very own supreme court. Each member of “LongphangKalingshim” and “Tangkhul Naga Kalingshim” are elected for five year tenure.

Customary Judicial Hierarchical Structure in Ukhrul District Pattern- I is presented in chart 3.3

Chart 3.3 : Customary Judicial Structure in Ukhrul District Pattern- I



Source: Field Survey

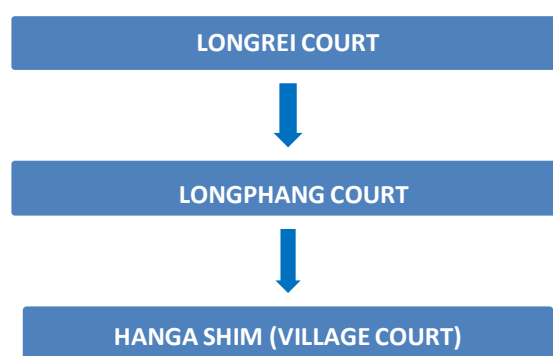
Under Village Authority one public meeting is compulsory in a year. However, meetings are organized whenever any issue arises. Regarding public distribution system, 5 kg of rice per person is distributed every month. The agents for distributing rations are selected or given approval by the Village Chief. MGNREGA is implemented in the village. Village was able to give 100 percent employment under this scheme. The major works taken up are building community road, planting trees, constructing drainage system, State scheme, such as “Go to Village” and “Go to Hills” are also implemented. The village has a large Community Hall, which houses public assemblies and other private needs of the villagers. This hall was built with a grant of Rs. 32 lakhs by the State government. The land is owned by the Village Chief and all the other villagers are living in his land. The villagers have their share of land but cannot legally lay claim on it. Land distribution and demarcation is also handled by the Village

Authority. Hence, villagers cannot sell their land. If the villager(s) decides to leave his or her place and move somewhere else, the abandoned place becomes a property of the Chief.

Village Authority Tangkhul Naga: In the Hunphun Village there are 4000 households headed by Village Chief. They are practicing the lineage system. There are 27 Village Authority members, each representing the various “sagies” (clan) in the village. The members are the eldest male in their respective clan. They will be replaced by their eldest son. Women are not allowed to be part of the Village Authority membership. The village was founded by the forefather of the current Chief (belongs to the Seiza clan). The founder then invited other clans to come and settle in “his land”. The Chief owns the land. However, in reality, the villagers now lay claim to private property even though it is not legally recognized. The remaining public land or Khas land are given to poor and needy ones on rent. They annually pay some amount as rent per annum. Lands can be sold, but only to another villager.

Dispute Resolution Mechanism in Village Authority of Tangkhul Naga: Issues arising within the village are decided by the Village Court (“Hanga Shim”). If Village Court fails to resolve the matter then it will be referred to “Longphang Court”. The final and supreme judicial authority among the Tangkhuls is the “Longrei Court”. Tangkhul Nagas judicial customary hierarchical structure in Ukhrul District Pattern –II is presented in Chart 3.4

Chart 3.4 : Customary Judicial structure in Ukhrul District Pattern –II



Source: Field survey

As described above, the judicial structure is similar with Hungphung Village but the terminology is different. Their jurisdiction is also divided according to geographical division. The Village Chief is the supreme authority within the village. Anything that affects the village

requires the consent of the Village Chief. However, it is quite difficult to give an exact and palpable description of the power of the Chief. For instances, MGNREGA schemes is implemented in the village after the approval of the Chief. Job cards are distributed in his name. The Chief has the power to recommend or appoint agents for the Public Distribution System according to which 20 sKg of rice per household is distributed. Public meetings are organized compulsorily twice in a year. However, the Village Authority members meet thrice in a month, on the 10th, 20th and 30th of each month. Emergency meetings are also called if necessary. Village Authority has a separate office adjoined with the Village Court. The village has a 2000/3000 people capacity community hall.

Regarding implementation of development schemes in this village, it is controlled by the MLAs and SDOs. ADC works are confined to developmental activities and it does not have any judicial power. In this way, the Village Authority and ADC complement each other. The Village Authority can deduct 5 to 10 per cent from the project grant. They also deduct 5 per cent from the MNREGA fund. House Tax (Rs 18 per household) is collected and deposited to the account of State government. There is also provision for a 'Loyalty Tax' which can be collected from the shops and hotels. But this tax is not regularly collected.

3.6 Local Governance in Part IX Areas: Case Study of Panchayats in Bishnupur District

The State Act does not extend Panchayat in the hill areas of Manipur where Manipur (Village Authorities in Hill Areas Act), 1956 or the Manipur (Hill Areas) District Council Act, 1971 is in operation. The Act provides for the establishment of a two-tier system of Panchayati Raj, i.e. Gram Panchayat at the Village level and Zilla Parishad at the District level. Panchayat Raj Institutions in Manipur are confined to the four Valley Districts, consisting of four ZPs, one for each valley district, and 161 GPs.

Bishnupur District in Manipur is bounded by Churachandpur in the South-west, North and north eastern by Senapati & Imphal west district, Thoubal in the south eastern. The district is divided into three Sub-divisions: Moirang, Bishnupur, Nambol. Besides, there are 4 (four) Municipalities namely (1) Nambol, (2) Bishnupur, (3) Ningthoukhong and (4) Moirang. Bishnupur district has a total population of 237,399 as per the Census 2011. Out of which 118,782 are males while 118,617 are females. In 2011 there were total 46,580 families residing in Bishnupur district. Bishnupur ZP consists of 24 GPs. Nomenclature of Panchayats and Elected Heads is given in Table 3.8

Table 3.8 : Nomenclature of Panchayats and Elected Heads

	ZP	GP
Nomenclature of different tiers of Panchayat	ZillaPanchayat	Gram Panchayat
Nomenclature of elected head of Panchayats	Adhyaksha	Pradhan
Position of CEOs	CEO (Officer of the rank of Deputy Commissioner)	Secretary

Source: Field Survey

State Election Commission: Election Commission of the State conducts selection to Panchayat. There is no reservation for OBCs in Manipur. There is 33 percent reservation for women.

Gram Sabha: Gram Sabhas are being organized by the Gram Panchayats. The level of participation in Gram Sabha is reasonably good in Nganghalawai. Agenda of discussion in Gram Sabha are related to the beneficiary selection and other aspects of Centrally Sponsored Schemes, SFC grant and CFC grant. Development activities and scheme implementation were covered in the discussions of Gram Sabha in Nganghalawai. At present, there is no system to monitor Gram Sabha meetings. In view of the fact that women's representation in the PRIs of Manipur exceeds what is statutorily required (41% in respect of directly elected Pradhans of Gram Panchayat).

Grievance Redressal Mechanism: There is no such mechanism or institution in the State of Manipur that ensures transparency and anti-corruption and undertakes complaints of Panchayat.

Status of Devolution: In 2005, the Activity Mapping of 16 departments was approved indicating the activities of these departments to be transferred to the PRIs. Out of these 16 departments, only 5 departments are reported to have devolved powers and functions to the Panchayats. Among them, Rural Development and Panchayati Raj department have transferred the responsibility of executing many rural development schemes to the Panchayats. Panchayats play active role in the implementation of various State and Central Schemes.

Decentralised Planning Process: The Panchayats at both levels are involved in the implementation of centrally sponsored and State planned schemes in rural areas of the State. DPChas been constituted in the Bishnupur district but it is not functional. This is due to non-engagement of technical expert teams and secretarial support staff. There is no operational guideline for decentralized planning process. At district level, some form of district planning

exercise is being carried out. Plans are not prepared at the GP level. However, Gram Panchayats generally consult the gram sabhas before selecting development schemes for execution under Centrally Sponsored Schemes. The planning process in Manipur starts with felt need assessment through discussion of non-formal and formal Gram Sabhas. Planning process in Panchayat Area of Manipur is presented as below:-

- Felt Need Assessment through Gram Sabha
- Identification of schemes
- Preparation of plan by Gram Panchayats against fund allocation under Central and state Government Schemes
- Consolidation of Plans at ZillaPanchayat level.
- No Integration with State Plan as district plans do not form State Plan

Effectiveness of GPDP in part IX areas of Manipur: In the Gram Panchayats covered by the survey GPDP formulation process was initiated by the Gram Sabhas as the part of “Gram Swaraj Abhiyan” of Government of India. There were some improvements in the role of Gram Sabhas in the preparation of Gram Panchayat Development Plan. Schemes included in the plan were mostly in the category of construction related activities and water supply. Though a few Gram Panchayats have data it does not have any link with the plans formulated. Significant number of Gram Panchayat functionaries had attended training programmes organised by SIRD Imphal. It is also important to note that some central and state schemes provide scope for convergence framework for the planning and execution of income generation projects at Gram Panchayat level. However, Manipur has not yet started such some initiatives.

DPC and its role in consolidation of plans: The District Planning Committee can give suggestions and recommendations for the preparation of plans. DPC consolidate the plans prepared by different tiers of Panchayats and prepare a draft development plan for the district as a whole. Structure of DPC in Manipur is given in Table 3.9. District Planning Committee in Bishnupur prepares the draft development plan covering the matters of common interest between the Zilla Parishad, Gram Panchayats, Nagar Panchayats, Municipal Corporation and Municipal Council's in the district including spatial planning sharing of water and other physical and natural resource, the integrated development of infrastructure and environmental

conservation. The Chairperson of Bishnupur District Planning Committee forwards the development plan to the Government.

Table 3.9 : Structure of DPC: Manipur

Composition of DPC	Secretary of DPC	Chairperson of DPC
Adhyaksha of the Zilla Parishad (Chairperson). Members of the House of the People representing the district. Members of Legislative Assembly who are elected in the district. Such number of Councilors as may be specified by the government from the member of Councilors of Nagar Panchayat and Municipal Councils in the district and Chief Executive Officer	CEO is the member secretary	President of Zilla Parishad

Source: Field survey

State Finance Commission : State had constituted the first Manipur State Finance Commission in May 1996 and submitted its recommendations to the government. The 2nd Manipur State Finance Commission was constituted in January 2003 by the State Government as required under Section 97 of the MoPR Act, 1994. The Commission submitted its recommendations to the Government. The 3rd Manipur State Finance Commission was also constituted in 23rd May 2013 as per the Manipur State Finance Commission Act, 1996. It is significant to note that the State of Manipur constitutes State Finance Commission on a regular basis. The 3rd Manipur State Finance Commission recommended that the distribution of the net proceeds of taxes, duties, tolls and fees leviable by the State is 35.28% for Panchayats and 22.49 % for Municipalities . The remaining 42.33% of the total devolution is shared by the Autonomous District Councils (ADCs). The distribution based on population as per 2011 census. Considerable portion of the recommendations of the SFC has been implemented.

Own Sources of Revenue: Central government grant, State government grant and funds for Centrally Sponsored Scheme constitute the resources of the Panchayat. Nganghalawai Panchayat does not have any own source of revenue. In Bishnupur, State transfers are used for office maintenance, honorarium to the members and for other purposes. The Gram

Panchayats and Zilla Parishads are respectively empowered to impose annual tax on land and buildings within the local limits of the jurisdiction of PRI. It is interesting to understand that each Gram Panchayat has a reasonably big size of budget which is in the range of Rs. 5 lakhs to Rs. 10 lakhs. In fact, the size of the budget of Bishnupur Zilla Panchayats is quite high which is in the range of Rs. 12 Crore to Rs. 17 Crore. The RD&PR department of the State of Manipur has taken the initiative to break the inertia of Panchayats in respect of generating resources locally by levying taxes, fees, tolls, rates etc. The State of Manipur has not taken any concrete step to frame rules to enable the PRIs for imposing tax, rates, fees, etc.

Availability of Functionaries: In Bishnupur Zilla Panchayat, one Executive Officer (Panchayat)/DPDO look after the administrative functions and also act as member secretary. Other staff members are one Accountant and one Extension officer as permanent staff whose salary is borne by government. One computer operator, one driver and two office assistants have been on contractual basis and the salary is paid by the directorate of Panchayati Raj. There is one Panchayat Secretary at Nganghalawai Gram Panchayat.

Table 3.10 : Staff Pattern of Gram Panchayat

Name of Post	Regular/Adhoc
Secretary (looks after 2-3 GPs)	Regular
In a few GPs Secretary is not available, Instead Village Level Worker is in charge	Adhoc

Source: Field study

Infrastructure: The physical infrastructure of the Gram Panchayats as well as that of the Zilla Parishads is very poor. GP has no Pucca office building. They operate from the house of the Pradhan. There is no separate Zilla Parishad building in Bishnupur. Two rooms at Dy Commissioner Office are being used for Zilla Parishad activities. Zilla Parishad is using the meeting hall of DC office for meeting purpose.

Auditing and Social Audit: The accounts of a Gram Panchayat are audited by the Director, Local Fund Audit and Accounts. DLFA acts as Primary Auditor of both tiers of PRIs. DLFA acts as Primary Auditor of both tiers of PRIs. Audits are being conducted by the internal auditors as well as external. Bishnupur Zilla Parishad and Nganghalawai Gram Panchayat have been audited in every year by the CAs and local fund audit team. In Nganghalawai GP there is no practice of social audit of schemes implemented by the Panchayat.

Protection of Environment : Gram Panchayat covered by the survey has carried out awareness creation about the importance of Open Defecation Free villages under Swachh Bharat Mission. GP has initiated activities for a clean and green village by providing toilets in each household and in all public institutions and ensuring their proper use. It has developed a plan for beautification of village roads, public places by planting flowering plants and trees . Gram Panchayat with the support of Zilla Parishad has developed a plan for the promotion and adoption of clean technologies and waste minimisation strategies through industrial clusters via setting up of pilot/demo projects on prototype development .

Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions:

State Institute of Rural Development is responsible for organizing various capacity building and training programmes both in-campus and off-campus for elected members and officials of PRIs. Training is imparted through lectures, discussions with audio visual aids and field visits. The training is given to the elective representatives so as to acquaint them with the Central Sponsored Schemes and to ensure proper and effective implementation of the poverty alleviation and Rural Development Programmes. Some of the elected representatives and officials of the Panchayats covered by our survey have undergone capacity building and training (CB&T) programmes. It is reported that most of these participants were found effective in performing their role . There was an improvement in the decentralised planning process. The preparation of GPDP through decentralized planning exercise and active gram sabha meetings are the some of the impacts of these training programmes. Administrative efficiency of the participants have now increased. Nanghalawai. Gram Panchayat had prepared Gram panchayat Development Plan.

Voting Rights and Participation of Women: Women are barred from contesting for the post of Village Chief in the case of Village Authority under Naga tribe.

Convergence of SHG activities with Panchayat: SHG activities have just started to pick up in the district covered by our study. Gram Panchayat had received inputs and support from SHGs in the preparation of Gram Panchayat Development Plan . Some of these SHGs have started

interacting with line departments . An effective convergence between SHGs and Panchayats is not yet emerged.

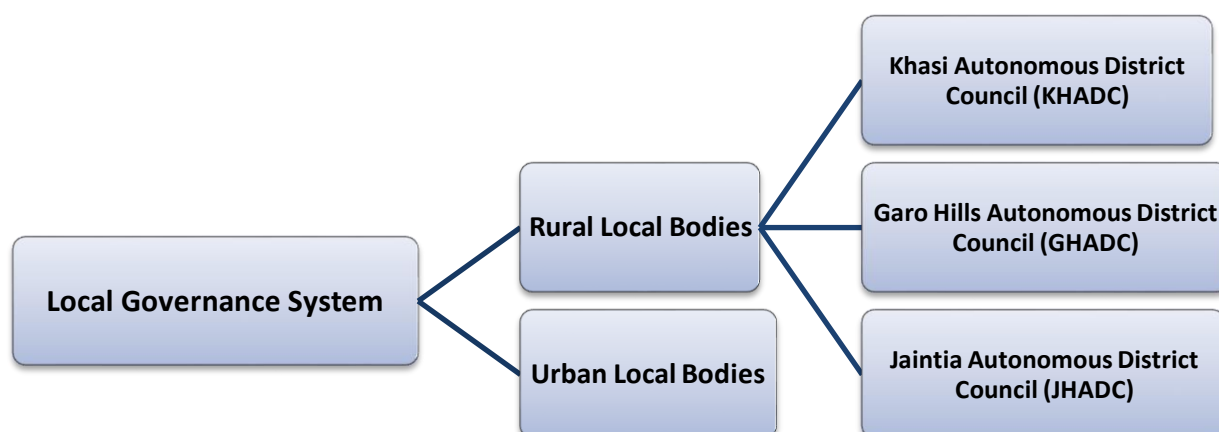
Assessment: In Manipur, the statutory ADCs are functioning like a department or corporation under the State government. However, the PRIs are functioning fairly well. Grassroots level institutions are not constituted in ADCs. Every activity of ADC requires the approval from the line department or of the State government. The PRIs are entrusted with a wide range of activities. Institutions like Gram Sabha ensure participatory governance in areas covered by PRIs. In Gram Panchayats, Gram Sabha meetings are held regularly and the felt needs of people are identified and discussed. ADCs do not have any roles in decentralised planning, revenue generation and planning and execution of development plans.

CHAPTER 4 -MEGHALAYA

4.1 Local Governance Arrangements

Meghalaya has the distinction of having three Autonomous District Councils covering the entire population of the State. The three Autonomous District Councils under the provisions of the Sixth Schedule of the Constitution are Khasi Hills Autonomous District Council (KHADC), Garo Hills Autonomous District Council (GHADC), and Jaintia Hills Autonomous District Council (JHADC). Each ADC has its own language for communication. The Local governance system in Meghalaya is presented in Chart 4.1. It has both rural and urban local bodies.

Chart 4.1 : Local Governance System in Meghalaya



Source: Field survey

Geographical area and population of Autonomous District Councils is given in Table 4.1

Table 4.1 : Population: ADCs in Meghalaya

	Khasi Hills Autonomous District Council	Garo Hills Autonomous District Council	Jaintia Hills Autonomous District Council	Total
Area in sq. km	10,443	3,819	8,167	22,429
Population (Lakhs)	11.5	2.9	8.7	23.1

Source: Census 2011

Legal Framework of Local Governance system of Assam

Three ADCs were constituted under the Sixth Schedule of the Constitution of India. Meghalaya has a strong legal framework of its local governance system. Various Acts, Rules and regulations and guidelines are listed below:

- The KHADC (Nomination and Election of the Syiem, Deputy Syiem and Electors of NongstoinSyiemship) Act, 2003
- The KHADC (Appointment and Succession of Sirdar and Headmen of SaitsohpenSirdarship) Act, 2007
- The KHADC (Appointment and Succession of Syiem, Deputy Syiem and Electors of MyriawSyiemship) Act, 2007
- The Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem, Lyngdoh and Sordar of RambraiSyiemship) Act, 2010
- The Khasi Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Rules, 2015
- The united Khasi Jaintia Hills District Regulation 1954 (Trading by Non Tribal)
- The united Khasi Jaintia Hills Autonomous District Rules 1959 (Trading by Non Tribal)
- The united Khasi Jaintia Autonomous District Rules 1953 (Administration of Justice)
- The united Khasi Jaintia Hills Autonomous District Rules 1963 (Taxation on professions, trades, calling and employments rules 1963)
- The Jaintia Hills Autonomous District Regulation 1985 (Management and control over land and assessment and collection of revenue)
- The Jaintia Hills Autonomous District Council Chairman's and Executive Members (Salries and Allowances) Act 1984
- The Garo Hills District (Jhum) Regulations 1954
- The Garo Hills Autonomous District (Administration of Justice) Rules 1953
- The Garo Hills Autonomous District (Land and Revenue) regulation 1954
- The Garo Hills Autonomous (Social Customs and Practices) Act 1954

Main provisions of ADC Acts & Rules of Meghalaya are given in Annexure 1.

4.2 History and Evolution of Local Governance System in Meghalaya

Traditional institutions of local governance have a deep- rooted history in Meghalaya. Before British administration came in, Khasi, Garo, and Jaintia tribes had their own kingdoms. Later, the British incorporated Meghalaya into Assam in 1835. They enjoyed semi-independent status because of a treaty signed with the British Crown. The British first imposed the system of District Councils which were formalized later after independence. At the time of independence, present day Meghalaya constituted two districts of Assam and enjoyed limited autonomy within the state of Assam. In 1950, the Constitution of India – under the Sixth Schedule³ – established ADCs in the North-East region with a view to preserving and protecting tribal institutions. The United Khasi-Jaintia Hills Autonomous District Council and Garo Hill ADC

came into existence in June 1952. In 1954 the leaders of the entire ADC had raised the demand for a separate hill State under the banner of Eastern Indian Tribal Union. This was the major issue in the 1957 general elections. The Meghalaya Autonomous State Bill was passed by both Houses of the Parliament on 24 December 1969. This gave rise to the Autonomous State of Meghalaya within the State of Assam in April 1970. Autonomous State within Assam could not function efficiently. Meghalaya Legislative Assembly finally raised the demand for full statehood. On 10 November 1970 full statehood to the Autonomous State of Meghalaya was announced and the parliament passed the North Eastern Areas (Re-organization) Act, awarding full statehood to Meghalaya on 30 December 1971 (Rani 2014). On 21 January 1972, Meghalaya was formed by carving out two districts from the State of Assam: the United Khasi Hills and Jaintia Hills, and the Garo Hills. Even after the formation of the State of Meghalaya, all the system of Autonomous of District Council System is continued. The present State of Meghalaya was a part of the tribal area defined under the Sixth Schedule of Constitutions (Tuolor, 2013).

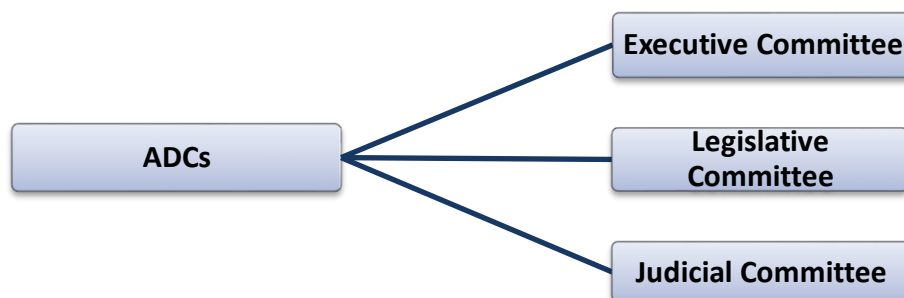
4.3 Local Governance: Common Features of ADCs

Nodal Department: District Council Affairs Department is the nodal department of the State Government for all the three ADCs.

ADC Election: The members of ADC are elected through adult franchise and ADC election is conducted by State Election Commission.

Structure of ADC: Members of the District Council are elected by the people through elections. There are 30 MDCs including one nominated member. They are elected for a term of 5 years. Executive Committee elects Chief Executive Member and is appointed by the governor. Other EC members are appointed with the CEM's advice. Executive Committee performs all executive functions. All the three bodies of the ADCs are independent of each other and function accordingly. The secretariat is headed by a Chief Executive Member. Staff including line departments constitutes the administrative structure of ADC.

Organs of Autonomous District Council: Various organs of Autonomous District Council in Meghalaya are presented in Chart 4.2. Each ADC has three organs i.e. Executive Committee, Legislative Committee and Judicial Committee

Chart 4.2 : Organs of ADCs in Meghalaya

Source: Field Survey

The Legislative Powers of ADCs in Meghalaya given in Table 4.2

Table 4.2 : Legislative Powers of ADCs in Meghalaya

Khasi Hills ADC	Power to make laws related to allotment and use of land, management of forests, establishment and management of villages and towns, regulation of shifting cultivation, inheritance of property, and social customs, with the Governor's assent
Garro Hills ADC	
Jaintia Hills ADC	

Source: District Council Affaires Department

Dispute Resolution Mechanism-Judicial Powers of ADCs in Meghalaya: A three tier courts are set up at three levels of the Village, Elaka and District. The three-tier courts are in a position to deliver faster settlement of disputes based on customary laws and practices and conditioned laws. The judicial powers of ADCs in Meghalaya given in Table 4.3

Table 4.3: Judicial Powers of ADCs in Meghalaya

Khasi Hills ADC	Powers to constitute village courts, with appellate powers with the Council. Appeals from Council Courts lie with the High Court. Village Chiefs/headmen appointed Chairmen of Village Courts. Subordinate/additional District Courts. EC appoints, with Governor's approval. Judges are appointed by the Executive Committee with Governor's approval. In Garo Hills, Village Courts
Garro Hills ADC	
Jaintia Hills ADC	

	consist of the Lasker of the village and two members elected by the Village Council. In Jaintia Hills, Village Courts are headed by the traditionally elected Village Chief/headman and have 2–6 members
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Source: District Council Affaires Department

The Executive Powers of ADCs in Meghalaya given in Table 4.4

Table 4.4: Executive Powers of ADCs in Meghalaya

Khasi Hills ADC	Powers to make appointment and succession of Chiefs/headmen. Establish and manage primary schools, dispensaries, markets, cattle pounds, fisheries, roads, waterways and road transport, and forests (excluding reserve forests)
Garo Hills ADC	
Jaintia Hills ADC	

Source: District Council Affaires Department

Financial Powers of ADCs in Meghalaya given in Table 4.5

Table 4.5 : Financial Powers of ADCs in Meghalaya

Khasi Hills ADC	Powers to prepare and pass budgets, assess and collect revenue, impose taxes on trades and markets, collect tolls, manage licenses, and lease/share in royalties collected by the State government
Garo Hills ADC	
Jaintia Hills ADC	

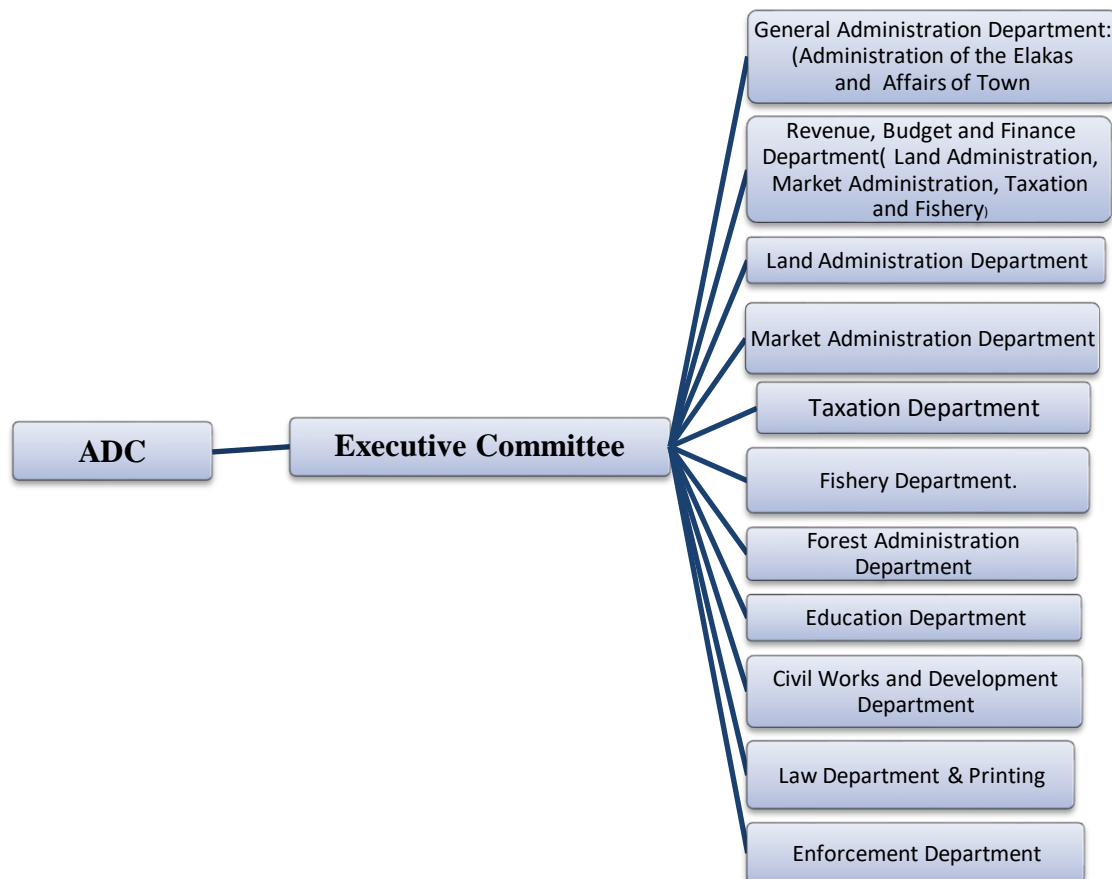
Source: District Council Affaires Department

State Finance Commission: There is no State Finance Commission in Meghalaya to review the financial position of the local bodies and to make recommendations relating to the distribution between the State of Meghalaya and rural and urban local bodies of the net proceeds of the taxes, duties, tolls and fees.

ADC Staff and Training: ADC has a separate civil service under its administrative control. It has complete control over the recruitment, superintendence and discipline of the staff. Trainings are provided in ADC office itself and sometimes staff members are sent to State head quarters to attend training. ADCs do not have training of institutes for training their officials or elected representatives.

Departments - All the three ADCs have similar departments. Departments of ADCs in Meghalaya as presented in Chart 4.3

Chart 4.3 : Departments of ADCs in Meghalaya



Source: Field survey

Devolution of Funds in ADCs: All the three ADCs get grant in aid from the State government. Other sources are CFC grant and Special Assistance grant. ADCs have their own sources of revenues also. The responsibility to collect and enforce professional tax was delegated to the ADC. But the motor vehicles tax continues to be collected by the State Government and revenue is shared with the ADCs. The government transfers to ADC include statutory allocation from the central government, grants for developmental activities and share in royalties from minerals and forest produce.

Village Durbar/ Durbar Shnongie /Village Council: It is the lowest unit of the decentralisation system. Durbar Shnongie is a traditional institution of the Khasi tribe. The leadership can be hereditary. In several cases people vote to choose the Village headman. The

village headman is called Rangahshnong in Khasi and Jaintia. Village Council consists of different villages. Head of the Village Durbar/ Durbar Shnongie is called Dolloi in Khasi and Jaintia. In Garo Hills Village Council head is called President. The next tier is the Elaka and the head is called Hima. Elakas consists of 80-100 villages in Khasi and Jaintia hills. But there is no Elaka system in Garo Hills. Village Durbar, Durbar Shnongie and Village Council have only judicial power.

Elakas: Elakas are the next administrative set up in KHADC and JHADC. It is a group of villages. It consists of 80 to 100 villages. There are 53 Elakas under KHADC and these are looked after by the respective Executive Member. The head of the Elakas is called Hima. It is under direct supervision of Executive Committee. The Chiefs are appointed by the Executive Committee. Every Elaka has different rules and regulations. At the level of Elaka, there is an administrative system with an administration head. Village Council elections are conducted by the ADCs itself.

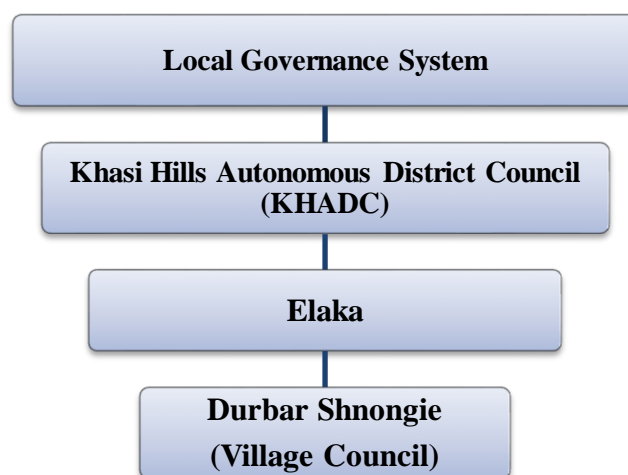
Decentralized Planning: In Meghalaya, the present planning structure consists of a State Planning Board at the apex level and District Planning and Development Council (DPDC) at the district level. In addition, there are two Regional Planning and Development Councils. The DPDC is headed by the Chairman who is a cabinet rank minister. The Deputy Commissioner of the district is the Vice Chairman with MLAs of the district and Chief Executive Member of ADC of the district as the members. Its main functions are to advise the State government on the formulation of annual plans and five-year plans monitor and review development plans and to conduct special studies at the State level. They draw up plans based on the need and potential of the district, coordinating and monitoring development programmes and projects, undertaking special studies and providing advice to the State government on developmental issues. Existing planning structure does not have mechanism for the participation of the people at the grassroots level. All the three ADCs have a weak decentralized planning system (Umdor, 2009).

Audit of Accounts and Social Audit: While reporting its revenues and expenditure, ADCs follow national accounting standards. Regular audits is conducted as mandated in the Sixth Schedule. There is no social audit in any of these ADCs.

4.4 Local Governance in ADC Areas - Khasi Hills Autonomous District Council

The Khasi Hills Autonomous District Council of Meghalaya consists of three districts viz., East Khasi Hills, West Khasi Hills and Ri-Bhoi. These districts are bordered in the north by Assam State, east by Jaintia Hills district of the State, south by Bangladesh and west by East Garo Hills and South Garo Hills districts of the State. Local governance system in Khasi Hills ADC is presented in Chart 4.4.

Chart 4.4 : Local Governance System in Khasi Hills ADC



Source: Field survey

Nomenclature of heads of various institutions of Khasi Hills Autonomous District Council is given in Table 4.6

Table 4.6: Nomenclature of Heads of Various Institutions in Khasi Hills

Institutions	Nomenclature of Head
Autonomous District Council	Chief Executive Member
Elaka(Group of Villages)	Hima
Durbar Shnongie(Equivalent to Village Council)	Dolloi
Village	Rangahshnong

Source: Field survey

Three tier System: Local Governance system in KHADC area has a three-tier system, namely, (i) Durbar Shnong (Village Council), (ii) Elaka (Council of a group of Villages), and (iii) District Council. Elected village level institutions do not exist as legislation for them has not yet been brought into force. However, for the implementation of the Centrally Sponsored Programme such as MGNREGA, some institutional mechanism has been established at the village level.

Structure of KHADC

There are 30 members including one nominated in KHADC. The Executive Committee has six members including Chief Executive Member. Structure of Khasi Hills Autonomous District Council is given in Table 4.7

Table 4.7: Structure of Khasi Hills Autonomous District Council (KHADC)

	KHADC
Total Number of Members of District Council (MDCs)	30
Elected Members	29
Nominated Members	1
Executive Members in the Executive Committee	6 (Including CEM)
Year of Constitution	1952

Source: Field survey

Judicial Powers: KHADC has vested judicial powers to the Village Headman. These village headman can be /may be nominated from the influential clans. These clans include the Syiem, Lyngdoh, Sirdaror Wadadar. They try suits and minor cases like theft, land encroachment, assault and so on within their own jurisdiction and classified them into Village Court. The Village Court is constituted for the trial of suits and cases in the village with the Headman, Sirdar, Syiem Raid, Basan, Lyngdoh, Lyngskor and other members elected by the village adults to try minor cases at different level when litigation is within the tribal areas and party or parties involved are Tribe.

Tax and Non-Tax Revenue: KHADC has its own funds generated mostly by taxes on profession. The non-tax revenue includes share of motor vehicle tax and royalties on minerals which are collected by the State, land and forest revenue, market and trade collection and revenue from toll gates. KHADC gets grant-in-aid for conducting civil works and grant for protecting tribal land. It receives grant from Central Finance Commission and also Special Assistance grant. Sources of revenue of KHADC is given in Table 4.8

Table 4.8: Sources of Revenue of Khasi Hills ADC

Sl.No	Items	Year				
		2012-13	2013-14	2014-15	2015-16	2016-17
ii	SOURCES OF REVENUE					
A	Own Revenue	2145.373	1871.636	1548.098	2916.394	3818.788
i	Own Tax					
I	Taxes on profession etc	610.707	602.474	705.406	691.919	799.029
ii	Own Non Tax					
I	Land Revenue	22.330	21.479	24.848	21.224	20.107
II	Forest	102.151	151.647	146.131	59.617	169.220
III	Administration of Justice	31.083	27.814	29.852	34.166	31.161
IV	Market	2.788	5.662	14.976	1.544	2.892
V	Trades	114.465	112.099	110.150	193.456	165.139
VI	Stationery & Printing	0.403	0.727	0.559	0.138	0.053
VII	Royalty on minerals	1809.804	1447.472	1060.630	2334.385	1223.169
VIII	Tax on Vehicles		32.938	45.078	81.000	1981.181
IX	Grants etc., for civil works & development	6.520	11.865	5.727	9.404	10.488
X	Miscellaneous Receipt	45.107	45.781	98.994	164.507	186.548
XI	G.I.A to protect Tribal Land & Interest					
XII	Revenue from Toll Gates	10.722	14.152	11.153	16.953	28.830
	TOTAL	2145.373	1871.636	1548.098	2916.394	3818.788
B	TRANSFERS FROM CENTRAL GOVERNMENT					
	Construction & redevelopment of rural market under NLCPR scheme					78.00
C	TRANSFERS FROM 13TH /14TH FINANCE COMMISSION	862.788	73.800	2226.264		
D	SPECIAL ASSISTANCE					12345.32
E	G.I.A. FROM STATE GOVERNMENT					
1	G.I.A protect tribal land & interest	73.872	78.768	77.040		12.000
2	Forest protection scheme			10.000	10.000	
3	Strengthening of	8.300	7.000	7.000	8.178	7.000

	staff					
4	Plantation scheme of KHADC	43.000	23.000	23.356		
5	Land reforms & Land records	7.000	7.000	12.000	12.000	
6	Financing own plan					
7	Construction of Building	75.150	31.050			120.360
8	Rural communication	15.066	16.409			19.756
9	Construction of Head mans Court	22.000				
TOTAL		244.388	163.227	129.396	30.178	159.116

Source: Field Survey

Expenditure of Khasi Hills ADC is given in Table 4.9. A large share of its expenditure goes to civil works and development departments.

Table 4.9 : Expenditure of Khasi Hills ADC

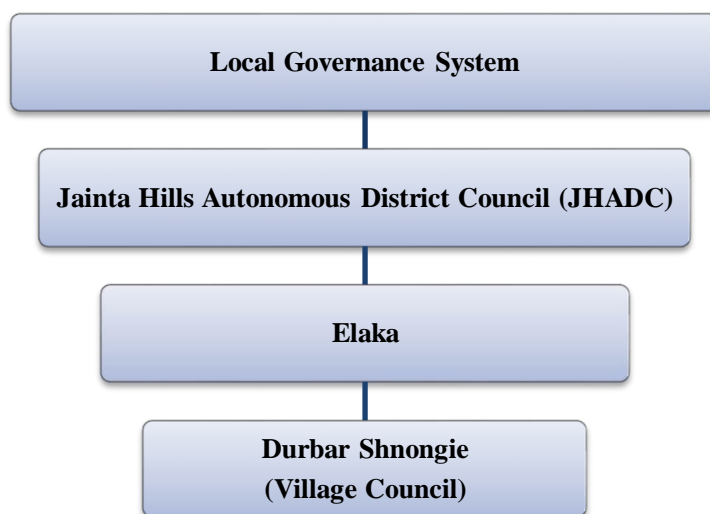
Items	Year				
	2012-13	2013-14	2014-15	2015-16	2016-17
Expenditure					
General Administration Department	1238.057	1138.160	1158.252	1322.644	1413.349
Law Department	29.397	32.205	30.259	31.739	33.727
Revenue Budget & Finance Department	272.628	284.124	353.894	368.736	399.83
Forest Administration Department	358.470	384.329	424.352	442.350	449.426
Administrations of Justice & Judicial Department	158.966	178.652	205.955	224.283	235.477
Legislative Department	242.732	259.589	281.329	281.528	292.013
Education Department	19.736	20.358	21.043	21.640	27.577
Civil Works & Development Department	989.936	1568.054	806.638	1206.559	1017.403
Enforcement scheme for protection of tribal land & interest	218.686	237.052	260.093	277.132	285.729
TOTAL	3528.608	4102.523	3541.815	4176.611	4154.531

Source: Field Survey

Decentralized Planning: Planning is done by the Executive Committee in KHADC. It assesses the needs of people in the district and then makes plans. The Plans are sent to the CEM for approval and the approved plans are sent to the State Government for approval. The budget is kept in mind while doing the planning. There is no decentralized planning process and institutional arrangement at village level for planning. The involvement of common people in planning is totally missing. Village Council is only an assumption and it is neither developed nor visible. All the activities at village level are controlled by the concerned member of Executive Council of ADC. There is no system of Gram Sabha in KHADC.

4.5 Local Governance in ADC Areas - Jaintia Hills Autonomous District Council

The Jaintia Hills Autonomous District Council covers two revenue districts under its jurisdiction. East Jaintia Hills district which has its headquarters at Khliehriat and the West Jaintia Hills district which has headquarters at Jowai. Jaintia Hills ADC came into being on 1964 when composite State of Assam by notification on 23 November 1964 which carved out of the erstwhile United Khasi Jaintia Hills the whole area that was known as Jowai Sub Division to form a separate District Council called as Jowai Autonomous District Council. Later when the State of Meghalaya attained its Statehood in January 1972, Jowai Subdivision was upgraded as revenue District known as Jaintia Hills District and likewise, the Jowai Autonomous District Council was rechristened as Jaintia Hills Autonomous District Council in June 1973 (Jaintia Hills Autonomous District Council Acts, 2009). The local governance system in Jaintia Hills Autonomous District Council is presented in Chart 4.5.

Chart 4.5 : Local Governance System in Jaintia Hills ADC

Source: Field survey

Nomenclature of heads of various institutions of Jaintia Hills Autonomous District Council is given in Table 4.10.

Table 4.10: Nomenclature of Heads of Various Institutions of Jaintia Hills

Institutions	Nomenclature of Head
Autonomous District Council	Chief Executive Member
Elaka (Group of Villages)	Hima
Durbar Shnongie (Equivalent to Village Council)	Dolloi
Village	Rangah Shnong

Source: Field Survey

Structure of JHADC: There are 19 members including three nominated in JHADC. Its Executive Committee has six members including Chief Executive Member. Structure of Jaintia Hills Autonomous District Council is given in Table 4.11.

Table 4.11: Structure of JHADC

	JHADC
Total number of Members of District Council (MDCs)	19
Elected members	16
Nominated members	3
Executive Members	6 (Including CEM)
Year of Constitution	1964

Source: Field Survey

Decentralized Planning: Jaintia Hills ADC does not have a system of decentralized planning. All the planning is done at the level of District Council in which the local Member of District Council (MDC) plays an important role in the identification of Schemes. The Planning Department of Jaintia Hills Autonomous District Council takes the initiatives and co-ordinate with different Department for submitting their plans and proposals for development of their respective Department in particular and the council in general. Thereafter, Planning Department examine and compile all the plans suggested by different departments and forwarded to the Planning Adviser for his suggestion and for placing before the Executive Committee for its final decision. ADC has a Planning Department with a team of staff consists of Planning Officer, Assistant Planning Officer and The Planning Adviser and other Planning Department Staff .

4.6. Local Governance in ADC Areas -Garo Hills Autonomous District Council

Garo Hills Autonomous District Council is seated at Tura and covers East Garo Hills district, West Garo Hills district, South Garo Hills District, North Garo Hills District and South West. The name of the entire district of the Garo Hills was given after name of its predominant inhabitants called the Garos. Accordingly, the district located in the western part, eastern and southern parts of the original Garo Hills District are known as West Garo Hills, East Garo Hills and South Garo Hills respectively. The district has four Community and Rural Development Blocks and one Town in 2011. Bagmara is the district headquarter. The civic status of Bagmara was upgraded to Municipal Board from the Town Committee in 1995. (Garo Hills ADC Act, 2007)

Structure of GHADC: There are 30 elected MDCs of which 29 are elected and one nominated. Its Executive Committee consists of six members including Chief Executive Member. Structure of Garo Hills Autonomous District is given in Table 4.12.

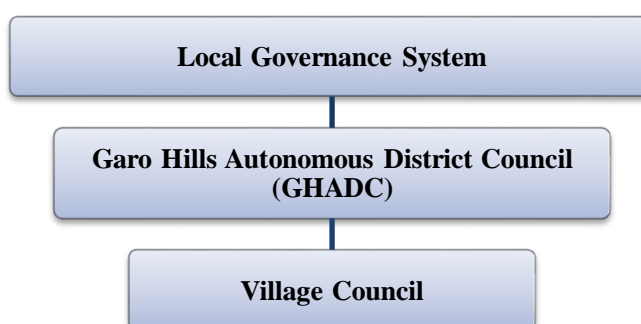
Table 4.12: Structure of Garo Hills Autonomous District

Total Number of Members of District Council (MDCs)	30
Elected members	26
Nominated members	4
Executive Members	6 (Including CEM)
Year of Constitution	1952

Source: Field Survey

The Executive Council of GHADC has representation from non- Garo people also with the inclusion of 2 MDCs from the Muslim community. Members of Executive Council of GHADC have tenure of five years after which new election takes place. Last election was held in October 2015 and the next is due on 2020. Local governance system of GHADC is presented in Chart 4.6.

Chart4.6 : Local Governance System in Garo Hills ADC



Source: Field Survey

Nomenclature of heads of various institutions of Garo Hills Autonomous District Council is presented in Table 4.13

Table 4.13 : Nomenclature of Heads of Various Institutions GHADC

Institutions	Nomenclature of Head
Autonomous District Council	Chief Executive Member
Village Council	President
Village	Headman

Source: Field Survey

Administrative Structure: Apart from District Council, in domestic matters, very wide powers are exercised by the Nokma of individual villages. He is the head or Chief of the dominant clan within the territorial limits. He also looks after community land called Aking land (in rural areas all land is owned by community). But he does not have a role in Village Council. The Nokmas and Sardars are under the administrative control of the District Council. Nokmanship is inherited by the clan members under the District Council administration. In the village level, there are the Village Councils which have more than five villages under each of the Village Councils and the head is called the President who is nominated or elected. Elections to Village Council have not taken place since 1977 due to lack of funds. Therefore, the President of Village Council is mostly selected by the ADC after the name is proposed with the recommendation of the local MDC. President can be removed at any time.

Dispute Resolution Mechanism of GHADC: There are Laskars and Sardars recognized by District Council who have a certain measure of magisterial powers and rather more police powers. Sardars are appointed to assist the Laskars in the discharge of their duties. At the village level, the village headman and the Village Council play an important role in local dispute resolution.

Decentralized Planning: In GHADC there is no planning committee to be specific but planning mostly is done by the EMs and recommendation is taken from the Chief engineer of the civil works department so as to what works need to be done and the fund needed for it. Garo has certain peculiar characteristics. They are geographically far away from the State headquarters and access to other part of the state is very limited. Original inhabitants have been trying to migrate to Assam and Shillong for better opportunities. All Garo original inhabitants belong to ST and getting education and jobs under ST quotas elsewhere in the country. Most of the business establishments are taken over by people from other States, mainly Bengal and Assam. Majority of the ADC office staff members are non-Garo people and even in Executive committee there are two non Garo members.

Table 4.14 : Income Statement of Garo Hills ADC: 2015-2016

Receipts/Grant	Amount Rs.
Land and revenue	3,92,28,563
Forest	31,50,32,912
Administration of Justice	21,75,991
General Administration	63,550
Civil Works	4,200
Loans & Advance	6,61,48,000
Rural Administration	13,61,920
Taxation	5,49,34,213
Water Works	29,56,536
Tourism	3,42,530
Finance	2,16,190
Extra Ordinary Misc. Receipts	32,23,098
Government Grants & Loans	5,96,00,000
Cotton Growers	2,27,245
Grand Total	54,55,14,948

Source: Field Survey

4.7 Participation of Women in Local Governance in Meghalaya: Women are not allowed to be the members of the local dorbaror though they are allowed to be the members in ADCs. There is a need to increase women representation at all levels

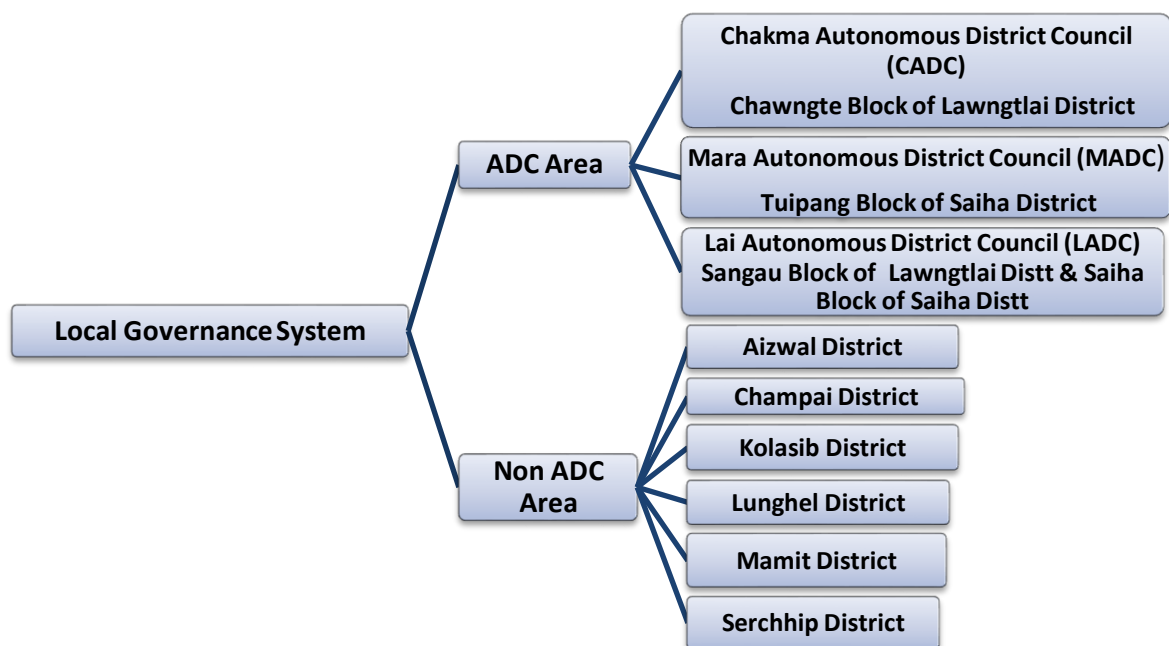
4.8 Assessment: Meghalaya is the only State in North East India where the ADCs cover the entire population of the State. However, the three ADCs are not yet given adequate powers and funds. Powers are not decentralized. Moreover, grassroots level institutions do not have much role in decentralized planning. The State government is responsible for key service delivery and development functions. All legislations passed by the State government take precedence over those passed by the ADCs because of which there is no independency in decision-making. The State Government do not facilitate a bigger role for ADCs in development functions. There is a need to strengthen communication and outreach to the tribal constituency. ADCs should be institutionalized so that accountability and transparency can be improved. The ADCs have failed to take any effective steps for constituting a statutory local self-government at the village level.

CHAPTER 5 – MIZORAM

5.1 Local Governance Arrangement in Mizoram

The State of Mizoram does not have a Panchayati Raj system as the 73rd Constitutional Amendment Act does not apply to Mizoram. It has a unique local governance system with three Autonomous District Councils that are constituted in accordance with Paragraph 20 of the Sixth Schedule, namely, the Chakma Autonomous District Council (CADC), the Mara Autonomous District Council (MADC) and the Lai Autonomous District Council (LADC). These District Councils cover two administrative districts, namely, Lawngtlai and Saihadistricts. Out of eight districts, six districts are not covered by Sixth Schedule area ADCs. The non-ADC areas or general areas covering the six districts have a different local governance system. These areas function as per the laws passed by the State legislative assembly from time-to-time. Village Councils in the ADC areas are governed by the Autonomous District Councils. Village Councils in the general areas are answerable to the Department of Local Area Administration through the DRDA whereas the Village Councils in the ADC areas are not answerable to the DRDA and Local Area Administration. The structure of the local governance system in Mizoram is presented in Chart 5.1

Chart 5.1 : Local Governance System in Mizoram



Source: Field Survey

Basic statistics of Mizoram State is given in Table 5.1. It has a population of 10, 91,014 out of which the rural population is 5, 29,037.

Table 5.1 : Basic Statistics of Mizoram

Total Population Mizoram (Census 2011)	10,91,014
Rural Population	5,29,037
% of Rural Population	49.49
% SC Population	0.11
% ST Population	99.88
Area (Sq.km)	2,10,87
No. of Districts	8
Autonomous District Councils	3
No. of Villages	806

Source: Directorate of Local Area Administration, State Government of Mizoram

The district wise picture of Village Council in both ADC and Non ADC areas in Mizoram is given in Table 5.2. It has a total of 806 Village Councils out of which 536 are in general areas.

Table 5.2 : Village Councils in ADC and Non- ADC Areas of Mizoram: 2018

Sl. No	District(s)	No. of Village Council	No. of Village Council members		Total
			Male	Female	
1	Aizawl	95	282	105	387
2	Lunglei	145	432	159	591
3	Champhai	108	344	124	468
4	Kolasib	52	191	65	256
5	Serchhip	49	159	56	215
6	Mamit	87	267	90	357
Total A (Non-ADC Areas)		536	1675	599	2274
7	Mara Autonomous District Council- MADC (Tuipang Block of Saiha District)	93	409	103	412
8	Lai Autonomous District Council-LADC (Sangau Block of Lawngtlai district and Saiha Block of Saiha District))	94	354	94	448
9	Chakma Autonomous District Council- CADC(Chawngte block of Lawngtlaidistrict)	83	400	81	481
Total B (ADC Areas)		270	1163	278	1341
Grand Total (A+B)		806	2838	877	3615

Source: Directorate of Local Area Administration, State Government of Mizoram

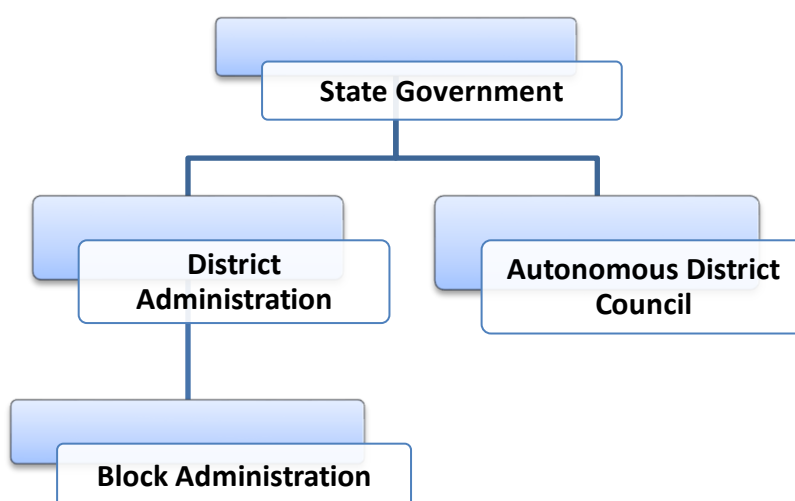
Village Council: The Village Councils, the traditional form of administration, continue to be the units of local administration in Mizoram even though these institutions may not qualify to be the proper forms of local self-governance. In Mizoram, there are two types of Village Councils (i) Village Councils in the General Areas (ii) Village Councils within the Sixth

Schedule Areas. Village Councils under ADC areas are under the control and administration of the respective Autonomous District Council. They receive funds or grant from the ADC only. The salary or remuneration of the member of Village Council is also given by the ADC. The Village Council Act and rules is formulated and passed by the ADC itself. The State government does not interfere in the administration of Village Councils in ADC areas. Village Councils under non-ADC areas are under the control and administration of the State government. The nodal department is the Local Administration Department. Village Councils are administered at district level by the State government through its district officer called District Local Administration Officer. However, power, functions, duties, responsibilities and administration of Village Councils under ADC and non-ADC are very similar. Non-ADC Village Councils received funds directly from the State government through its nodal department (i.e. Local Administration Department). Village Councils in ADC area receive fund directly from the ADCs [Lushai Hills District (Village Councils) Act, 1953].

Administrative Setup in ADC Area and Non-ADC Area

ADC Area: There is a three level administrative setup in ADC area. State government is at the apex level followed by the district administration headed by Deputy Commissioner. Block administration is headed by Block Development Officer. Autonomous District Council is another administrative setup and is administratively headed by Executive Secretary. The district administration and Autonomous District Councils have been functioning in parallel in the district. Administrative set-up in ADC Area is presented in Chart No 5.2

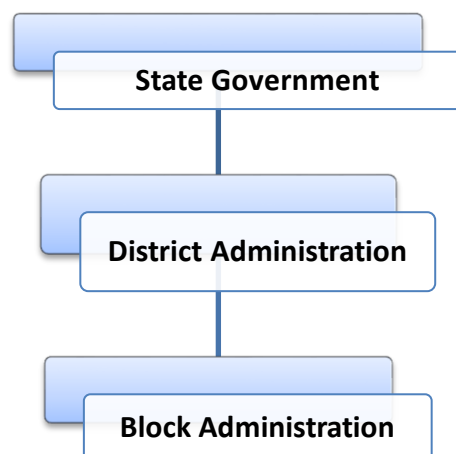
Chart 5.2 : Administrative Set-up in ADC Area



Source: Field survey

Non- ADC area: State government is at the apex level and the district administration is headed by Deputy Commissioner. Below the district administration, there exists block administration headed by Block Development Officer. Administrative set-up in Non ADC Area is presented in Chart 5.3

Chart 5.3 : Administrative Set-up in Non-ADC Area



Source: Field survey

Legal Framework of Local Governance System in Non-Part IX Areas

The three Autonomous District Councils were formed under the Sixth Schedule of the Constitution of India. The following Acts provide legal framework for the local governance arrangement in the State of Mizoram.

- The Lushai Hills District (Village Councils) Act, 1953,
- The Lushai Hills District (Village Councils) (Amendment) Act, 2011,
- The Lai Autonomous District Council (Village Council) Act, 2010,
- Lai Autonomous District Council (Village Councils) (Amendment) Act, 2011,
- The Lai Autonomous District Council (Village Councils) (Second Amendment) Act, 2013,
- The Lakher Autonomous District (Village Council) Act, 1974,
- The Lakher Autonomous District (Village Councils) (Amendment) Act, 2013,
- The Mara Autonomous District (Village Councils) (Amendment) Act, 2012,
- The Chakma Autonomous District Council (Village Council) Act, 2003,
- The Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2011,

- Lushai Hills Autonomous District (Administration of Justice) Rules 1953,
- The Mizoram Election to Village Councils Rules, 1974
- Chakma Autonomous District Council (Village Councils) Act, 2003
- Pawi Autonomous District Council Animal (Control and Taxation) Act, 1984.

Main provisions of the ADC Acts & Rules in Mizoram are given in Annexure 1.

5.2 History and Evolution of Local Governance System in Mizoram

Mizoram, in the local language, means the land of Mizos while 'Mizo' means highlander. Under the British administration, this area was the part of Lushai Hills. It may be noted that Pawi-Lakher Regional Council (PLRC) comprised all of the present Lai Autonomous District Council, Mara Autonomous District Council and Chakma Autonomous District Council. The PLRC had international boundaries with Myanmar and Bangladesh. Beside the Pawi (Lai) and the Lakher (Mara), other tribes, namely Bawm, Tlanglau, Pang, Riang (Bru), and the Chakma, also inhabited the PLRC area.

The Lushai Hills continued to be one of the districts of Assam, even after the independence. By an Act of Parliament in 1954, the Lushai Hills district was renamed as Mizo District. The present Siaha district was a part of the erstwhile Pawi-Lakher regional Council with its headquarters Siaha. Siaha became the headquarters of the Chhimituipui district, when Mizoram became a Union Territory and was divided into three districts. Siaha District was formerly under Chhimituipui District of Mizoram comprising Mara Autonomous District Council, Lai Autonomous District Council and Chakma Autonomous District Council. In 1999 the State government created other five new districts, Lai and Chakma Autonomous District Council Area became a new district and came under Lawngtlai district. Siaha district is occupied by three tribal communities – Mara, Lai and Mizo. Amongst them, Maras are the largest, followed by Lai and then Mizo. The Maras predominantly occupy almost the whole district, especially the Southern and the Western portions of the district, whereas the Lai in large numbers are found in the North-eastern of the district. The Mizo are mostly found in Siahatown. The Pawi – Lakher Regional Council was created under the provision of the Sixth Schedule to the Constitution of India, to meet the demand for political autonomy by the Pawi and the Lakher, covering the Southern part of Lushai Hills.

The PLRC had made various Acts, Rules and Regulations on the subjects assigned to it by the Sixth Schedule. The Pawi-Lakher Regional Council was the root from which the present three

Autonomous District Councils of Mizoram were evolved. When Lushai Hills became Union Territory of Mizoram; the Mizo District Council was abolished. When the Pawi, the Lakher and the Chakma were opposed the abolition of the Regional Council, the PLRC was trifurcated. As a result, three Regional Councils, namely, the Pawi Regional Council, the Lakher Regional Council and the Chakma Regional Council formed on 2 April 1972. The three Regional Councils got to the status of full-fledged Autonomous District Councils on 29 April 1972. Subsequently, the Pawi Autonomous District Council was changed into the Lai Autonomous District Council and the Lakher Autonomous District Council was changed into Mara Autonomous District Council in 1988. In fact, the present three Autonomous District Councils of Mizoram, the LADC, MADC and the CADC, formed out of PLRC. The Mizos have various tribes including Lushais, Pawis, Paites, Raltes, Hmars, Kukis, Maras and Lakhers.

5.3 Local Governance: Common Features of ADCs

Nodal Department: District Council Affairs Department, Government of Mizoram is the nodal department of all the three ADCs. Directorate of Local Area Administration is entrusted with administrative responsibility of the non-ADC areas. This department also controls Village Councils in both the ADC and non-ADC areas in the State of Mizoram.

ADC Election: The Government of Mizoram has constituted State Election Commission under the provisions of the Mizoram State Election Commission Rules, 2008 in October 2008. The election to ADCs as well as Village Councils is held by the State Election Commission. ADCs elections and Village Council elections are held regularly. There is no reservation of seats for women in ADC. However, 33 per cent seats are reserved for women in Village Council. Next Village Council election is due in 2019 and that of ADC is in 2023.

Voting Rights and Participation of Women: There is no reservation of seats for women in ADC. However, 33 per cent seats are reserved for women in Village Council.

Structure of Autonomous District Councils: Three Autonomous District Councils were constituted in accordance with Paragraph 20 of the Sixth Schedule, namely, CADC, MADC and LADC. These District Councils cover two administrative districts, namely, Lawngtlai and Saiha districts. The Chairman and the Deputy Chairman are elected from amongst the Members of District Council themselves. The District Council has an Executive Committee. The Chief Executive Member is the head of the Executive Committee who is elected by the MDCs from amongst themselves. The CEM recommends certain MDCs for appointment as Executive Member to the Governor of Mizoram for his approval. Each ADC has two Secretaries, one for

the Executive Committee, designated as Executive Secretary and the other for Legislature, designated as Legislative Secretary. The Executive Secretary is for the Executive Committee who functions as Drawing and Disbursing Officer of the Council fund. Whereas the Legislative Secretary is in charge of the Legislative Department only, and all the necessary legislative dealings and files are under his control. He is responsible to ensure that four months shall not elapse in convening the Sessions of the concerned ADC. Under the 'Village Council' system each a village has a Village Council comprising of appropriate number of elected members. The Village Council is headed by the Village Council President. It is the Village level administrative units to deal with the village administration in accordance with the tribal customary laws.

Powers of Autonomous District Councils: ADCs have well-defined legislature powers. Legislative Powers of all the three ADCs in Mizoram is given in Table 5.3.

Table 5.3 : Legislative Powers of ADCs in Mizoram

Chakma Autonomous District Council	The respective Act empowers the ADCs to make laws for allotment, occupation, use of land, other than reserved forests for purposes of agriculture, grazing and other residential and non-residential purposes, management of unreserved forests, use of water courses and canals for agricultural purposes, regulation of shifting cultivation, establishment of Village Councils and Town Committees, administration of village policy, public health and sanitation, appointment and succession of Chiefs or headmen, inheritance of property, marriage, divorce and social customs, money lending and trading by non-tribals within the ADCs.
Mara Autonomous District Council	
Lai Autonomous District Council	

Source: Directorate of Local Area Administration, State Government of Mizoram

Judicial Powers of ADCs in Mizoram are given in Table 5.4

Table 5.4 : Judicial Powers of ADCs in Mizoram

Chakma Autonomous District Council	<p>The Village Council Courts and the Subordinate District Council Courts hear and try original cases under their respective jurisdiction. Whereas the District Council Court deals only with the appeal cases against the judgements passed by the lower courts i.e., the Village Council Courts and the Subordinate District Council Courts.</p> <p>The Sixth Schedule to the Indian Constitution provides conferment of powers on the District Council Courts suits or cases under the Civil Procedure Code and The Code of Criminal Procedure and these Courts have been exercising judicial authority, which have been of great service to the people, where delivery of justice is concerned.</p> <p>There are Village Council Courts, Intermediate District Council Courts and the District Council Court at the apex.</p>
Mara Autonomous District Council	
Lai Autonomous District Council	

Source: Directorate of Local Area Administration, State Government of Mizoram

Executive Powers of ADCs in Mizoram are given in Table 5.5

Table 5.5 : Executive Powers of ADCs in Mizoram

Chakma Autonomous District Council	<p>ADCs have executive power to construct or manage primary schools, dispensaries, markets, cattle, ponds, roads and water ways, land revenue, forest, primary education, taxes, administration of villages and towns under.</p>
Mara Autonomous District Council	
Lai Autonomous District Council	

Source: Directorate of Local Area Administration, State Government of Mizoram

Financial Powers of ADCs in Mizoram are given in Table 5.6

Table 5.6 : Financial Powers of ADCs in Mizoram

Chakma Autonomous District Council	Powers to collect land revenues levy and collect taxes on lands, holdings, shops, entry of goods into market and tolls etc within their respective jurisdictions. Concurrent power on the professional trade, professions, trade, callings, employments, animals, vehicles and huts, tolls on passengers and goods carried in ferries or boats or on waterways and maintenance of schools, dispensaries or Royalty on licences or leases for the extraction of minerals
Mara Autonomous District Council	
Lai Autonomous District Council	

Source: Directorate of Local Area Administration, State Government of Mizoram

Village Courts and Village Councils: In the Judicial administration, Village Council acts as a Village Court and is competent to try cases of Civil and miscellaneous nature falling within the purview of Village or tribal laws and customs. They can try criminal cases and offences of petty nature such as petty theft and pilfering mischief and trespass of petty nature simple assault and hurt. A village Court is not competent to try offences in respect of which the punishment of imprisonment is obligatory under the Indian Penal Code.

Village Development Committee: There are as many as 806 numbers of Village Council in Mizoram (including ADC and non-ADC areas) out of which only very few Village Councils (around 5 to 10 Village Councils) have constituted Village Development Committee. In this regard, there is no record or data as it is not obligatory for the State government or Autonomous District Council to constitute such committee. However, there are other committees under Village Council such as Health Committee, Nutrition Committee and Sanitation Committee. The salary/remuneration of the member of Village Council in ADC areas is given by the ADC. The State government do not interfere in the administration of Village Councils in ADC areas.

State Finance Commission: As per the 73rd and 74th Constitutional Amendments Act, 1992 Mizoram and Nagaland is exempted from constituting SFCs. However, Mizoram had constituted the SFCs. In line with the Mizoram Finance Commission Act, 2010, the first Mizoram Finance Commission was constituted on 30th September, 2011. The term of reference of the Commission is making of recommendations on the principles which should govern the distribution between the State and the Village Councils, Aizawl Municipal Corporation and the three ADCs of the net proceeds of the taxes, duties, tolls and fees and the

grant-in-aid which may be given to these local bodies from the Consolidated Fund of Mizoram and the measures needed to improve the financial position of the local bodies. Many of its recommendations have been implemented.

Sources of Fund of ADCs and Village Councils in Non ADC Areas: Central Finance Commission grant and CSS funds constitute the resource envelope of all the Village Councils. All the Village Councils receive funds for executing CSS programmes also. Sources of funds for ADC include CFC grants and State budget allocation.

Audit: The accounting format has been prescribed as per State Financial Rules. Audit of ADC accounts are carried out by CAG. Audit of Accounts of all the Village Councils are carried out by the State government's Director of Local Fund Audit. In addition, there is a provision for CAG audit.

Social Audit: The District Council Act does not have provisions for conducting social audit. However, Village Councils in CADC conduct social audit at least three times a year. In other ADCs, Social Audits are not being conducted.

Staff: All the three ADCs have regular staff as well as staff on contract. Each department of ADC has 6- 9 staff. Each ADC has a total of over 150 staff. ADC recruits these staff members.

Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions :

State Institute of Rural Development at Kolasib, Mizoram provided training to elected representatives and officials of ADCs and Village Councils. Their CB& T programmes have made a positive impact on the decentralised planning process in the areas covered by the survey.

5.4 Local Governance in ADC Areas: Case Study of Chakma Autonomous District Council

The Chakma Autonomous District Council was formed under the Sixth Schedule of the Constitution of India on 29 April 1972. It is an autonomous council for ethnic Chakma people living in South-Western Mizoram bordering Bangladesh and Myanmar. The entire population of Chakma Autonomous District Council belongs to Schedule Tribe. ADC is headed by a Chief Executive Member and Executive Members. In April 2018 election to the 20 member CADC was held. Chakma Autonomous District Council has a total of 24 Members of District Council

(MDC), out of which 20 MDCs are elected and 4 MDCs are nominated. There are 73 Village Councils under Chakma ADC. The Chakmas are minority Scheduled Tribe in Mizoram.

Elections: CADC, so far, witnessed eight general elections. The first was held on 26th December 1972. Initially there were only eight MDC constituencies. Today as many as 17 constituencies are contested. The last election was held in April 2018. The next election is due in 2023. There is no reservation of seats for women, OBC and SC. All the seats are reserved for ST. The demographic profile of CADC is given in Table 5.7. CADC has a population of 117897 covering Chawngte block of Lawngtlai district.

Voting Rights and Participation of Women: There is no reservation of seats for women in CADC.

Table 5.7 : Demographic profile of CADC

Autonomous District Councils	Districts	Total Population 2011	Sex Ratio 2011
Chakma	Lawngtlai district, Chawngte block	117894	945

Source: Census 2011

The structure of Chakma Autonomous District Council is given in Table 5.8.

Table 5.8 : Structure of CADC

Name of the Council	Name of district covered	Elected members	Nominated members	Structure of EC
Chakama Council	Lawngtlai district, Chawngte block	20	4	8 (Including CEM)

Source: Directorate of Local Area Administration, State Government of Mizoram

Legislature Office bearers: Members of the District Council are responsible for the smooth functioning of the Chakma Autonomous District Council's Legislature. The Chairman and Deputy Chairman are elected by the house through majority vote while the Deputy Chief Whip is nominated by the Executive to carry out its business in the legislature.

Chief Executive Member (CEM): The Executive Powers of the District Council rest on the Executive Committee of the District Council, which is headed by a Chief Executive Member. Normally the leader of the majority party gets elected as the Chief Executive Member.

However, the post has to be contested through election. Chief Executive Member exercises all its executive powers in the name of the Executive Committee of the District Council.

Village Councils: In the area of CADC there are 83 Village Councils with 481 members. It is significant to note that out of 481 Village Council members 400 are male members (See Table 5.2). Election to the Village Councils under CADC is regularly conducted by State Election Commission of Mizoram. Village Councils are headed by a President. It is pertinent to note that 33 per cent of seats have been reserved for women. The elected members of a Village Council are between 3 and 10 depending on the number of households in a village. Social Audit Unit and Local Fund Audit Unit under Account & Treasury, Government of Mizoram are conducting audit of Accounts of Village Council.

Table 5.9 : No. of Elected Members and Reservation for Women

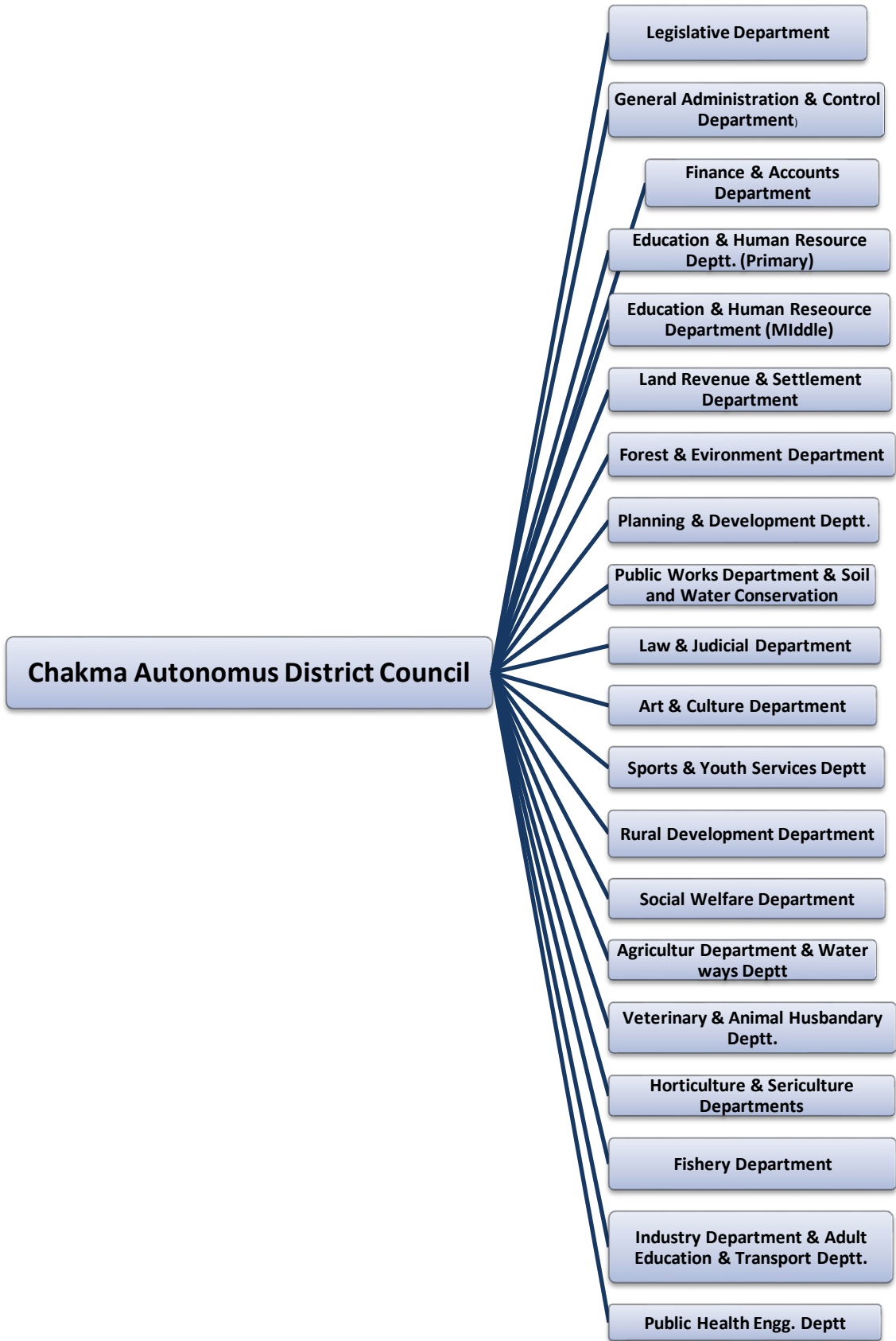
No of Households	Elected Members	Reservation for women
Below 200 household	3 members	one seat
200 to 500 household	5 members	One seat
500-1000 household	7 members	Two seats
Above 1000 household	9 members	Three seats

Source: Field Survey

Voting Rights and Participation of Women : It is pertinent to note that 33 per cent of seats have been reserved for women in Village Council under CADC . Number of elected members and reservation of women is given in the Table 5.9

Departments of Chakma ADC: Departments of Chakma Autonomous District Council are presented in Chart 5.4. CADC has a total of 20 departments

Chart 5.4 :Departments: Chakma Autonomous District Council



Decentralised Planning : Lawngtlai District Planning Committee is constituted under Article 243 ZD of the Constitution. It was constituted on 20th April, 2017. The constitution of DPC was notified by Planning and Programme Implementation Department, Government of Mizoram on 20th April, 2017. DPC is headed by a Deputy Commissioner. There are 21 members in DPC. All the members are nominated. In Aizawl District, DPC has 32 members. In Kolasib, Mamit and Serchhip District have 19 members each. Plans of ADC are submitted to DPC. District plans forms part of the State plans. For preparation of plans, guidelines are prepared. ADC gets technical support for the preparation of Plans. Plans are discussed in the Gram Sabha. Village Councils under CADC areas hold Gram Sabha meetings at least three times a year.

Execution of Central and State Schemes: CADC do not play any role in the implementation of centrally sponsored or state sponsored development schemes. In the CADC area all the Central and State Schemes are implemented through district and block administrations.

Gram Sabha: Holding of Gram Sabha meeting is not mandated in Chakma Autonomous District Council. As such CADC does not hold any Gram Sabha meeting. However, Village Councils under CADC areas hold Gram Sabha meetings at least three times a year. Gram Sabha discuss matters relating to the development of the village, selection of beneficiary of government schemes and social issues of the village.

Monitoring of Activities: Development activities are being monitored by Lawngtlai District Development Coordination and Monitoring Committee. The complaints are addressed by District Council Affairs Department, Government of Mizoram.

5.5 Local Governance in ADC Areas: Case Study of Mara Autonomous District Council

MADC is situated in the Southern tip of Mizoram State bordering Myanmar. Its autonomy was established under Articles 244(2) and 275(1) of the Sixth Scheduled to the Constitution of India and carved out from the erstwhile Pawi-Lakher Regional Council on 29 May 1971 and separated the next year as Lakher Autonomous District Council, and renamed it to current name in 1988. (Mara ADC Act, 2012)

The demographic profile of Autonomous District Councils in Mizoram is given in Table 5.10. MADC has a population of 56366 covering Tuipand block of Saiha.

Table 5.10 : Demographic profile of MADC

Autonomous Councils	District	Districts	Total Population 2011	Sex Ratio 2011
Mara		Saiha District, Tuipang Block	56,366	978

Source: <http://www.census2011.co.in/census/district/393-saiha.html>

Structure of MADC is given in Table 5.11. It has a total of 19 elected members with a six member Executive Council headed by CEM.

Table 5.11 : Structure of MADC

Name of the Council	Name of districts covered	Elected members	Nominated members	Structure of EC
Mara Council	Saiha District, Tuipang Block	19	4	6 (CEM+5EM)

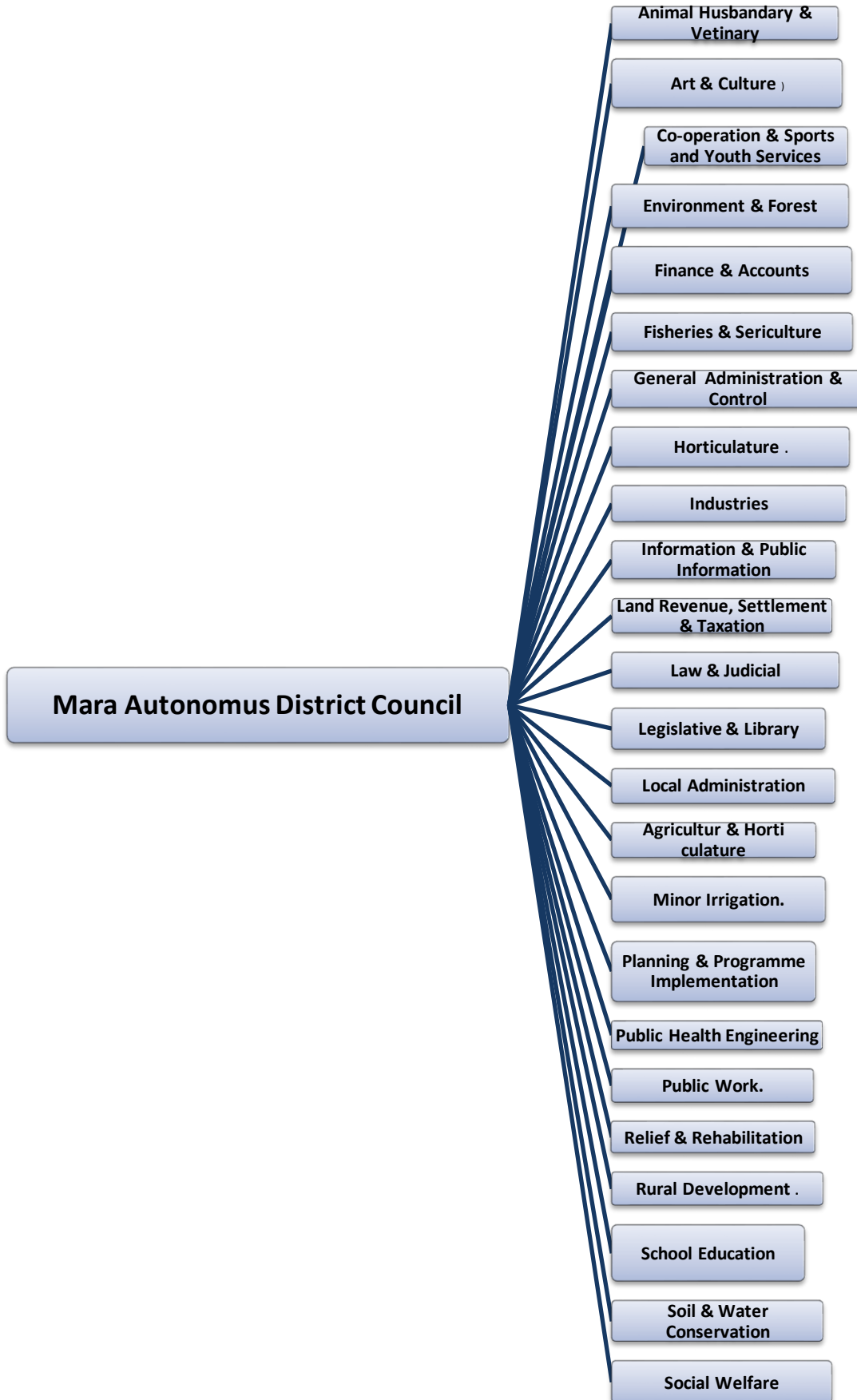
Source: Directorate of Local Area Administration, State Government of Mizoram

Executive Council consists of Chairman, Deputy Chairman, Leader of Opposition, Secretary, Deputy Secretary, Editor of Debate, P.S. to Chairman, Translator, UDC, LDC and other Officers and Staff. Various departments in Mara Autonomous District Council are presented in Chart 5.5. It has 24 departments covering various subjects and functions.

Village Council: MADC has a total of 93 Village Councils. It has a total of 412 members out of which 409 are male. Election to the Village Councils under MADC is regularly conducted by State Election Commission of Mizoram. The Village Councils under MADC hold Gram Sabha meetings at least three times a year.

Decentralised Planning: The Deputy Commissioner of the district is the Chairman of the District Planning Committee. DPC includes the Member Secretary along with members from cross sections of society including MLAs, Village Council Presidents, Civil Society representatives, and government officials. These committees, in consultation with the local representatives, prepare developmental plans with regard to the matters of common interest. However, this committee is not functioning properly. Only those committees associated with specific schemes are functioning. Decentralised Planning process is weak in Mara ADC.

Chart 5.5 : Departments in Mara Autonomous District Council



Execution of Central and State Schemes: MADC does not play any role in the implementation of Centrally Sponsored or State Sponsored development schemes. In the MADC area all the Central and State Schemes are implemented through District and Block administrations.

5.6 Local Governance in ADC Areas: Case Study of Lai Autonomous District Council

The Lai Autonomous District Council was constituted on 29 April 1972 under the Sixth Schedule to the Constitution of India. Local Governance System of Lai Autonomous District Council is presented in Chart 5.6. The power and functions of the Council is mainly three viz., Legislative, Executive, and Judiciary. It has a chairman to conduct the business of the Council in session and presided over its meeting. The Lai Autonomous District Council occupies a strategic position in Mizoram. It shares a political border with Burma and MADC, the west by CADC, in the north Lunglei Administrative District and in the south by Burma. The demographic profile of Autonomous District Councils in Mizoram is given in Table 5.12. LADC has a population of 56574 covering Lawngtlai district and Sangau block.

Table 5.12 : Demographic profile of LADC

Autonomous Councils	District	Districts	Total Population 2011	Sex Ratio 2011
Lai Council		Lawngtlai district and Sangau block	56,574	979

Source: <http://www.census2011.co.in/census/district/393-saiha.html>

Organisation Structure: Lai Autonomous District Council has a total strength of 27 Members out of which 23 are directly elected by the people and 4 members are nominated by the Governor on the recommendation of the Chief Executive Member of the Lai Autonomous District Council. Structure of LADC is given in Table 5.13

Table 5.13 : Structure of LADC

Name of the Council	Name of districts covered	Elected members	Nominated members	Structure of EC
Lai Council	Lawngtlai district and Sangau block	23	4	8 (CEM+7EM)

Source: Directorate of Local Area Administration, State Government of Mizoram

Finance of ADC: LADC gets grant-in-aid every year for running the administration and to carryout various developmental works. Besides the Grant-in-Aid, the sources of income includeland revenue, taxes like house tax, taxes on professions, trade callings and employment, taxes on the entry of vehicle and entry of goods into the market for sale, etc.

Functionaries: Recruitment of staff of Lai ADC is in line with The Lai Autonomous District Council (Group A, B, C & D Posts) Recruitment Rules, 2014. The staff members include Deputy Secretary, Undersecretary, Superintendent, Assistant/ Inspector of Statistic, Upper Divisional Clerk, Lower divisional Clerk. Senior Account Officer, Finance & Account Officer, Superintendent of Account/ Senior Accountant, Accountant, District Council Conservator of Forest, Assistant Conservator of Forest and Range Officer.

The Village Council has two staff members ie, Village Council Secretary and Village Crier (Tlangau). Both are appointed by the State Government on the recommendation of the concerned Village Council. Their term is not fixed. They enjoy their office as long as they enjoy the trust of the Village Council. They do not have a staff of their own.

Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions :

All the elected members and the Secretary undergo training programmes at SIRD&PR for various schemes.

Audit and Social Audit: Audit is conducted by Social Audit Unit (SAU) and Local Fund Audit Unit, Account & Treasury, Government of Mizoram. Social audit is conducted for all Centrally Sponsored Schemes by the Social Audit Unit. Social Audit is being conducted two times a year. Social Audit Report is presented in the Gram Sabha or Village Council as it is mandatory as per the Lushai Hills District (Village Council) Act, 1953 (amended in 2014). These reports are available in public domain for verification.

Decentralized planning: For preparation of plans, guidelines are issued. ADC gets technical support for the preparation of Plans. The Plans are discussed in the Gram Sabha of the Village Council. The plans are prepared based on the availability of funds.

Execution of Central and State Schemes: LADC do not play any role in the implementation of Centrally Sponsored or State Sponsored development schemes. In the LADC area all the Central and State Schemes were implemented through district and block administrations.

Village Council: LADS has a total of 94 Village Councils with a total of 448 members. Out of its Village Council members 354 are male and the remaining 94 are female. The Village Councils under LADC areas hold Gram Sabha meetings at least three times a year. Election to the Village Councils under LADC is regularly conducted by State Election Commission of Mizoram. As per the Section 8A of the Lushai Hills District (Village Council) Act, 1953 there are many functions entrusted with the Village Council. However, developmental work or activities is carried out by the line department through its district and block offices. The role of Village Council is reduced to monitoring of such activities. Local Administration Department transfers the remuneration or salary of the Village Council Members. State Finance Commission Grant is also transferred to the Village Council through the Local Administration Department. Apart from those two sources of fund, there is no fund transfer to the Village Council. Village Council collects Animal Tax and is shared between the Village Council and the State Government in the proportion of 50:50.

Grievance Redressal: District Local Administration Officer undertakes the complaints of ADC. Redressal mechanism for ADC is Gram Sabha meetings where people can air their complaints and concerns.

Infrastructure: Each Village Council has an office called 'Village Council House'. More than 80 percent of the Village Councils do not have computer and printer.

5.7 Local Governance: Common Features of Non-ADC Areas

There are two types of law exists in Mizoram namely – general area administration which is governed by the Lushai Hills District (Village Councils) Act, 1953 and ADC areas which is governed by the three Autonomous District Council laws. Village Council in both the areas are democratically elected and they have limited in preparation and execution of plan. The State government laws are only applicable to the general administration.

5.8 Local Governance in Non-ADC Areas: Case Study of Aizawl District

Village Council in Aizawl district: Village Council is the institution of local governance in the district of Aizawl. The district has a population of 400,309 as per 2011 census. The total number of Village Councils in the district is 95 with 387 members. Out of 387 members, male are 282 against 105 female. Election to the Village Council is regularly conducted by State Election Commission of Mizoram. There is no restriction for women to contest in the election and many of them have been chosen as the leader of Village Council. In addition to the above,

the services of the Village Councils are always utilized by various government agencies in conduct of election, census operation, supervision of developmental works, etc. Tax on Animal is the only own source of revenue collected by the Village. It is shared between the state government and Village Council in the ratio of 50:50. It may be mentioned that the revenue collected from Animal Tax is very minimal.

Village Councils under non-ADC areas are under the control and administration of the State government. Village Councils are controlled and administered in the district level by the government through District Local Administration Officer. Power and function, duties, responsibilities and administration of Village Councils under ADC and non-ADC are very similar. Village Councils in Non-ADC areas received funds directly from the State government.

In Mizoram, one peculiar functions entrusted with the Village Council is enforcing Hnatlang, where all able bodied of villagers are supposed to offer their services for the welfare of the village. They also assist Local Area Department (LAD) in conducting elections to Village Council. It is also their duty to report to the government about paddy harvest in the village and the needs of the villagers like school, post-office and, construction of inter-village roads. The Village Councils in Aizawl District hold Gram Sabha meetings at least three times a year.

Voting Rights and Participation of Women in Village Councils of Aizawl District: Out of 387 members, male are 282 against 105 female. Election to the Village Council is regularly conducted by State Election Commission of Mizoram. There is no restriction for women to contest in the election and many of them have been chosen as the leader of Village Council

Village Council and Decentralized Planning: In 2007, State government promulgated the Mizoram Grants – in - Aid to Village Council Rules – 2007 to provide funds to the Village Councils admissible for all the schemes under Action Plan approved by the High Level Monitoring Committee which include, among others, construction and operation and maintenance of public assets. The State government has constituted District Planning Committees in Aizawl district as per the provisions of Article 243-ZD of the Constitution of India to prepare draft developmental plan for the district. The Deputy Commissioner of Aizawl district is the Chairman and Project Director of DRDA is the Member Secretary of DPC. Members of ADC include MLAs, Village Council Presidents, Civil Society representatives and

government officials. The profile of District Planning Committee in Aizawl district is prescribed in Table 5.14.

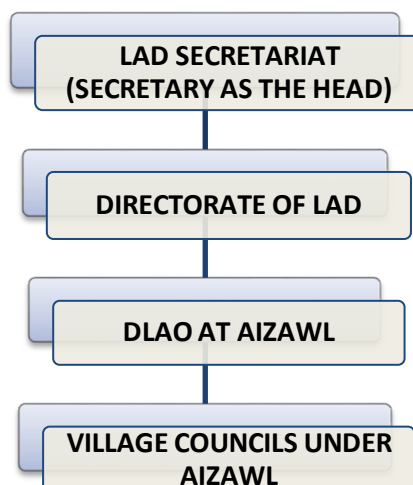
Table 5.14: DPC in Aizawl District

Name of DPCs	Nomenclature of DPC	Number of Members	Chairman	Total Members including Co-Chairman and member secretary who is the PD of DRDA
Aizawl District	Rural Development Committee'	6	MLA	9

Source: *Directorate of Local Area Administration, State Government of Mizoram*

The institutional structure of the planning in Aizawl district is presented in Chart 5.6

Chart 5.6 : Institutional Structure of Decentralized Planning: Aizawl District



LAD : Local Administration Department
DLAOs: District Level Administration Officer

DRDA is most effective body for the Village Council. Project Director acts as the Member Secretary of DPC. So the overall responsibility lies with the Project Director of DRDA. The plan takes place only for scheme based projects. Line departments are not part of the DPC and their plan or activity was not included in the District Planning. The district forwards the Draft DPC Plan to the General Administration Department for Administrative Approval and Expenditure Sanction. The plans are made at the Village Council level as per the instructions given by the DLAO. Generally, Village Council prepares the plan in a year in advance. The plan is sent to the Block Development officer. From Block office, plan goes to the district level and in the district level, the plan is considered by both DRDA and District Planning Commission. Once the plan is approved by the DRDA and DPC, plan was sent to the

directorate of Local Area Administration. The directorate further sends this plan to the State Planning Board and it is integrated with the State plan. This plan needs to be passed by the legislative assembly of the state. The whole plan from the Village Council level to District level forms the plans of State plan.

E-Governance and Physical Infrastructure: Aizawl District: None of the Village Council comes under e-governance because they have no provision of internet, computers, etc. At present, there is no Village Council office.

Assessment: The State of Mizoram does not have a Panchayati Raj system as the 73rd Constitutional Amendment Act does not apply to Mizoram. Although ADCs enjoy many powers, functioning of ADCs have been handicapped by the limited financial resources. ADCs in Mizoram have limited jurisdiction and has prevented them from raising their own resources for development works. ADCs have not emerged as a vibrant institution for local development. Mizoram has abolished Chieftainship and has started to use suffrage for electing members at the grassroots level.

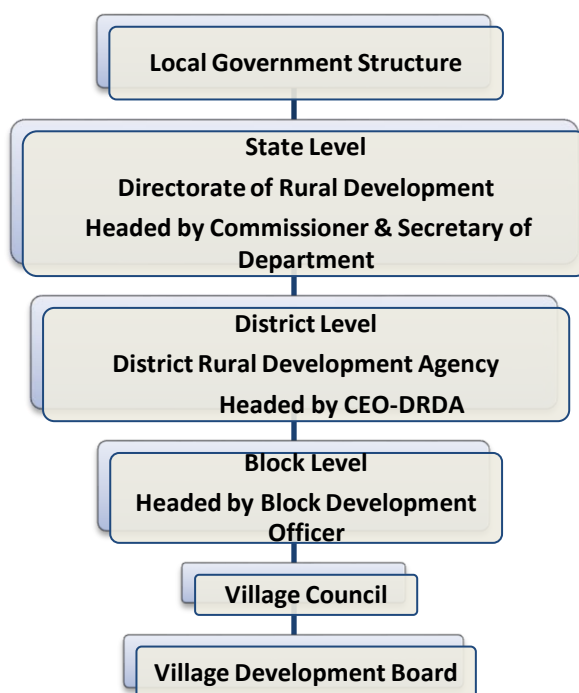
CHAPTER 6 - NAGALAND

6.1 Local Governance Arrangements in Nagaland

The State of Nagaland has a traditional form of local governance. Its institutionalization was introduced through the Nagaland Village and Area Council Act 1978. Village Councils and their subsidiary Village Development Boards (VDBs) are the core institutions of decentralized governance all over Nagaland. These institutions have evolved from indigenous practices of the Naga tribe. Its regularization through legislation facilitated their easy assimilation with existing village system. Every recognized village in Nagaland has a Village Council and its development wing is the Village Development Board. Nagaland has 1238 villages in its area of 16,579 sq. km. spread over 11 districts and 74 blocks. There is specific distribution of duties and power between the Village Council and the VDB. The Village Council has administrative and judicial duties whereas the VDB has financial and development functions.

The local governance arrangement in the State of Nagaland is presented in Chart 6.1

Chart 6.1 : Local Governance System in Nagaland



At State level, Directorate of Rural Development of State of Nagaland coordinates the activities of Village Council and Village Development Board. At district level, DRDA is responsible for the coordination of these activities. Block Development Officer plays an important role at block level. At village level, Village Council deals with administration

matters and Village Development Board takes care of all the development programmes. Various Acts provides legal framework to the Village Councils with a varied and well-defined powers and responsibilities. These Acts include Nagaland Village and Area Council Act, 1978 and Nagaland Village and Area Council Rules, 1979. The 73rd Constitution Amendment Act does not apply to the State of Nagaland. Constitutionally, Nagaland is given a special privilege with the passage of Article 371A “which specifies that no Act of Parliament in respect of religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law and ownership and transfer of land and its resources shall apply to State unless its Legislative Assembly by a resolution so decides. In addition, the Governor of Nagaland has special powers to act with regard to internal disturbances, powers which are virtually unchallengeable” (National Commission to Review the Working of the Constitution, 2001).

Nagaland was emerged as a State, carved out of the Naga Hills districts of Assam and North Eastern Frontier Agency province in 1963. The State has a population of 19,78,502 with an area of 16,579 Sq.kms as per 2011 Census. The population of Nagaland forms 0.16 percent of India in 2011. The density of population is 119 per sq.km. Nagaland has 71.03 per cent rural population. Overall literacy ratio is 80.11 per cent in 2011. The population of Nagaland is entirely tribal. There are as many as 16 major Naga tribes with their own distinctive languages and cultural features. The district wise population in Nagaland is given in Table 6.1.

Table 6.1 : Population in Nagaland

Districts	Population
Dimapur	378,811
Kohima	267,988
Mon	250,260
Tuensang	196,596
Mokokchung	194,622
Wokha	166,343
Phek	163,418
Zunheboto	140,757
Peren	95,219
Kiphire	74,004
Longleng	50,484
Total	19,78,502

Source: Census 2011, Government of India

6.2 History and Evolution of Local Governance System in Nagaland

The State of Nagaland geographically is situated in the extreme North-Eastern part of India. It has a strategic location as it shares an international boundary with Myanmar. It is a tribal dominated State, inhabited by 16 major Naga tribes Ao, Angami, Chang, Konyak, Lotha, Sumi, Chakhesang, Khiamniungam, Kachari, Phom, Rengma, Sangtam, Yimchungrü, Kuki, Zeliang and Pochury are the major tribe. Each tribe is distinct and unique in character from the others in terms of village administrations, customs, languages and attires. In the past, every Naga village had their own form of administrative system. It differs from tribe to tribe and from village to village and there was no uniformity in the pattern of administrative systems. Recently, there has been remarkable extension of the administrative reach to different parts of Nagaland.

The Nagaland State comprises of the former Naga Hills district of Assam and the former Tuensang Frontier division of the North East Frontier Agency. These were made a Centrally administered area in 1957. In January 1961, it became the State of Nagaland. State of

Nagaland was officially inaugurated on 1st December 1963. It was during the British regime, two traditional institutions – Gaon-Burah (GB) and Do-Bhasi (DB) were emerged. The British recognized these traditional institutions and the importance of clan or *khel* institution within the village. The traditional khelheads were appointed as khel GB and the eldest among all the GBs was selected as Head GB. It is pertinent to understand that GBs were made responsible for collecting taxes from each household and settlement of all the disputes in the village. These arrangements were made according to Naga customary laws.

In 1961, the Government of India passed “Nagaland (Traditional Provisions) Regulation Act, 1961” for the creation of Village Council. According to the Act, there shall be one Village Council for each village. The validity of this Act was discontinued from 1st December 1963 when Nagaland attained Statehood. It is interesting to note that the present form of the Village Council in Nagaland is the result of several years of experience. The traditional village government is recognized as an important institution for the benefit of each village. The outcome of this recognition was reflected in the Act of “Nagaland Village and Area Council Act, 1973” which was further amended in 1978. Under the Act of 1978, the traditional village authority is given statutory recognition under the name of Village Council (Shimray, 2014). Main provisions of the ADC Acts & Rules in Nagaland are given in Annexure 1.

6.3 Local Governance: Village Councils and Village Development Boards

As is stated earlier, Village Council and Village Development Board are the core village level institutions that involve in the local governance.

Nodal department of Village Council and Village Development Board: The Directorate of Rural development is the nodal department of both Village Council and Village Development Board. This department is responsible for integrating policy of overall development of the rural areas. It involves in multi-disciplinary activities in the areas of agriculture and allied activities, roads, school buildings, etc. It is responsible for inter- departmental coordination while implementing schemes in the rural areas to achieve convergence of services, to reduce the parallel and compartmentalized intra-departmental approach and to avoid duplication of rural development activities.

Election: There is no State Election Commission in the State of Nagaland. The election to the Village Council is conducted by an election committee set up at village level. The tenure of a Village Council is fixed for 5 years. Once tenure of the Village Council is over the concerned

State government officials meet and select a date for next election. Village Council conducts election for Village Development Board. The tenure of a Village Development Board is fixed for 3 years. Once the tenure of the Village Development Board is over the concerned Village Council conducts election.

A Village in Nagaland has various local institutions and organizations. These are Village Council, Village Development Board, Women Association, Student's Body, Youth Society, and Gazetted Officer Committee. Among these institutions Village Council is the most important one. A Village Council consists of members chosen by villagers in accordance with the prevailing customary practices. It is approved by the State government. Village Councils are provided with hereditary Village Chiefs, Gaon Booras and Angs who are ex-officio members of councils and have voting rights. Various local institutions in a Village are presented in Box 6.1

Box 6.1 : Various Local Institutions and Organizations in a Village

Village Council
Village Development Board
Women Association
Students Body
Youth Society
Gazetted Officer Committee

Source: Field Survey

Every Village Council can function for five years from the date of appointment. The State government has the power to dissolve it even before the completion of its tenure. State Government can extend its tenure by a notification in the Gazette for a period not exceeding one year at a time. The Village Council will choose a member as chairman of the council. During the absence of the chairman, any sitting member of the Council nominated by the Chairman can act as Chairman. The Village Council selects and appoints a Secretary who may or may not be a member of the Council. If the Secretary is not a member of the Council, he has no voting rights. The procedure for the conduct of business in a Village Council is regulated from time to time by the Chairman. The written record of the list of its proceedings is maintained regularly. The Village Council meets once in every 3 months and also at any time

if requisition is made by one-third of the members. At present, Nagaland has 1238 recognized villages and each village has a Village Council. (Annual Administrative Report 2015-2016)

Powers and Duties of Village Council: Administration of Justice and Village administration in Kohima and Mokokchung Districts :

The Primary function of a Village Council is to administer justice with a focus on maintaining law and order situation in the village. It is the responsibility of the Village Council to frame rules and regulations regarding civil, criminal, and tradition-related cases. Most of the disputes are settled within the village by the Village Council based on their existing laws and regulations. Some cases may also be appealed to the Court of District Magistrate or to the Dhobashi Court. Village Council constitutes the Village Development Board and ensures that various development projects are implemented efficiently in the Village. The Village Council has full powers to deal with the internal administration of the village, maintenance of law and order and enforce orders passed by competent authority. It supervises proper maintenance of water supply, roads, forest, education and other welfare activities. It can borrow money from the government, banks or financial institution for the development and welfare work of the village and to repay the same with or without interest. It receives grants-in-aid, donations and 28.97 per cent of subsidies from the government or any agency. Village Council control and disposes immovable property. The Village Council administers justice within the Village limits in accordance with the customary law and usages as accepted by the canons of justice established in Nagaland. In case of disputes between villages falling in different areas or districts, two or more Village Councils may settle a dispute in a joint session or refer it to the appropriate authority (Government of Nagaland, 2015).

6.3. 2 Village Developmental Board

In accordance with the Nagaland Village Area and Regional Council Act 1970 (Amended in 1973 and 1978) VDB came into existence in 1980 as a subsidiary to Village Council. Village Development Board is a statutory body, functioning under the primary village authority known as Village Council. VDBs are the grassroots level development institutions in the State responsible for implementation of all government programmes/schemes. VDB undertakes development activities of the village. VDB carry out development works to the village through Centrally Sponsored Schemes as well as State Government Schemes (Subhojit, 2016).

As shown in Table 6.2, there are 1238 Village Development Boards in Nagaland. Dimapur district has the highest number of VDBs (231) followed by Zunheboto (169) and Wokha (133).

Table 6.2 : Village Development Boards in Nagaland: 2018

Name of District	Blocks	VDB	Number of households
Kohima	7	94	25108
Mokokchung	9	85	25383
Mon	8	114	29788
Tuensang	9	117	23432
Zunheboto	8	169	19364
Wokha	7	133	17335
Phek	8	95	21886
Dimapur	6	231	36281
Kiphire	5	93	15124
Long	3	40	14314
Peren	4	85	15250
Total	74	1238	243265

Source: Rural Development Department, Government of Nagaland

The first VDB was first set up in 1976 in Ketsapomi village in Phek district on an experimental basis. Drawing lessons from the success of the Ketsapomi VDB, a mass campaign was launched since 1980 to expand the coverage of this unique institution throughout the State. Gradually VDBs were constituted in the remaining parts of the State. The concept of VDB was institutionalized with the enactment of VDB Model Rules, 1980. They are involved in all the phases of development activities. VDB is responsible for receiving the department funds, selection of beneficiaries or schemes, monitoring of progress of work and expenditure and execution schemes. It is mandatory for all VDBs to keep accounts and each VDB is open and subject to any type of audit of its accounts (Banerjee, 2008).

Institutional framework of Village Development Board: VDB is subordinate and accountable to the respective Village Council. The Deputy Commissioner /Additional Deputy Commissioner of a district is made ex-officio Chairman of all the VDBs in the respective district. The schemes are identified and selected on the basis of priority need-based

requirement by the VDBs with technical support from the BDOs. On recommendation of BDOs, the schemes are submitted to the Deputy Commissioner who is the ex-officio Chairman of VDBs through the Project Director of DRDAs for approval. On receipt of the approval, the schemes are taken up for the implementation and the payments are released to the VDBs on submission of completion report.

Composition of VDB: All permanent residents of a village shall be members of the Village Development board and all such Members shall form the General Body of each VDB. This General Body of a VDB holds at least two General Body meetings of the VDB during one financial year. The tenure of Management Committee of a VDB is three years unless decided otherwise by the Village Council by resolution. The minimum number of the Management Committee of the VDB shall not be less than five and the maximum numbers shall not exceed 25. Women members in the Management Committee of a VDB should not be less than 25 percent of the total members. Any resolution passed by the Management Committee of the VDB such as on loan application or withdrawal of funds shall be attended by a quorum of not less than 51 percent of the total members of the Management Committee. Otherwise such resolutions passed shall not be valid and shall be liable to rejection by the Project Director, DRDA or the Chairman of the VDB.

Participation of Women in VDB : Women members in the Management Committee of a VDB should not be less than 25 percent of the total members.

Fund allocation to Village Development Board: Funds are made available in the form of grants to all 1238 recognized villages through the VDBs. The allocation is made on the basis of number of households of every village in proportion to the size of each village to ensure that each citizen of the State is equally involved and provided for in all rural development activities. The funds released are being collectively pooled for implementation of the schemes for the benefit of the entire community. During our survey, it is reported that several major schemes have been successfully implemented throughout the active involvement of VDBs. This has been made possible by way of contribution of free community labour organized by VDBs to ensure the completion of schemes.

All the VDBs are vested with powers to take decisions and implement schemes within the guidelines both for State and Centrally Sponsored Schemes. It enables them to mobilize internal resources for investment in various income generating and economically productive

activities. It is significant to note that VDBs check migration of educated unemployed rural youths to towns by providing employment opportunities of income generating and economically productive activities in the rural areas. VDB plays an important role in transform the rural areas into semi-urban areas by providing the availability of basic and common facilities. VDB functions as a financial intermediary to manage their own rural credit and loan activities. All the VDBs undertake credit-related micro-financial intermediaries' activity. These activities have started to make impact on the growth of rural economy in the State of Nagaland.

Decentralized Planning: A different form of decentralized planning systems has been functional in all parts of Nagaland. VDB is the village level institution which involve in the decentralized planning process. A Planning Committee is functional at VDB level.

Table: 6.3 : Planning Committee

Chairperson of Planning Committee meeting	Either Chairman or VDB Secretary
Members	6 to 12 nominated members include Secretary of Village Council, Chairmen of all the ward/Khels
Frequency of Planning Meeting	Once in a month

Source: Field Survey

As is shown in Table 6.3, Chairperson of the Planning Committee is either Chairman of VDB or the Secretary of VDB. The committee has eight nominated members. The committee holds monthly meeting to discuss and formulate planning related activities. The institutional structure of decentralised planning process in Nagaland is as follows:-

State Level: The Rural Development Department is the main agency to control the VDB's programme at the State Level.

District Level: In the district level, there is District Planning Board where Deputy Commissioner is its chairman and the elected members are members.

Block Level: Over-all in charge at the block level is Block Development Officer who has to guide and assist the villagers from the time of preparation of their Village Plan till the completion of the scheme. From time to time BDO has to visit the villages and supervise the work done by the village people. BDO has to submit tentative Village Plan, verification report

as well as the completion report of the project to the chairman of the District Planning Officer for his approval.

Village Level: Village Development Board looks after the developmental programmes in the village. Village Development Board has to prepare a tentative Village Plan every year within the allocated Village Plan and Grant-in-aid for a given financial year. The Department informs the District Planning Board with a copy to BDO. VDB prepares village plan according to the list of Model Scheme issued from the Directorate of Rural Development. On receipt of the tentative Village Plan from VDB, the BDO intimates to the VDB, the date on which field staff would visit the village for measurements and technical estimates. After this process the BDO submits his verification report to the Chairman for approval. The Village Plan is prepared according to their immediate need and requirements of the village. It takes 45 days to prepare their Village Plan and to submit to BDO. After scrutiny of the Schemes it is submitted to District Planning Board for approval. From the preparation of Village Plan till the approval of the scheme it takes minimum three months. The Nagaland, the Village and Area Council Act, 1978 includes provisions for the regular non-lapsing Grant-in-aid to all villages having recognized Village Council, for undertaking activities as per the Village plans drawn up by the VDBs and duly approved by the District Planning Board.

6.3.3 Community Participation in Nagaland: Best Practices

There is a remarkable improvement in community participation in local development and local governance in Nagaland. Community participation is based on the concept of communitisation. The concept of communitisation is different from decentralisation and privatization. Communitisation develops partnership between Government and the people through delegation of powers and responsibilities to the community for the management of public institutions. The major objective of the communitisation is to improve the performances of the public utilities. Communitisation of a public welfare institution or a service means community takes over the ownership and management of these institution or service. It promotes active participation of community in preventive and promotes measures. The State of Nagaland has encouraged active participation of civil society, harnessing its rich social capital to revitalize and improve public services through the concept of Communitisation. The concept of Communitisation was introduced in 2002 under the "Nagaland Communitisation of Public Institution and Services Act of 2002". After enactment of Nagaland Communitisation Act on public institutions and services the State handed over ownership and management of

education, health care, water supply, electricity, tourism and bio-diversity conservation to the communities.

Under this approach, each village has three Committees: Village Education Committee, Village Health Committee, Water and Sanitation Committee and Managing Board Committee. These three committees carry out activities for improving the overall socioeconomic growth and living standard of the people of the village.

6.3. 4 State Finance Commission : The State of Nagaland has not appointed State Finance Commission.

6.3. 5 Devolution of Fund: Each VDB gets different sources of funds. These are additional grant-in-aid and fixed deposit (matching- cash-grant). In order to create capital investment and to provide financial credibility, all the VDBs are required to open Fixed Deposits in Commercial Banks. VDBs operate as financial intermediaries to promote micro-financing activities. A Corpus Fund of Rs. 1.00 lakh is created with each VDB through the contribution of VDBs, State government, Central government and NABARD- VDB welfare Fund.

6.3. 6 Audit and Accounts: Under the provision of the Act, auditing of all VDB accounts including funds/grants received from the Government is conducted in every financial year. The auditors are appointed by the Deputy Commissioner concerned who is also the Chairman of VDBs. Auditing of all relevant VDB accounts conducted under their direct supervision. The Management Committee of the VDB will place Annual Account before the Village Council before 30th April every year covering the period of the previous financial year. The auditing of accounts should invariably be completed by the 30th of June of every financial year. DRDA officials will conduct spot verification and expenditure audit every six months of at least 50 percent of the villages under their respective jurisdiction annually. State level officials will conduct spot verification and expenditure audit in 5 percent of the villages in the State every year based on the reports submitted to the DRDAs. As per Model Rules of 1980, each village should maintain five registers- Register for beneficiaries, Register for Schemes taken up in the village Control Development Board, Register to whom loan is given, Register to record minutes of the meeting and Fund Register.

6.4 State Finance Commission

As per the 73rd and 74th Constitutional Amendments Act, 1992, Nagaland is exempted from constituting State Finance Commission. However, Nagaland constituted its first State Finance Commission in August 2008. However, its report was not made available to the public as well as our research team. Moreover, respondents covered by our survey could not give any reliable information about the report.

6.5 Local Governance: Case Study of Kohima District

Kohima district has 7 blocks and 94 Village Development Boards. The total number of households in Kohima district is around 25108. Geographically a Naga village is divided into Khels (wards or sectors) which indicates a cluster of families. The core local governance institutions-Village Councils and Village Development Board- in Kohima district given in Table 6.4.

Table 6.4: Local Governance - Village Councils and Village Development Boards in Kohima District

Name of the District	Blocks	Village Council	Village Development Boards	Households
Kohima	7	94	94	25108

Source: Field survey

All the VDBs covered under our survey are quite active and fully functional. About 65 percent of VDB secretaries are government employers while 20 percent are lawyers. Different tiers of local institutions and organisations in a village in Kohima include Village Council, Village Development Board, Students Body and Women Association. The secretary is the elected representative in the Board. In addition to the secretary there are 8 nominated members (2 per khel) are members of the Board. It is pertinent to note that 25 percent of seats in a VDB are reserved for Women.

The head of Village Council is called Chairman. A total of 40 nominated members- ten members each from khel/ ward- and three elected members are in a Village Council. There is no reservation for any caste or women in the Village Council. The tenure of the member is fixed for 5 years. Once tenure is over the present officials meet and select a date for next

election. For instance, in Viswema Village, the Council conducts the election for Viswema Village Development Board. The last election held in 2016 and the next election is due in 2019. The tenure of the member is fixed for 3 years. Structure of Viswema Village Council in Kohima district presented in Table 6.5

Table 6.5: Structure of Viswema Village Council: Kohima District

Total Number of Members of Village Council	43
Elected Members	3
Reservation to women	No women representatives as there is a separate body for women in the village
Nominated Members	40 (10 per Khel)
Head of Village Council	Chairman

Source: Field survey

Participation of Women: There is no reservation for women in the Village Council and hence their participation is limited. Women are not given enough opportunity to participate in the functioning of village governments. There is an urgent need to include women in such institutions through amending the existing laws.

Decentralized Planning: The management committee of VDB acts as the Planning Committee of Village Councils in Kohima district. It is reported that ex-officio Chairman of the VDBs covered by the survey has not chaired any VDB meeting in the last two years. VDB Secretary has chaired the meeting in all the VDBs covered by the survey. The Planning Committee is chaired by the Secretary of VDB. There are six members to Planning Committee including khel chairman, VDB secretary, VC Secretary, VC Chairman.

The committees held its meeting every month and discussed proposals submitted by the different committees and approved. The district plans do not form a part of the State Plan. For plan preparation, the VDB do not get any technical support. They identify the plans through meetings with Khel representatives. The Village Council meeting is attended by VDB secretary, VC chairman, Secretary, treasure, Khel Chairman and members. The resources are handled by VDB and they allocate fund according to the Plan. The fund for development activities are allocated on the basis of number of taxpaying households. Under Central Scheme,

VDB gives list of beneficiary to the Government which sanctions the names of beneficiaries. Under Own Source of Revenue, tax revenue is the major source. Fixed deposit interest, rents from buildings are other sources of revenue. Moreover, VDB has the power to take loan. Structure of Viswema Village Development Board in Kohima given in Table 6.6

Table: 6.6 : Structure of Village Development Boards:Kohima

Total Number of Members of VDB	Nominated members : 2 per Khel (Ward)-
Chairman	The Deputy Commissioner/Additional Deputy Commissioner is the ex-officio chairman of the VDB
Secretary	Elected from the nominated members
Treasurer	Elected from the nominated members
Tenure of a member	3 years

Source: Field survey

Audit of Accounts: In Kohima district, the Village Councils are not following any accounting practice format for keeping their accounts. They are not preparing any annual finance statement for the money spent. External audit is not conducted in Viswema village. The internal audit of accounts is conducted by Audit committee and Audit report is announced during general meeting.

Social Audit: The social audit is made mandatory at the Village Council level. For MGNREGA, elected Auditors from the village consisting of four members prepare Social Audit Report at village level. Social Audit is conducted annually and report is presented in meetings of Village Council. Remedial measures are taken by the authority concerned upon the findings in the social audit. Social Audit Report and Action Taken Report are made available in public domain.

Functionaries of Village Council and Village Development Board: Either Village Council or Village Development Board do not employ any personnel. In the absence of any staff the Secretary of Village Council does all paper works and monitoring committee looks after the Village Council works. The VDB secretary does all the administration work of VDB and gets Rs. 1000 as honorarium. All the Village Development Boards covered by the survey have three to five sets of Computers and Printers.

Grievance Redressal: There is no Public Information Officer at Village level. Under VDB the Secretary takes the complaints and under Village Council the Chairman settles the complaints.

Resource Availability: It is significant to note that all the Village Development Boards covered by the survey have resources for planning of development activities. These are annual grant-in-aid from State government Villager's own deposit in the bank, Government matching cash grant and interest which accrue from the total deposits. When the Rural Development Department releases the funds to a particular village, the funds are credited to the bank. These accounts are operated jointly by the Chairman and Secretary of the Village Development Board. The different bank accounts maintained by Village Development Boards are with public sector bank such as State Bank of India and U.C.O. Bank. All the Village Development Boards covered under the survey have three types of account: (i) Special Saving Account, (ii) Normal Saving Account and (iii) Fixed Deposit Account.

All the Village Councils implement Centrally Sponsored Schemes. Some of the activities undertaken by various Village Councils in Kohima district are construction of irrigation channel, construction of protection wall, horticulture farming, protection of natural resources, Land development, repair and renovation of public assets, expansion of village garden, construction and repair of drainage system, development of floriculture, construction of community latrine, construction of drainage, soiling and metalling of agri link road.

6.6 Local Governance: Case Study of Mokokchung District

Mokokchung is the cultural centre of the people and is economically and politically the most significant urban centre in northern Nagaland. In fact, it is the most significant urban hub in Nagaland after Dimapur and Kohima. It is bounded by the State of Assam to its north, Wokhadistrict to its west, Tuensang and Longleng district to its east and Zunheboto district to its south. Mokokchung is the intellectual and cultural capital of Nagaland. Mokokchung has 9 blocks and 85 Village Development Boards. Total number of households in Mokokchung is around 25383.

Profile of Mokokchung District given in Table 6.7

Table 6.7: Profile of Mokokchung District

Name of the District	Blocks (Nos)	VDB(Nos.)	Households (Nos.)
Mokokchung	9	85	25383

Source: Field Survey

Sub-Committee System under Village Council in Mokokchung: Various Village Councils covered by the survey have constituted different subcommittees on various subjects such as Electricity Committee, Audit Committee and Account Committee. Each committee has Convenor or Chairman with three members. Some of this committee such as Electricity committee work closely with line department also. Village Development Board Members given in Table 6.8

Table 6.8 : Village Development Board Members

Village Development Board	
Total Number of Members of VDB	2 per Khel (Ward)
Chairman	Elected from the nominated members
Secretary	Elected from the nominated members
Treasurer	Elected from the nominated members
Tenure of a member	3 years

Source: Field survey

The district implement centrally sponsored programmes. Major activities carried out by Village Councils in Mokokchung districts in 2016-17 are renovation of water reservoir tank, Protection of forest, construction of irrigation channel to paddy field, maintenance of circular road, construction of drainage, crop plantation and horticulture farm, cultivation of cardamom, construction of footpath, construction of drainage at local ground, cultivation of cash crops, construction of side drain & culvert, repair & renovation of public asset, tree plantation, cultivation of King Chilly, construction of footpath from PWD road to govt. high school, site levelling at village community hall and construction of irrigation channel to paddy fields

It was found during field survey that some of the Village Development Board Secretaries are regular Government employees. A few of them are working in District Headquarters and the others are teachers in different villages. Some of the VDB Secretaries are residing in far off places and used to visit their respective villages when there is Village Development Board meeting only. As a result, some VDB Secretaries could not perform their responsibilities efficiently. In some villages, there is a practice of VDB Secretaries taking a 10 percent commission out of their total allocation of fund for his expenses as he is entitled to an honorarium of just Rs. 1000.

Decentralised Planning: All the Village Council and Village Development Board covered by the survey have Planning Committee. Management Committee of Village Development Board acts as the Planning Committee. VDB secretary chairs the Planning Committee meetings. Meeting is held every month and members of various committees /councils bring various work proposals to the planning committee for approval. Village people bring their plans and needs. The needs are first discussed in VDB and then in Village Council. Village Development Board takes control of every development in the village. Village Development Board Secretary or members alone should not select the beneficiaries. The list of the application is read out in an open-air meeting and selection is made in the same open-air meeting.

Monitoring Committee: There is a 4 member committee headed by a convener for monitoring the Plans. These members are not part of VDB. All information related to the monitoring is given to the Block officer.

Dispute Resolution Mechanism of Nagaland: The State comprises of the former Naga Hills district of Assam and the former Tuensang Frontier division of the North East Frontier Agency. These were made a Centrally administered area in 1957. In January 1961, it became the State of Nagaland. State of Nagaland was officially inaugurated on 1st December 1963. It was during the British regime, two traditional institutions – Gaon-Burah (GB) and Do-Bhasi (DB) were emerged. The British recognized these traditional institutions and the importance of clan or *khel* institution within the village. The traditional *khel* heads were appointed as *khel* – Gaon-Burah and the eldest among all the – Gaon-Burah was selected as Head – Gaon-Burah. It is pertinent to understand that – Gaon-Burachs were made responsible for settlement of all the disputes in the village. These arrangements were made according to Naga customary laws.

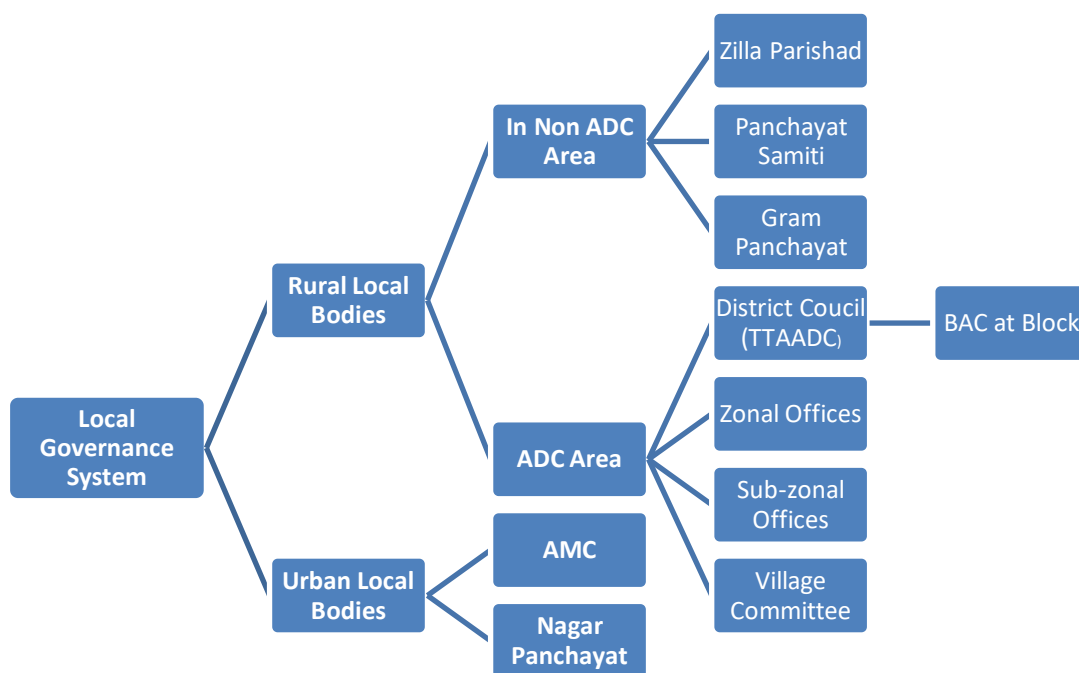
Assessment: Village Development Board constituted under Village Council can be considered as a good institutional arrangement for planning and executing development projects through community participation. Lack of accountability and transparency is an issue which plagues the function of Village Council. The State of Nagaland has better decentralized planning system compared to other North Eastern States. However, there is a need to introduce adult franchise for selecting the Chief and members of Village Council. Regular audits and sharing the reports in public domain will go a long way in bring transparency in financial activities.

CHAPTER 7 – TRIPURA

7.1 Local Governance Arrangements

Tripura has one Autonomous District Council under Sixth Schedule of the Constitution. Tripura Tribal Areas Autonomous District Council area are divided into five zones. The boundaries of the four zones are coterminous with Sixth Schedule area of revenue districts. The five zones are further divided into 33 sub zones. Tripura has a three-tier Panchayati Raj structure in non-ADC areas with Gram Panchayat at the village, Panchayat Samiti at the block and Zilla Parishad at the district levels. Elections to all three tiers of Panchayats have been held regularly. There is 4 Zilla Parishads, 23 Panchayat Samitis and 513 Gram Panchayats under the Tripura Panchayat Act 1993. The local governance system in Tripura is given in Chart 7.1

Chart 7.1 : Local Governance System in Tripura



Source: Field Survey

Structure of TTAADC

Tripura is the third smallest State of North-East region with 10,491.69 square km geographical area and 36, 73,917 lakhs population as per census 2011. It is interesting to understand that 31.8 per cent of total population belongs to tribal community. The State has 8 districts namely West Tripura, South Tripura, North Tripura, Dhalai Tripura, Unakoti, Khowai, Sipahijala and Gomati. As per census 2011 total ST population is 11, 66,813 lakh. It consists of 31.75 per cent

of total population of this State and 1.11 per cent of total ST population in India. About 95 per cent tribe live in rural areas. The total area of the TTAADC is 7,132.56 sq km, which covers about 68 percent of the total area of the State (Tripura Tribal Areas ADC Act, 1994). District-wise population of Tripura is presented in Table 7.1

Table 7.1: District Population

District	Area in km ²	Population	Growth Rate	Sex Ratio	Literacy	Density / KM
Dhalai	2400	377988	12.57	945	86.82	157
South Tripura	1534.2	433737	14.15	956	85.09	283
Gomati	1522.8	436868	14.15	959	86.19	287
North Tripura	1444.5	415946	17.44	968	88.77	288
Sipahijala	1044.78	484233	14.15	952	84.14	463
Khowai	1005.67	327391	14.15	961	88.37	326
West Tripura	942.55	917534	12.57	972	91.69	973
Unakoti	591.93	277335	10.85	966	87.58	469

Source : Census 2011

Note: The data is taken from 2011 Census. However, the new four districts were formed in 2012 and so information on those is of 2012.

TTAADC was set up in 1979, under the TTAADC Act 1979. Brought under Sixth Schedule provision by 49th Amendment of Constitution in 1985, 68 percent geographical area of the State is in Sixth Schedule Area. The Act came in effect from 1st April 1985 under the purview of the Sixth Schedule of the Constitution of India. This District Council is constituted and administrated as per TTAADC (Constitution, Election and conduct of Business) Rules 1985 and TTAADC administration rule 1988. Other relevant Acts and Rules are listed below:

- TTAADC Stall (Allotment) Rules, 1992
- Tripura District Council Trading (Licensing and Control) Regulations, 1989
- TTAADC Administration Rules, 1988
- TTAADC (Establishment, Management and Control of Market) Regulations, 1987
- TTAADC Village Committee (Administration) Rules, 2006
- TTAADC Village Committee (Conduct Election) Rules, 2006
- TTAADC Village Committee (Election of Office Bearers) Rules, 2006
- TTAADC Village Committee (Delimitation of Constituencies) Rules, 1994

- TTAADC Village Committee (Preparation of Electoral Roll) Rules, 1996
- TTAADC Village Committee Establishment of VC Act.1994

Main provisions of the ADC Acts & Rules in Tripura are given in Annexure 1.

7.2. History and Evolution of Local Governance System in Non-Part IX Areas

The Tripura Tribal Areas Autonomous District Council was initially constituted under the provisions of 7th Schedule of the Constitution of India which empowers the state governments to form such councils on the basis of the provisions contained in the 5th schedule of the constitution. The Tripura Tribal Areas Autonomous District Council Bill, 1979 had been unanimously passed by the Tripura Legislative Assembly on March 23, 1979 (Mrinal Kant Deb, 2015). The TTAADC was constituted through vote by secret ballot held on January 15, 1982 and the elected members were sworn in on January 18, 1982. Subsequently, the Constitution of India was amended by a Bill and it was unanimously passed on the floor of the Indian Parliament on August 23, 1984 for introduction of the Sixth Schedule of the Constitution to the ADC in Tripura.

A fresh election under the Sixth Schedule was held on June 30, 1985 through vote by secret ballot and the elected members were sworn in on July 19, 1985. The provisions of the Sixth Schedule of the Constitution had come into effect in TTAADC from April 1 1985. TTAADC is an example regional autonomy within a framework of formation of States based on the principle of linguistic nationality. Both tribals and non-tribals were involved in and supported the process of formation of TTAADC.

7.3 Local Governance in ADC Areas: Tripura Tribal Areas Autonomous District Council

Nodal Department of TTAADC: Tribal Welfare Department is the nodal department of State government of Tripura for TTAADC

Election in TTAADC: Election in TTAADC is being conducted on a regular basis. State Election Commission conducts the election to TTAADC. The State of Tripura has separate electoral rolls for the local body elections. The last election was held in 2015 and the new election is due in 2020. TTAADC has 30 members out of the total members of 28 are elected and 2 nominated. As per the Act, 89 percent of ADC seats are reserved for ST and the remaining 11 percent for SC. It is significant to understand that 26 elected members' seats are reserved for the Schedule Tribe. Executive Committee members are 9 including the Chief

Executive Member. There are 527 elected Village Committees (equivalent to Village Council) under the TTAADC area. The tenure of an ADC member is fixed for 5 years. The last election was held in 2015 and next is due in 2020. The structure of TTAADC is given in Table 7.2.

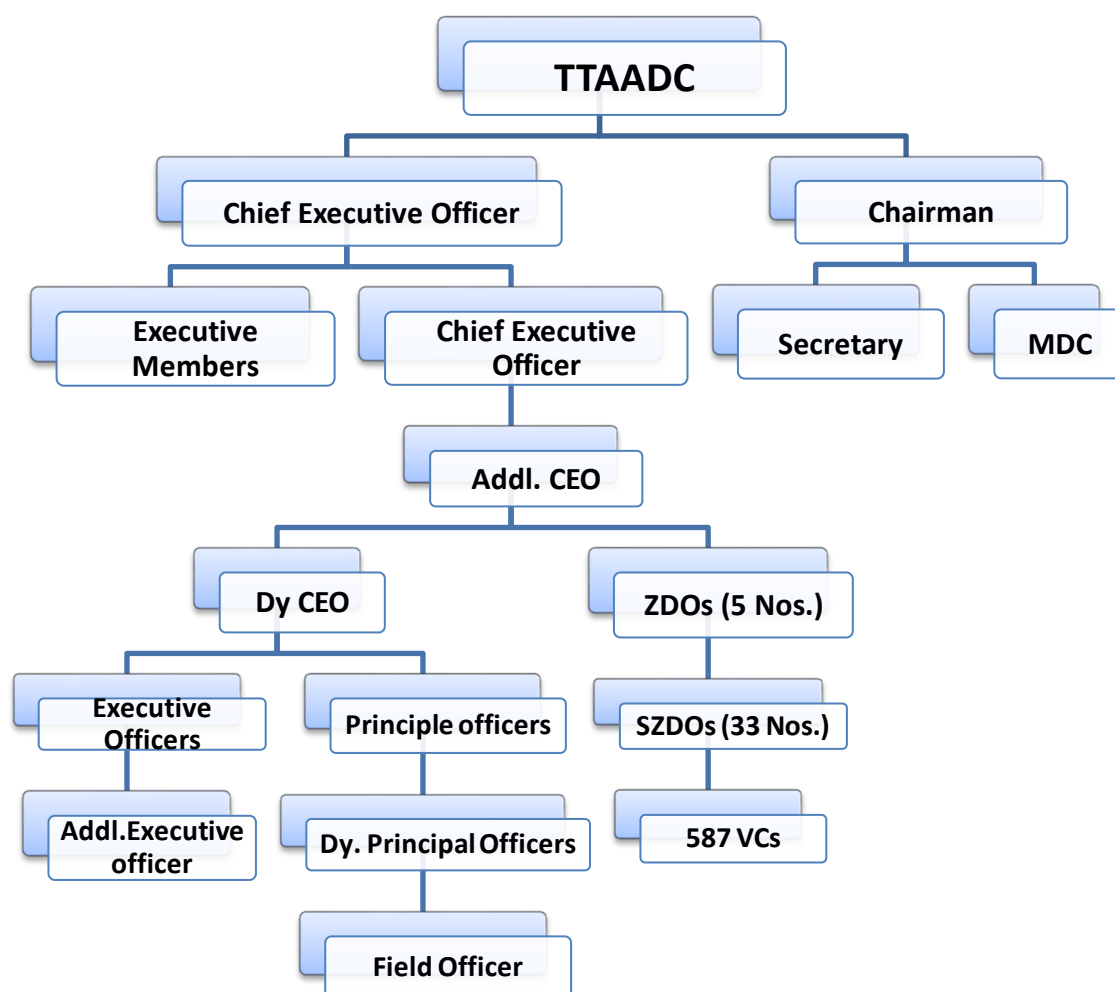
Table 7.2: Structure of TTAADC

Total number of Members	30
Elected members	28 (25 ST + 3 Others)
Nominated (Nominated by the Governor for five years term from unrepresented Tribes)	2
Executive Members	9 (Including CEM)

Source: TTAADC

Organization structure of TTAADC is presented in Chart 7.2

Chart 7.2 : Organizational Structure



Source: Field Survey

Decentralized Planning: BDO places the work proposal zones and zones to ADC Council after getting approval from concerned line departments. TTAADC approves the annual plan and then the approved annual plan is sent to Department of Tribal Affairs, Government of Tripura for the State government approval.

Zonal Administration: TTAADC area is divided into five zones. Zonal Development Office is responsible for execution, supervision and monitoring of programs and projects and collection of revenues. Zonal areas is sub-divided into 33 sub-zones. The boundaries of sub-zones are coterminous with the boundary of Rural Development Blocks. Sub zonal offices are manned by the officers appointed by TTAADC and they work under the supervision of Zonal Development Officer. Zonal Development Committee is comprised of Chairman nominated by Executive Committee, all Chairmen of the sub zonal committee and eight nominated members. The zonal administration is headed by zonal development officer. There are 23 rural development blocks, jurisdiction of which is completely within Sixth Schedule area. The Council constituted TTAADC Block Development Committee for these 23 Blocks .BDC has all the chairperson of the Village Committees as members. MDCs or MLAs or Chairman of the Village Committee increase there is no MDC/MLA of the area are made as Chairpersons of these Committees. Respective BDOs are the Executive Officers and Sub Zonal Development Officer is the Member Secretary of these BDCs.

Sub Zonal Administration: There is a sub-zonal committee monitors the activities of TTAADC at Sub-Zone (equivalent to Block) level. The sub zonal administration is headed by sub zonal development officer. There are 462 revenue villages spread over 151 Tehsils in the TTAADC territory. The TTAADC runs 1375 primary schools and 442 social education centers. It operates through 5 zonal and 37 sub-zonal offices. There are thirty-five Rural Development Blocks in the State. Nineteen RD Blocks are within the Sixth Schedule area and eighteen mixed Rural Development Blocks are within jurisdiction of both Sixth Schedule and Panchayati Raj Institutions areas.

Executive Body of the District Council: Executive Committee is the decision making authority like a council of Ministers of the State. Executive Committee comprised of Chief Executive Member elected by majority MDCs and enjoys the status of State Cabinet Minister. Eight Executive Members are selected by CEM. EMs enjoy the status of Minister of State. EMs are in charge of Departments/ Wings as allotted by the CEM.

TTAADC has two types of powers: Legislative Power and Executive Power. Legislative powers of TTAADC is given in Table 7.3

Table 7.3 : Legislative Powers of TTAADC

Tribal Areas Autonomous District Council	The Legislative Department of the TTAADC is headed by the Chairman who summons the meeting of the Council from time to time in connection with approval of budget, discussion on bills, rules and regulations submitted by the treasury bench and passing of the same. The Council has powers to frame laws in the matters with the approval of Governor such as Inheritance of property of Scheduled Tribes and their marriage and divorces.
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Source: Field Survey

Legislative body of TTAADC has certain salient features. Chairman of the Council presides over Council session and the Chairman is elected by majority MDCs for five years. Session of the District Council is conducted like session of Legislative Assembly at least once in every six month. Budget of the Council is laid in the session of District Council for voting before submitting to State Government. Secretary to the District Council assists the Chairman to run the office and Council Session. Bills of TTAADC prepared under Sixth Schedule provisions are laid in the Council Session for voting. Power and Functions of TTAADC include administrative, allotment, occupation, use or using apart of land other than reserved forests, management of forests other than reserved forest, use of canal water and water course for agriculture, Jhum, Village Committee or council, any other matter relative to administration including public health and sanitation, primary schools, dispensaries, markets, cattle pounds, fisheries, ferries, roads, and road transport and waterway. TTAADC is given powers in respect of agriculture, animal resource development, community project, cooperative societies, social welfare, village planning, fisheries and plantations. Executive powers of TTAADC is given in Table 7.4

Table 7.4: Executive Powers of TTAADC

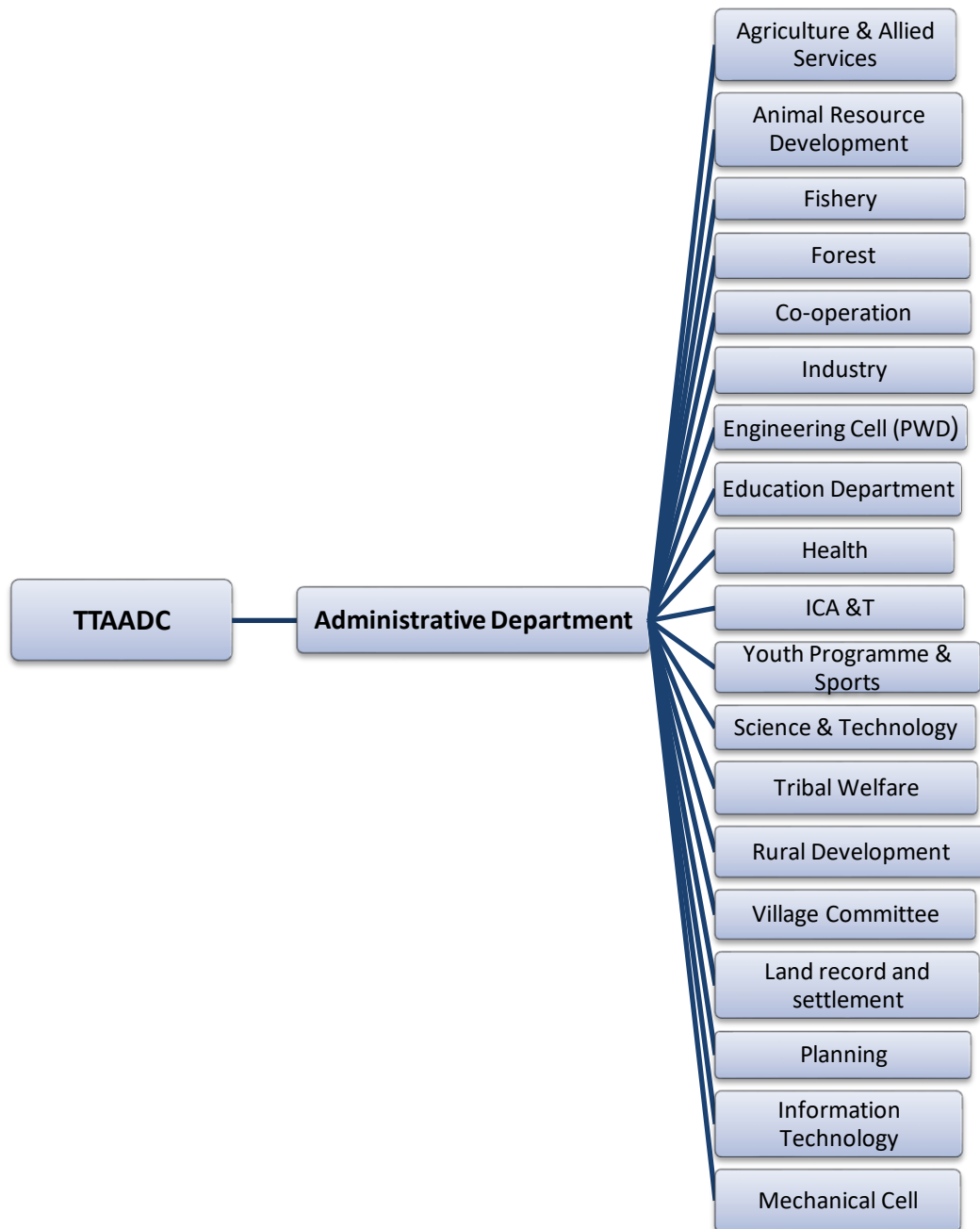
TTAADC	Executive functions are executed by the Chief Executive member supported by eight executive members. Chief Executive Officer is an IAS Officer with a team of officers manages daily administrative functions. A total of 19 departments are created.
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Source: Field Survey

It is significant to understand that TTAADC is not given any judicial powers.

Departments of TTAADC : TTAADC has 19 administrative departments as listed in Chart 7.3

Chart 7.3 : Departments of ADC



Source: Field Survey

State Finance Commission: State Government constitutes the State Finance Commission once in every five years to review the financial position of the Zilla Parishads, Panchayat Samitis and Gram Panchayats and make recommendations on the principles of sharing the proceeds from State taxes between the State Government and the Panchayats. The Fourth State Finance Commission had made recommendations on the distribution of the net proceeds of taxes, duties, tolls and fees leviable by the State is for Panchayats and Municipalities. Most of the

recommendations have been implemented. However, the Terms of Reference of State Finance Commission does not cover TTAADC.

Sources of Fund: TTAADC receives funds mainly from Tribal Welfare Department. Own sources of revenue of the District Council are mainly trade license, market auction, bank interest, sale proceeds of industry, fishery, ARDD and PWD levy. In addition to the own sources of revenue, it receives share of taxes from the State government. Currently TTAADC gets 25 percent of Professional tax, 40 percent of land revenue, 50 percent of Agriculture income tax, 75per cent of forest revenue, 25 percent motor vehicle tax and 30per cent of Gas royalty. TTAADC has the power to levy and collect certain taxes. Outlays in the Special Central Assistance, Centrally Sponsored Schemes and NEC Schemes are not given to the District Council. Hence, TTAADC has to depend entirely on the resources made available through the State Plan by the State Government and Own sources of revenue. Funding Pattern is given in Table 7.5.

Table 7.5 : Funding Pattern

	Rs in Lakhs
Tax revenue(2016-17)	Rs. 29,03,236
SCA to TSP(2016-17)	Rs. 12, 82, 16,000
Revenue received Thirteenth Finance Commission(2015-16)	Rs. 49.69
SCA to TSP(2015-16)	Rs 31,300,900

Source: Field Survey

Staff: Staff members of ADC is appointed by CEO of TTAADC with approval of ADC. TTAADC has its own powers to appoint its own staff in terms of requirement and appointment rules. The Council administration is headed by the Chief Executive Officer and a Deputy Chief Executive Officer of TCS Grade-I and 6 Executive Officers, such as Administration, Finance, Rural Development, Planning, Development and Coordination. Staff strength is given in Table 7.6

Table 7.6 : Staff Strength of TTAADC: 2018

Own regular staff	4986
Contractual staff	236
Other staff (on deputation state government)	8730
Total	13952

Source: Field Survey

Transfer of institutions by State Government to TTAADC: State Government has transferred various institutions with officials and functionaries Sixth Schedule areas to TTAADC. It includes all primary schools, 227 upper primary schools of North, Unakoti and Dhalai Districts, Six agricultural sub-divisions and two horticultural sub division, four fisheries sub-divisions, four offices of the Asst. Director, four Veterinary Hospitals, ten Veterinary Dispensaries, 53 stock sub-centers, 18 Brooder House, 04 Piggery Farms, 1250 Anganwadi centers with six ICDS projects, 11 Forest Range and 39 Forest Beat Offices, four sub-divisional information and cultural offices, and 2 Block ICA office and 17 information centers, 18 LAMPS located in Sixth Schedule areas of North, Unakoti and Dhalai Districts. Other departments namely PWD, RD, Science and Tech., Planning, Finance, LRS, Health, Tribal Welfare, Village Committee, Sports and Youth affairs and Industries are also functional under TTAADC.

Transferred Fund: Fund is provided by various State departments against schemes and requirement for payment of salaries of deputed officials and staffs. These departments are School Education, Agriculture/Horticulture, Social Welfare, Public Work Department, Health, Fishery, Tribal Welfare, Animal Resources, Panchayat, Handloom and Handicraft, Sport Department, Info & Cultural Affairs, Forest, Co-operation Fund is placed through Bank draft Cheque which is credited in the Account of CEO and operated by Dy. CEO & EO (finance). The flow of fund to TTAADC in 2015-16 is given in Table 7.7.

Table 7.7: Flow of fund to TTAADC: 2015-2016

Sl. No	Items	Approved Budget	Fund Flow up to 31 March 2016
1	Plan Fund	12000	12000
2	Non Plan	5000	6790.95
3	Transfer Fund	27540	22699.43
4	Other receipt		5282.60
	Grand Total	44540.00	41490.18

Source: TTAADC

A part from the above TTAADC received Rs. 1174.33 lakhs under MGNREGA during the year.

Decentralised Planning: The State Government provides funds as grant to the TTAADC against State plan. Share of Taxes and transfer fund of scheme from different departments for specific development projects. The Planning and Co-ordination Department of the State Government decides the plan fund to be provided to TTAADC in one financial year and such

funds are provided in the budget of the Tribal Welfare Department for release to the District Council.

Table 7.8 : Plan Preparation

Name of Committees	Role in the Planning Process
Village Committees	Discuss felt needs and preparation of the plans
Block Advisory Committees	Block Development Officer will place the work proposal to zones
Zonal Development Committees	Zones submit work proposals to ADC Council after getting approval from concerned line departments.

Source: Field Survey

Village Committees, Block Advisory Committees and Zonal Development Committees have a definite role in the preparation of the plans. BDO will place the work proposal zones. Zones will submit the proposals to ADC Council after getting approval from concerned line departments. TTAADC will approve the annual plan. The approved annual plan will be sent to Department of Tribal Affairs, Government of Tripura for the State Government approval.

Village Committee: Village Committee plays a significant role in the administration of village in TTAADC area. There are 587 ADC villages which are run by an elected Village Committee headed by a Chairperson/ Vice Chairperson for a five year term. Village Committees derive their authority from the TTAADC and discharge their functions accordingly. The powers and responsibilities of the Village Committees are similar to those of the Gram Panchayat of PRI area in the State of Tripura. Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act 1994 was passed by TTAADC in order to create village. First election to Village Committee was held in February 2006. The second and third election of Village Committee was in 2011 and 2016 respectively. The election was held as per TTAADC (Establishment of Village Committee) Act 1994 and rules thereunder framed by the Council. It is significant to understand that members of Village Committees are elected by the people in TTAADC area using an electoral role. There are 4597 elected members of Village Committees out of which fifty percent are women members. Reservation is made for ST/SC proportionate to population percentage. Chairman and Vice Chairman are elected by the members of Village Committee. Up to 50 percent of the offices of chairpersons are reserved for women. These Village Committees draw their power and responsibilities under section 20 and 21 of Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act 1994. The District Council provides duties and responsibilities to Village Committee for execution of the

developmental schemes of the State and Central Governments Village Committee is responsible to the selection of beneficiaries, finalization of sites of projects, monitoring and supervision of the execution of schemes. The major functions of Village Committee are sanitation and conservancy of the village areas, cleaning and maintaining of village roads and paths, construction and maintenance of rest house in the village, maintenance of children and adult and women education.

Voting Rights and Participation of Women in Village Committees : There are 4597 elected members of Village Committees out of which fifty percent are women members. Women have voting rights and their participation in local governance is reasonable good.

Capacity Building and Training: The Department of Village Committee of TTAADC provides training to the Village Secretaries of Village Committee for the purpose of up-gradation of their skill and knowledge on Acts and Rules of Village Committee.

Block Development Committee: In order to bridge the gap between Executive Council and Village Committee, Block Development Committee (BDC) was formed. All elected chairman of Village Committee are members of BDC. Executive member of TTAADC is selected as a chairperson as per his or her block area. Block Development Officer is the secretary of BDC which is given legal power and duties.

Gram Sansad (Village Assembly): Village Committee organizes Gram Sansad (Village parliament) in every quarter to involve people in decision making. Annual accounts is presented in Gram Sansad and Annual Action Plan is approved in Gram Sansad

Devolution of Power to ADC: Devolution of power to TTAADC carried out in a limited sense. The Council insists on devolution of more powers and direct funding by Government of India under Article 244A of the Constitution.

7.4 Local Governance in Part IX Areas: Case Study of Dhalai District

The State of Tripura has a three tier PRI System in its non ADC areas. There are 4 Zilla Parishads, 23 Panchayat Samitis and 513 Gram Panchayats under the Tripura Panchayat Act 1993. In each tier of Panchayat, women representatives constitute 50 percent of the total elected representatives. SCs and STs have also got their due representation in these bodies.

Let us discuss the case of PRI system in the Dhalai District. Dhalai District was created in the year of 1995 by bifurcating North Tripura District and including part of Amarpur Sub-Division of the South Tripura District. Dhalai Zilla Parishad has two Panchayat Samiti as named as Ambassa Panchayat Samiti and Salema Panchayat Samiti. Ambassa Panchayat Samitis has 7 GPs and Salema Panchayat Samiti has 27 GPs.

Administrative Body: In Dhalai district, the District Magistrate and Collector-Cum-Chief is the Executive Officer of Zilla Parishad who carries out the policies and directives of the Zilla Parishad. He / She control the officials/officers of Zilla Parishad and have custody of all papers and documents of Zilla Parishad. The functions of Block Development Officer-Cum-Executive Officer in Ambassa Panchayat Samiti are to supervise and control the officials working under him. He supervises the execution of all works and takes custody of all papers and documents of Panchayat Samiti including withdrawals and disbursement of money out of the Panchayat Samiti fund. The Panchayat Secretary is responsible for convening the meeting of Gram Sabha in Paschim Balam. He also maintains records of Gram Panchayat, implements various developmental works and transact many businesses on behalf of GP. The minutes of the Gram Sabha meets are kept in the GP office. Nomenclature of Panchayats in Part IX areas is given in Table 7.9

Table 7.9 : Nomenclature of Panchayats

Tiers of Panchayats	Nomenclature of Panchayats	Panchayats covered by Survey
District Panchayat	Zilla Parishad	Dhalai
Intermediate Panchayat	Panchayat Samiti	Ambassa
Village Panchayat	Gram Panchayat	Paschim Balam

Source: Field Survey

Status of Devolution: Our survey of the Dhalai district indicates that 25 functions are delegated to different tiers of Panchayat in the district. State government has devolved well

defined powers to the Panchayats (See Table 7.10). Powers have been vested with the Gram Panchayat which is village centric. Due to non-presence of any line departments at the village level, no departmental powers have been devolved to the Gram Panchayat. However, in Paschim Baram, due to execution of MGNREGA, a large and multi functions are performed by the Village Panchayats.

Decentralized Planning Process: Dhalai Zilla Parishad before finalising the budget and proposed activities of the coming financial year seeks their budget and proposed activities from within a specific time period. Ambossa Panchayat Samiti at the block level guides the budget preparation of the Paschim Baram Gram Panchayat. In the preparation of the Gram Panchayat Plan, technical supports are provided by the JE, and other technical members of the line departments. For the speedy and accurate preparation of the plan, Panchayat getstechnical cooperation from different line departments. Panchayat discusses the matters for consideration under Gram Sabha. Gram Sabha is the institution to identify felt needs of the individuals and communities and spatial needs at the grassroots levels. Gram Sabha considers matters relating to developmental projects or programmes proposed and the budget of the Gram Panchayat. The priority of schemes and development programmes implemented in the area of Gram Sansadis decided and forward the same to place it before the Gram Sabha for inclusion in Gram Panchayat development Plan. Gram Sabha further considers and approves the annual plan prepared by the Gram Panchayat. Likewise Intermediate Panchayat also prepares Annual plans. After approval of the plan by the DPC, the plan moves to the State Planning Committee for finalization so that the district plans can form part of the State plan. Tripura has taken up the exercise of Gram Panchayat Development Plan (GPDP) through participatory planning process.

Table 7.10 : Activities /Functions of PRI

Zilla Parishad	Zilla Parishad finalising the budget and proposed activities of the coming financial year seeks their budget and proposed activities from within a specific time period
Panchayat Samiti	Panchayat Samiti at the block level guides the budget preparation of the Gram Panchayat. the preparation of the Gram Panchayat Plan, technical supports are provided by the JE, and other technical members of the line departments
Gram Panchayat	Gram Sabha is the institution to identify felt needs of the individuals/communities and spatial needs at the grass roots levels. Gram Sabha considers matters relating to developmental projects or programmes proposed and the budget of the Gram Panchayat. Priority of schemes and development programmes implemented in the area of Gram Sansad is decided and forward the same to place it before the Gram Sabha for inclusion in Gram Panchayat development Plan

Source: Field Survey

Various schemes included in the plan 2016-17 of Paschim Balaram Gram Panchayat is given in Table 7.11

Table: 7.11 : Plan 2016-17: Paschim Balaram Gram Panchayats

Schemes of Paschim Balaram Gram Panchayat	Source of Funds
Construction, Agri- Protection, Earth Filling	CSS
Drinking water	State Fund
Construction road, pond and land development	CSS and State Fund
Earth filling	State Fund
Rural transportation railed platform, IBS, flood protection, etc.	CSS
Rural Housing	CSS

Source: Field Survey

Role of DPC in consolidation of plans: Dhalai District Planning Committee prepares Draft Development Plan with regard to matters of common interest between Zilla Parishad, Panchayat Samitis, Gram Panchayats, Notified Area authorities and Municipal authorities and other local authorities in the District. The Chairman of Dhalai DPC forward development plans to the State Government. The DPC meets at least twice in a year. Chairman of the DPC usually presides over the meetings and discharges all functions and exercises all powers unless otherwise delegated to vice-chairman or to the secretary. District Magistrate is the Member-Secretary of the Committee. Departmental officers at the district level, representatives of the academic institutions and NGOs having specialization on spatial planning, finance,

engineering, environment and administration are associated with the DPC as special invitees as per the requirement of the agenda. The DPC with the help of departments, agencies, NGOs etc. identify the needs, problems, resources potential and linkages in the district and evolve strategies, priorities and norms for the formulation of the development plans. The DPC provides the norms and guidelines for planning and such other activities. The DPC is not merely a plan consolidating and forwarding body. It is empowered to take decisions on the development of the District. It has developed and provided guidelines for formulation of plans in the Villages, Panchayats, Municipality and Nagar Panchayats.

Guidelines for the preparation: From time to time, detailed guidelines have been issued by the State for decentralized planning at the district level. Based on these guidelines, a structured format including all the relevant issues has been issued to the Zilla Parishad to suggest the felt needs of the district. The format then gets circulated to all the Panchayats at all levels and concerned line departments. The process is that the plan of the line departments is included in the integrated plan of the district plan which was approved by the DPC. Tripura adopts a bottom-to-top approach planning.

Functioning of Gram Sabha: Gram Sabha is entrusted with the task of finalizing Annual Action Plan in Paschim Balaram. It recommends various development activities to be undertaken in villages to Panchayat Samiti. Gram Sabha discusses receipts and expenditures of the Gram Panchayat, every year before the preparation of the budget. The revenue receipts and expenditure of the year is placed before the Gram Sabha for the perusal and approval and thereby ensuring more accountability and transparency in the implementation of the programmes. In Paschim Balaram, Gram Sabha also does social audit of the various developmental projects. Officials like BDO, JE, and officials from other line departments participate in the Gram Sabha meetings to make the meetings, decisions and actions of Gram Sabha more meaningful and useful.

Funding pattern of Panchayats in Dhalai District : There resource base of Dhalai, Ambossa and Paschim Balaram mainly consists of State Finance Commission grants, Panchayat Development Fund and Central Finance Commission grants for development and maintenance purposes. Besides, they receive funds under various Central Schemes such as Mahatma Gandhi National Rural Employment Guarantee Scheme outside the State budget and State schemes. The own source of funds in these Panchayats is meagre as there is no tax revenue. State Government gets transfers from the Central Government on the recommendation of the Central Finance

Commission for strengthening the local bodies. State Government gives a lump sum grant to the GPs to meet general expenditures in addition to welfare schemes. The grants are passed through the Zilla Parishad to the Gram Panchayats. As per the provision of the Tripura Panchayat Act of 1993, every level of Panchayat will be granted a sum of amount for the expenditure in the same financial year. This grant amount was sanctioned before the start of the new financial year. Each level of Panchayat receives grant from different sources. There is no provision of collection of local tax by the Panchayats in Tripura. Dhalai, Ambossa and Paschim Balaram Panchayats collect non-taxes revenues. The Zilla Panchayat, Panchayat Samiti and Gram Panchayats have the right to impose tax under the Tripura Panchayats (taxes, fees, and tolls) Rules, 2011 and Panchayat Act of 1993, but the Panchayats have not yet started imposing or collecting taxes.

Availability of Functionaries: The Tripura Panchayat Act of 1993 says that there should be two Panchayat secretaries at the gram Panchayat level, one will look after the office of Gram Panchayat and the other will perform duties as given to him by the Gram Panchayat. In addition to the Panchayat Secretary, there should be one Group D staff in each Gram Panchayat office. In Paschim Balaram GP there is Panchayat Secretary to take care the GP office.

Infrastructure: All the three tiers of Panchayats have pucca building with water, electricity and toilet facilities. Paschim Balaram GP has computers along with internet connectivity. There are 8 softwares used for Panchayat functioning and all are internet oriented software.

Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions:

Most of the elected members and officials of the Panchayats covered by our survey have undergone capacity building and training (CB&T) programmes. Basic orientation on department activities, PRI Act of rules, duties and responsibilities of elected representatives and officials is given in the state headquarters and in Block HQ and sometimes outside the State which is sponsored by Government of India. Availing training by elected members is made mandatory. Training centres are set up in Udaipur and Kumarghat. The training is given to the elective representatives so as to acquaint them with the Central Sponsored Schemes and to ensure proper and effective implementation of the poverty alleviation and Rural Development Programmes. Most of these participants were found effective in performing their role as the impact of these programmes. There was an improvement in the decentralised

planning process. The preparation of GPDP through decentralized planning exercise and active gram sabha meetings are the some of the impact of these traning programmes. Administrative efficiency of the participants have now increased. Paschim Balaram GP had prepared Gram panchayat Development Plan.

Audit and Social Audit: Paschim Balaram GP maintains their accounts as per the new Accounting Structure. State Government has engaged Chartered Accountant firms to introduce Double Entry Accounting System in Panchayats and trained the GP staff in the software implementation and ensured preparation of accounts in double entry system. In Paschim Balaram, Social Audit is being done in Gram Sabha where budget fund collected and amount spent for different projects are placed in front of the Gram Sabha by the Panchayat. Beside this special audits are being done for Ambassa Panchayat Samiti and Dhalai Zilla Parishad by an independent authority. The audit team of departmental auditors, directors of audit and AG are also engaged in conducting audit in three tiers of Panchayat system.

Grievance redressal mechanism: In every district HQ, there is Ombudsman. They receive any complain from anybody also. Beside this, group level vigilance committee will look after the implementation of schemes, funds, programmes etc. Social auditing system is also effective in the state. Regular inspection is being done. In the Dhalai ZP, Ambossa PS and Paschim Balaram GP most of the activities are carried through e-applications to reduce corruption.

Assessment : Tripura has a strong PRI system in terms of devolution of funds, functions and functionaries. However, ADC is not given similar treatments. The PRIs are entrusted with a wide range of functions than that of District Council. The functions of a Village Committee and Gram Panchayat are similar.

CHAPTER 8- ARUNACHAL PRADESH

8.1 Arunachal has become full-fledged State on February 20, 1987. Till 1972, it was known as the North- East Frontier Agency (NEFA). It gained the Union Territory status on January 20, 1972 and renamed as Arunachal Pradesh. It is the only hill state in North-Eastern Region which introduced a Panchayat system as early as in 1969, under the NEFA Panchayati Raj Regulation 1967. To meet the requirement of the 73rd Amendment Act, The Arunachal Pradesh Government issued the Arunachal Pradesh Panchayati Raj ordinance 1994 replacing the NEFA Panchayati Raj Regulation 1967. In 1994, the ordinance was replaced by the Arunachal Pradesh Panchayati Raj Bill. “The Arunachal Pradesh Panchayati Raj Act was passed in 1997.

8.2 Panchayati Raj System in Arunachal Pradesh

Introduction: Arunachal Pradesh is the largest state in north-east India, with an area of 83,743 sq. kms. It has international borders with Bhutan to the west (160 kms. of border), China to the north and north-east (1,080 kms.) and Myanmar to the east (440 km). The agro-climatic regions across Arunachal Pradesh range from snow-capped mountains in the north to the plains of the Brahmaputra valley in the south.

The present strength of members of the State Legislative Assemblies is 60. As per Census 2011, Arunachal Pradesh has population of 13.84 Lakhs, an increase from figure of 10.98 Lakh in 2001 census. Total population of Arunachal Pradesh as per 2011 census is 1,383,727 of which male and female are 713,912 and Sex Ratio in Arunachal Pradesh is 938 i.e. for each 1000 male, which is below national average of 940 as per census 2011.

The Arunachal Pradesh Panchayati Raj Act, 1997 (Act No.5 of 2001) came in to force in 14 November, 2001. Arunachal Pradesh was possibly among the last states to pass the compliance legislation in line with Part IX of the Constitution. As per the Act, the State is having a three tier structure of Panchayats with Gram Panchayats at the village level, Anchal Samitis at the block level and Zilla Parishads at the district level. There are altogether 1779 Gram Panchayats, 177 Anchal Samitis and 17 Zilla Parishads. The Panchayats in the State of Arunachal Pradesh, home to 26 major tribes and 110 sub tribes and minor tribes with 42 linguistic heterogeneity. There are seventeen Districts Panchayats (ZP), 177 Anchal Samiti (Intermediate Panchayats) and 1779 Village Panchayats (VP) in the State.

8.3 PRIs in Arunachal Pradesh since June 2018

A change in structure from the three-tier Panchayati Raj system to a two-tier one has delayed the panchayat elections in Arunachal Pradesh. The five-year term of the last elected panchayat (2013-2018) in the State expired on 31st May, 2018. The government referred to sub-clause 2 of Article 243 B of the Constitution and its 73rd Amendment that allows a State with a population of less than 2 million not to have the intermediate level. Currently, the population of Arunachal Pradesh is 1.38 million. High Court has directed the government of Arunachal Pradesh to conduct Panchayat election by 30th December 2018. Profile of Panchayats in Arunachal Pradesh (2013-2018) is given in Table 8.1

Table 8.1: Profile of Panchayats in Arunachal Pradesh (2013-2018)

Level of Panchayat	Name used in Arunachal Pradesh	Number of different tiers of Panchayat
District Panchayat	Zilla Parishad	17
Intermediate Panchayat	Anchal Samiti	177
Village Panchayat	Gram Panchayat	1779

Source: Government of Arunachal Pradesh

The average population per Village Panchayat is 489. Administrative Head of Panchayats in Arunachal Pradesh: Position of CEOs is given in Table 8.2

Table 8.2: Administrative Head of Panchayats

Position of CEOs		
Zilla Parishad	Anchal Samiti	Gram Panchayat
Additional Deputy Commissioner	Extra Assistant Commissioner (Not given in Act)	Circle Officer

Source: The Directorate of Panchayati Raj, Arunachal Pradesh

Decentralized Planning: Formulation of Action Plan for different development schemes is carried on the basis of the recommendations of the District Planning Committees. The village development plan starts with Situation analysis and participatory planning with the help of Gram Panchayat. The secondary data for the preparation of plans were made available to each Gram Panchayat by the respective departments. The GPs submit the Plans to Zilla Parishad which would consolidate the development plans received from all the Village Panchayats and forward the same along with Zilla Parishad plan to the District Planning Committee. The DPC

after receiving plans from each Gram Panchayats, prepares a Draft Development Plan for the district as a whole and forward to the state government for approval. The need assessment is often done from among the discussions of non-formal Gram Sabhas/formal Gram Sabha held regularly.

Planning Process in Arunachal Pradesh

- Felt Need Assessment through Discussion in Gram Sabha
- Identification of schemes
- Preparation of plan by Gram Panchayats
- Consolidation of Plans at Anchal Panchayat level
- Consolidation of Plans at Zilla Panchayat level
- Consolidation of Plans at DPC
- Submission of Draft Plan to State

Line departments are not involved in plan preparation. All the Central Schemes are implemented by DRDAs. Zilla Parishad, Anchal Samiti and Gram Panchayats receive funds from the State Government and the Central Government for the implementation of these development schemes. Beneficiaries are selected through Gram Sabha in the case of Central Schemes.

Functioning of DPC : The State has constituted District Planning Committees in all districts. Deputy Commissioner is the Chairperson of the District Planning Committee. The Chairman, Zilla Parishad act as the Chairman of the DPC while the District Panchayat Development Officer functions as the Member Secretary.

The details of the members of the DPC are as follows:

Chairman Zilla Parishad decision)	-	Chairperson (As per new Cabinet
Member of Parliament of the area	-	Member
MLAs of the District	-	Member
All ZPMs	-	Member
All Heads of the Departments	-	Member
Project Director, DRDA	-	Member
DPDO	-	Member Secretary

However, DPCs are not made fully functional. Structure of DPC in Arunachal Pradesh is given in Table 8.3

Table: 8.3: Structure of DPC: Arunachal Pradesh

Composition of DPC	Secretary of DPC	Chairperson of DPC	Field Observations
The District Planning Committee consists of one Chairman, one Member Secretary and five members. The Chairman, Zilla Parishad officiates as the Chairman of the DPC while the District Panchayat Development Officer functions as the Member Secretary.	DPDO	Chairperson of Zilla Parishad	A total of two meeting have been organized in 2016-17 at Zilla Parishad office to discuss development activities in district

Source: Government of Arunachal Pradesh

Status of Devolution: Devolution process is not complete in the State. The officers of the DRDAs and Block Developments Officers along with staff and officers are placed under the administrative control of the respective Zilla Panchayats. Certain initiatives have taken up by the Arunachal Pradesh government on devolution in all 29 subjects vide a notification on dated 19th February 2014. The state government has sent the notification to all departments. The Directorate of Panchayati Raj is officiating as the nodal department and waiting for reply from the line departments. Panchayati Raj Department in the districts under the administrative control of the PRIs concerned.

State Finance Commission: The state government has constituted the 2nd State Finance Commission of Arunachal Pradesh during August 2012 under the Chairmanship of Smt. Fantry Mein Jaswal (Retd. IRS) and other Ex-officio Members are Secretary Panchayati Raj and Finance. The 2nd State Finance Commission had submitted its reports/ recommendation to the State Government on 30th June' 2014. Its award period has covered 2015-16 to 2019-20. Some of its recommendations have been implemented.

Own Sources of Revenue : The Panchayt are not collecting any taxes and non taxes. They are completely depending on the grant in aid from the State and the transfers from centre in form CSS grant. But attempts are not made by the State Government to issue notifications for fixing rates and authorizing the Panchayats to levy taxes. There are no initiatives taken by the State to enhance the power of Panchayats to collect taxes, fees etc. Panchayats do not take any

initiative in internal resource mobilization. Arunachal Pradesh does not have the required legal and administrative frameworks for mobilizing internal resources at Panchayat level.

Audit: Audits are being conducted by Panchayati Raj directorate on regular basis. Districts send their reports to the Directorate of Panchayats. The accounts for the whole year are reconciled with departments by Account General of Arunachal Pradesh and aggregated to prepare the Finance and Appropriation Accounts which are presented to the Governor of Arunachal Pradesh. Audit is being organized by the respective departments and being done by the internal and external agencies. As no direct fund received by the Panchayats and no tax and revenue collected by the Panchayats, Village Panchayats are not being audited directly by the audit committees. Schemes audit are being done by the respective department and managed by the administration.

Grievance redressal: The officer of the PRIs of the State are brought under RTI Act, 2000 and designation of Public Information Officer (PIO) Assistant Public Information Officers (APIO), 1st and 2nd Appellate authorities have been notified. Display on basic information regarding the schemes implemented under CSS are done on the locality from 2013-2014 onwards.

Functionaries of Zilla Panchayat: Zilla Panchayats of Arunachal Pradesh have a mix of regular and contractual staffs. The District Panchayat Development officer (DPDO) is ADC/EAC level administrative officer who act as the Member Secretary of the District Panchayats. In Zilla Panchayats, one regular as regular staff and the two computer operators, one peon and one driver are appointed on contractual basis.

Functionaries of Anchal Samiti: Extra Assistant Commissioner (EAC) at block level officiates as the Member Secretary of the Anchal Samiti. Besides, two computer operators and one peon are appointed by the Anchal Samiti on contractual basis.

Functionaries of Village Panchayat: There is no regular staff for Gram Panchayats in the State. Administrative affairs for 3 to 4 Gram Panchayats are attended to by a Member Secretary working in a regular cadre in the State Civil Service. One UDC/LDC who is also from the regular service of the State is assisting the Member Secretary in the functions related to the Gram Panchayats.

Infrastructure of Panchayats: Upper Subansiri Zilla Parishad do not have own office building. One room is allotted from the Deputy Commissioner Office for Zilla Parishad. Zilla Parishad

uses the meeting hall and other infrastructure of Deputy Commissioner's office. In Upper Subansiri district, both the Anchal Samitis do not have own building. Under Rastriya Gram Swaraj Yojna Anchal Samitis buildings are being constructed. Gram Panchayats do not have office building.

Gram Sabha: The Circle Officer, who is also the Member Secretary of the Gram Panchayat, is the responsible person to monitor and ensure the Gram Sabha meetings. The District Panchayat Development Officer (DPDO) is supposed to review the situation at the district level. An amount of Rs. 25,000 had been provided to each Gram Panchayat to meet the administrative expenses including the cost involved in convening Gram Sabha meetings. There is no provision for conducting a Ward Sabha, Mahila Sabha or any other similar associations in the state. Attempts are being made to promote such institutions. On an average two Gram Sabha meetings are held per Panchayats. It is reflected in the participation of the Gram Sabha meetings. The Gram Sabha selects beneficiaries for various schemes. Felt needs are identified by the Gram Sabhas for the preparation of Plans under various schemes. Provisions in Act with respect to Gram Sabha is given in Table 8.4

Table 8.4 : Provisions in Act with respect to Gram Sabha: Arunachal Pradesh

Mandatory Meetings	Quorum Prescribed	Presiding Officials
2 meetings in a year i.e 6 months after first meeting.	One-tenth of its total membership	Chairperson of the concerned Gram Panchayat

Source: Field Survey

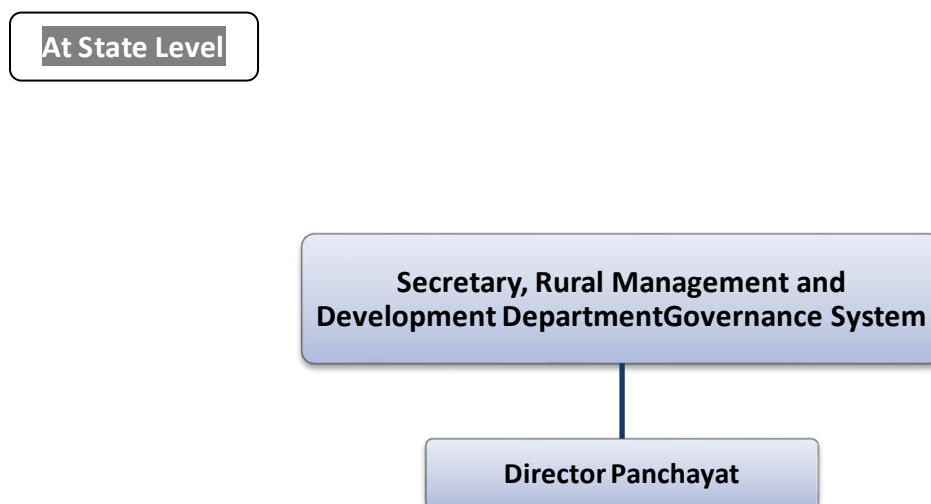
Social Audit: Social audit is carried out for MGNREGA scheme only. This is being conducted on a regular basis. However, social audit has not been introduced for other schemes. There are no guidelines /manual on social audit. The social audit committee has yet to be constituted at the State level.

CHAPTER 9: SIKKIM

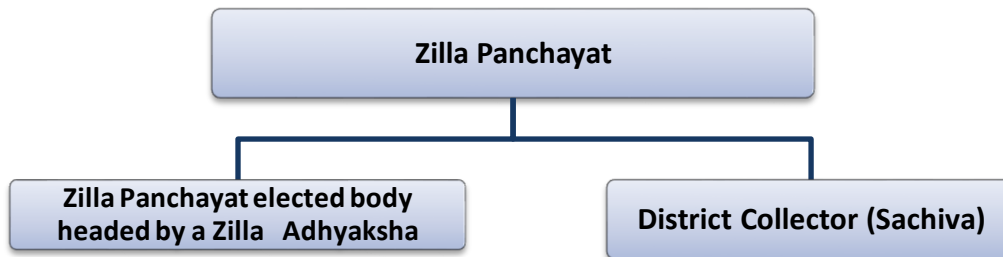
9.1 Introduction : Sikkim has a two-tier system of Panchayati Raj with the Zilla Panchayat at the district level and the Gram Panchayat at the village level. There was no existence of Zilla Panchayat in Sikkim prior to 1991. In the year 1982, an Act for the constitution of Zilla Panchayat or District Panchayat was enacted. Presently the state is divided into four Zillas or districts consisting of 95 territorial constituencies and 163 Gram Panchayat Units comprising of 891 wards. In October 10, 1993, Sikkim Panchayat Act 1993 was enacted and notified. This Act follows the guidelines laid down by the 73rd Amendment Act, 1992 for the constitution of Panchayats in the State. The nodal department is the Rural Management & Development Department (RMDD) which has overall in-charge for effective functioning of the PRIs in the State.

South Sikkim is the most industrialized district in the state, owing to the availability of flat land. Area wise it is the smallest district of Sikkim and population-wise, second one. According to the 2011 census South Sikkim district has a population of 146,742 among which 76,670 are male and 70,180 female. South District Zilla Panchayat was constituted in the year 1991. Each Gram Panchayat Unit Presidents (GPU) is designated as Zilla Panchayat Members. GPU Presidents are eligible to be elected to the post of Adhyakshya and Up-adhyakshya. It was only in the year 1997 Zilla Territorial Constituencies were constituted with the total of 23 ZTC in South District. Organizational Structure of Panchayati Raj in Sikkim is presented in Chart 9.1

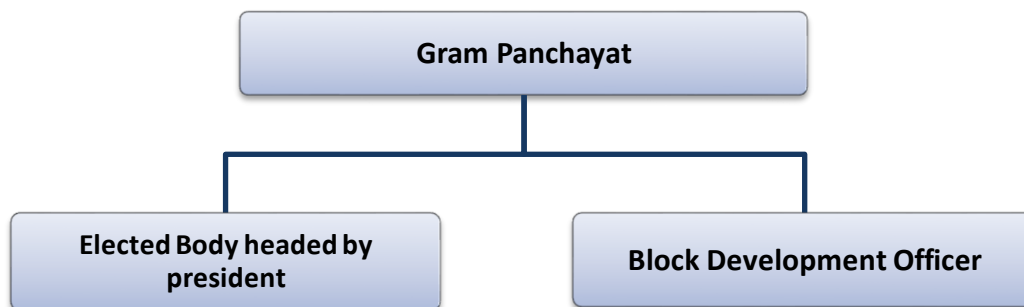
Chart 9.1 : Organisational structure of Panchayati Raj in Sikkim



At District Level



At Village Level



9.2 Panchayati Raj Institutions: The number of Panchayat Institutions and the elected representatives of PRIs in the states is shown in Table 9.1. There are 4 Zilla Panchayats and 176 Gram Panchayats and there is no Intermediate Panchayat in Sikkim. In the whole State, there are 110 elected representatives at the Zilla Panchayat level and 989 at the Gram Panchayat levels. Women have given 50 per cent reservation to women. Around 7 per cent and 38% of SCs and STs respectively have been elected to the PRIs and the OBC. Profile of PRIs in Sikkim is given in Table 9.1

Table 9.1 : Profile of PRIs in Sikkim

Tiers of Panchayat	Number of Panchayats	Average population per Panchayat (as per 2011 census)	Elected Representatives			
			Women%	SC%	ST%	OBC %
District	4 Zilla Panchayat	152639	50	7	38	23
Village	176 Gram Panchayat	3678	50	7	38	23

Source: State Government of Sikkim

9.3 Voting Rights and Participation of Women in Sikkim : Women have given 50 per cent reservation to women in PRIs . Women have voting rights

9.4 Decentralised Planning: In Sikkim, according to the procedure prescribed by the government planning starts from the Ward Sabha. An action plan is prepared by the ward sabha after the proposed works and activities are discussed in the meeting of the sabha. The plans suggested by the ward sabhas then assessed by Gram Planning Forum. The GPF is the body that coordinates the whole planning exercise in the GP. GPF consists of elected representatives of panchayat, engineer/ representative of line department and prominent citizens. This forum discusses feasibility of suggested schemes and makes assessments of the demands of the ward sabhas. The vetted plan is then submitted to the gram sabha. Then gram sabha then approves the plan after which it is submitted to the DPC for final approval. The whole process is facilitated by Gram Vikash Adhikari (formerly BDO). He plays an important proactive role in the plan preparation starting from the ward sabha.

Zilla Parishad plans are to be formulated by taking into account the GP plans as well as state level policies. They also expected to make yearly plans for the district. The activities of ZP plans have to be a holistic one. Their plan includes development of a key infrastructure, projects that cover more than one GP, technically complex projects etc.

Once the GP and ZP plans are received by the District Planning Officer, both plans are referred to the District Technical Support Committee for approval. He will assess technical feasibility of the proposed plans. DPO office will then compile the plans of GP, ZP and municipality plan

into the district plan in the format given by the state RM&DD and forward the suggestions of the DTSC to District Planning Committee. Once the draft district plan is prepared, the District Planning Committee meeting will be called to approve the plan. DPC will forward the plan with their comments for consideration to the state government. Plan of Maniram Phalidara GP in Sikkim is given in Table 9.2

Table 9.2 : Plan of Maniram Phalidara GP : Sikkim

Details of the plan prepared Activities proposed:	
	Sources of Budget
Maniram Phalidara GP	
Land development ,CC Footpath, Water harvesting tank,	MGNREGA
Construction for RCC Tank for Rural Drinking water Supply	MGNREGA
Tipper for garbage disposal	TFC
Cremantariom , Laptop Reprier of RWSS	SFC
Cowshed	MGNREGA
Land development	MGNREGA
Water Harvesting tank	MGNREGA
Jhora training works	MGNREGA
Concrete footpath	MGNREGA
Play ground	MGNREGA
Water Harvesting Tank	MGNREGA
JTW (Jhora Training Works)	MGNREGA
Play Ground	MGNREGA
Protective Wall	MGNREGA
Electricity	State Govt
Community Tanks	Central Govt.
Veterinary Centre	Animal Husbandry
MGNREGA Works	RM & DD
AEW at Private la3nd	Irrigation

Source: Field Survey

9.5 District Planning Committee: The main function of the DPC is to collect proposals for annual plans from all the Gram Panchayat Units and Municipalities of the district and to consolidate them at the district level for preparing the District Plan. The composition and power of the DPC is same in all the districts of Sikkim. DPC in Sikkim comprises of members of both elected, officials and experts. District Planning Officer of South District Zilla Panchayat is the Member Secretary of the DPC. The DPC has both nominated and elected members. Members of DPC include 8 MLAs of the South District, MP (Lok Sabha), MP (Rajya Sabha), Zilla Adhyaksha, Zilla Upadhyaksha and 20 representatives from Zilla Panchayat. Planning Officer is the member secretary of DPC and Zilla Adhyaksha is the Chairperson of DPC with tenure of 5 years.

There is no separate office exists for the District Planning Committee. The DPC functions from the Zilla Panchayat Office itself. There are no staffs dedicated solely for DPC. Staff of Zilla Panchayat Office also performs the duties related to DPC in addition to their routine work. DPC meeting takes place in the conference Hall of Zilla Panchayat office in South Sikkim. DPC holds meetings at regular intervals to discuss the plans. The main purpose of holding of coordination meetings with the line departments is to discuss the plans of the department at the district level. The main function of the DPC is to prepare draft Annual Plans and Perspective Plan. They collect plans from all the Gram Panchayat Units and Municipal Wards and consolidate at the district level to form a District Plan.

9.6 Devolution: Activity Mapping Report has been completed and approved by the State Government of Sikkim. Activities in 15 subjects are assigned to Zilla Panchayats and Gram Panchayats. These sectors/ departments are agriculture, horticulture and cash crops, animal husbandry, livestock, veterinary services, education, health and family welfare, forest environment and wildlife, commerce and industries, disaster management, irrigation, cultural activities, rural water supply, rural bridges, rural sanitation, cooperatives and miscellaneous departments. These activities do not involve any fund transfer to Panchayat. Most of these activities are monitoring and supervisory in nature.

9.7 Resources: The State does not have a district sector/ Panchayat window in its budget. However, a Panchayat Sector has been in existence in the Budgets of line departments although, the quantum of funds provided is inadequate. Funds are released to Panchayats through banks on a quarterly basis. Funds are sent directly by State departments to ZPs for undertaking activities. However, most of the funding received by Panchayats is from the Rural Management and Development (RMD) Department. Apart from this there are schemes based funds, such as 13th Finance Commission, 14th Finance Commission and state Development funds. According to Panchayat Act of Sikkim, 1993, each Panchayats namely Zilla Panchayat and Gram Panchayat should have a Panchayat fund system of their own. The Central Government also releases funds direct to ZPs for developmental activities. The funding by the State Government was on the lines of accepted recommendations of the 3rd Finance Commission.

As per the provisions of Act, both the PRIs have enough power to levy and collect both taxes and non-taxes. As per the data collected from RMD department, Sikkim, only GPs have levied taxes and non-taxes and collected the same. Village Accountant and Panchayat Secretary at

Gram Panchayat level and accountant and Panchayat officer at district level are in charge of collection of non-taxes. The main source of own revenues is house taxes. No restrictions are put on Panchayats on expenditure of their own funds. There are no incentives for Panchayats to raise their own revenues.

Funds are routed through the Rural Development Department. They do not get any direct funds from the state. It was been decided in 2002, by the Government that 10% of the total fund of each department will be given to the Panchayats. Further devolution it was decided in July 2003, to share 10% of land revenue and house tax collected within Panchayat.

9.8 State Finance Commission: Five State Finance Commissions (SFCs) have been constituted in the state of Sikkim. The first SFC was formed in 22nd July 1998 and submitted its report on 16th August 1999. The second SFC was formed on 5th July 2003, submitted its report on 30th September 2004. Third state finance commission was formed in 2009. It has reviewed the finances of the Panchayati Raj from 2005-6 to 2008-09 and made recommendations for the period 2010-11 to 2014-15. The award period of the Fifth State Finance Commission is 2020-21 to 2024-25. It has recommended that 4.5% of State's own tax revenue should be allocated to local government institutions. Moreover, 0.5% of net proceeds of State's own tax revenue should be allocated for capacity building of panchayats and municipalities. Most of the recommendations of the Fifth State Finance Commission have been implemented.

9.9 Audit: Model Accounting Structure for PRI prescribed by C&AG and Ministry of Panchayati Raj, Government of India were adopted by all the GPs and sample ZP. State government has carried out internal audit of PRIs during the year 2012-13. The internal audit of the PRIs by the state government was started from 2011-12 and has been regularised. During the survey, it was found that they have not maintained the proper format up to 2010-11. Since 2011-12, they have been maintaining the format and sending the report for the audit as per the stipulated time. Audit has been carried out by Office of the Accountant General—ZP/GPU, Chartered Accountant – specific schemes and Local Fund Audit.

9.10 Panchayat Functionaries: One Panchayat Assistant and Office helper has been posted to each of the GPs. Progressively, line department functionaries of a few departments are being posted to the Gram Panchayats, Another four people are appointed on contractual basis under different CSS or state schemes. A system of “guardian” officers, who are senior level

district officer, has been instituted, under which officers are assigned to individual GPs for the purpose of guiding them in their functioning. These officers belong to not below the rank of Deputy Secretary. These guardian officers will guide the Gram Panchayats in convening, conducting Gram Sabhas and preparation of Village Plans.

The Zilla Panchayat is supported by the District Development cum Panchayat Officer, Assistant DDO and a Panchayat Inspector. Each Zilla Panchayat has been provided with an Engineering cell and administrative and accounts staff. All heads of the different departments of the districts are under the Zilla Panchayat. They also have one sr. Accountant, Accountant, Junior Engineer, 2 clerks, driver and a peon. Currently, DFO has been posted with the ZP. The existing staff member support to the GPs as well as ZP is quite good. The District Collector is the Ex-officio Secretary of Zilla Panchayat. Staff Pattern in Maniram Phalidara GP is given in Table 9.3

Table 9.3 :Staff Pattern of Maniram Phalidara GP

Name of Post	Regular/Adhoc
Rural Development Assistant	Regular
Gram Rojgar Sewak	Contract under CSS/State Scheme
Office Supervisor	Contract under State Scheme
PAA(Accountant)	Contract under State Scheme
Plumber	Contract under Own Source of Revenue

Source: Field Survey

9.11 Gram Sabha: As per the Panchayat Act of Sikkim, the Gram Sabha is mandated to meet at least twice in a year. In case of need or to discuss any urgency or other matters, they can convene more meetings. The basic purpose of these meetings in Gram Panchayat is planning, budget preparation, selection of beneficiaries and social audit. Other responsibilities include rendering assistance in the implementation of developmental schemes, approval of annual statement of accounts of the Gram Panchayat, report in respect of development programmes proposed to be undertaken during the current year, mobilizing voluntary labour and contributions in kind and cash for the community welfare programmes. The two mandatory meeting was convened by the president of Gram Panchayat and attended by most of the villagers officials like BDO, JE, and some departmental staffs from the Block level. All district level officers are enjoined through executive orders to attend all Gram Sabha meetings compulsorily. The meeting was generally chaired by the gram President. The expenditure

incurred in holding Gram Sabha meetings was borne by the President of the Gram Panchayat from Panchayat's own fund.

9.12 Grievance Redressal and Transparency: Sikkim government has introduced RTI Act. Under RTI Act, to maintain the transparency at all levels. Panchayats provide information to the public.

There are designated information officers at each level. For example, Rural Development Assistant – DPO is the State Public Information Officer (SPIO) and AE is the assistant SPIO. In the district level, District Planning Officer and Assistant Engineer work as District Public Information officer and RDA at the Gram Panchayat level.

9.13 Social Audit: Social audits are being conducted in MGNREGA works at the Gram Panchayat level. Social Audit is being carried out in Gram Sabha where budget fund collected, amount spent etc. are placed in front of the GS for scrutiny. Social Audit-cum-Vigilance Committees have been constituted as sub-committees of the Gram Sabhas in all Gram Panchayats to monitor and evaluate all programmes. Specific terms of reference have been given to the committee through a notification including a directive that no final payments shall be made under any programmes unless this committee verifies the work and gives clearance. Local NGOs are trained by State Social audit Team and these trained NGO's carried out social audit.

9.14 Election: State Election Committee is an autonomous body. Free and Fair elections are being held by this body. Regular elections are conducted for selecting the members of PRIs.

9.15 Capacity Building under Rashtriya Gram Swaraj Abhiyan (RGSA) and other Interventions:

Majority of the elected members and officials of the Panchayats covered by our survey have undergone capacity building and training (CB&T) programmes organised by State Institute of Rural Development. The trainings are also provided by the departmental staffs of the Panchayati Raj as well as other departments' staff. NGOs and VOs are also involved in imparting training to the Panchayati Raj functionaries. It imparts foundation training on the roles and responsibilities of the Panchayats vis-a-vis the various schemes, projects implemented at the district and grass root level. In the year 2016-17, large numbers of training programmes were organised in these institutes on different topics including those on computer applications, accounting system etc. The decentralised planning process is quite effective in the

district. Gram Sabha is quite active and functional . GPDP was through decentralized planning exercise and active gram sabha meetings. Maniram Phalidara GPhad prepared Gram panchayat Development Plan.

9.16 Infrastructure: Each district is well provided with sufficient office facilities through the Zilla Panchayat Bhawan. Gram Panchayats have a GP Office and have kept their record in both hard copy and soft copy. All the Gram Panchayat offices have computers and printers. They have sufficient infrastructure like chairs, tables, almiras, etc. Allthe Panchayats have more than two rooms, one computer, printer, wash rooms and separate toilets for ladies.

CHAPTER 10

LOCAL GOVERNANCE SYSTEM IN NORTH EASTERN STATES: MAJOR FINDINGS, PROBLEMS AND RECOMMENDATIONS

This study is an attempt to analyse the local governance system in all the North Eastern States. It shows how local governance system in non-Part IX areas compares with the system in Part IX areas in the States of Assam, Manipur and Tripura. In the first section of this chapter, the findings of this study are summarised. Major problems are discussed in the second section. Major recommendations are discussed in the third section. An overall assessment is provided in the last section.

10.1 Major Findings

Different Types of Governance System in North Eastern States

10.1.1 Two Types of Autonomous District Councils: There are two types of Autonomous District Councils in North East India in terms of the status granted by the Central and State Government. In the first category, ADCs are established by the Government of India under the Sixth Schedule of the Constitution. The second category consists of ADCs established by the respective State legislature. The ADCs established by the State legislature do not enjoy the provisions under the Sixth Schedule. The list of ADCs under the Sixth Schedule is presented in Table 10.1.

Table 10.1 : Autonomous District Councils in Sixth Schedule Areas and the Year of formation

State	Autonomous District Councils/	Year of Formation
Assam	Bodoland Territorial Council	2003
	Karbi Anglong Autonomous Council	1976
	North Cachar Hills Autonomous District Council	1970
Meghalaya	Khasi Hills Autonomous District Council	1972
	Garo Hills Autonomous District Council	1972
	Jaintia Hills Autonomous District Council	1972
Tripura	Tripura Tribal Areas Autonomous District Council	1982
Mizoram	Chakma Autonomous District Council	1987
	Mara Autonomous District Council	1987
	Lai Autonomous District Council	1987

Source: Field Survey

10.1.2 Statutory Autonomous Councils in Assam and Manipur: Statutory ADCs are established by the State through Act passed by the respective State legislative assembly. The

States of Assam and Manipur have Statutory ADCs. The list of Statutory ADCs is given in Table 10.2

Table 10.2 : Statutory Autonomous District Councils in Assam and Manipur

State	Statutory Autonomous District Councils	Year of Formation
Assam	RabhaHasong Autonomous District Council	1995
	Lalung Autonomous District Council	1995
	Mising Autonomous District Council	1995
	ThengalKachori Hill Autonomous District Council	2005
	SonowalKachari Autonomous District Council	2005
	Deori Autonomous District Council	2005
Manipur	Chandel Autonomous District Council	1972
	Churachandpur Autonomous District Council	1972
	Sadar Hills Autonomous District Council	1972
	Manipur North Autonomous District Council	1972
	Tamenglong Autonomous District Council	1972
	Ukhrul Autonomous District Council	1972

Source: Field Survey

10.1.3 Sixth Schedule Areas in Four States: Sixth Schedule areas are governed through ADCs which have wide ranging legislative, executive and judicial powers. They have complete freedom to allow village level bodies to run according to customary laws. In respect of judicial powers the verdicts of district and lower level courts can only be challenged in the high court. There are Sixth Schedule areas in four North Eastern States- Assam, Meghalaya, Mizoram, and Tripura. BTC has the highest representation with 46 members. It is the only Council which has members from the non-tribal community represented in Sixth Schedule Area ADC.

10.1.4 Statutory ADCs in Two States: In the States of Assam and Manipur, ADCs are established by the respective State legislature. Assam has both State-created ADCs and Sixth Schedule area ADCs.

10.1.5 Non-ADC Area in Mizoram and Village Councils in Nagaland: Mizoram do not have Panchayati Raj system as provisions of the 73rd Amendment Act of the Constitution of India are not applicable. Out of eight districts in Mizoram, two are covered by three ADCs and the remaining six districts are non-ADC areas with a different local governance system. These areas function as per the laws passed by the State legislative assembly from time to time. Village Councils in non-ADC areas which are known as general areas are answerable to the Department of Local Area Administration through the DRDA.

State of Nagaland also does not have Panchayati Raj system as provisions of the 73rd Amendment Act of the Constitution of India are not applicable. Village Councils and their subsidiary Village Development Boards are established as modes of decentralized governance all over Nagaland. Nagaland has 1317 Village Councils in 11 districts.

Table 10.3 : Non- ADC areas in Mizoram and Village Councils in Nagaland

State	Districts (No.)	Local Governance Structure (No.)
Nagaland	11	Village Councils
Mizoram	6	Village Councils

Source: Field Survey

10.1.6 Panchayats in Five States: States of Assam, Manipur and Tripura have Panchayati Raj system in rural areas excluding Sixth Schedule areas. Assam and Tripura have a three tier PRI system while Manipur has a two tier system. It is significant to note that Arunachal Pradesh and Sikkim have no Sixth Schedule ADC areas as their rural areas are covered by Panchayati Raj system. Arunachal Pradesh has a three tier PRI system while Sikkim has a two tier system.

10.1.7 Judicial Power of Village Councils

Village Councils/ Village Authorities in the States of Manipur, Meghalaya and Nagaland have the judicial power which is not given to the Gram Panchayats under the Panchayati Raj Act. In the judicial matters, these village level institutions take effective steps in settlement of disputes and delivery of justice.

10.1.8 Assam: In Assam there are three ADCs under Sixth Schedule namely, KAAC, NCHADC and BTC. There are six Statutory ADCs established by the State through Act passed by the Assam legislative assembly. The non-ADC areas follow the Panchayati Raj system. State Election Commission conducts election to ADCs as well as PRIs. Though SFC is constituted in Assam it does not review the finance of ADC as it recommends fund sharing between State and PRIs only. SFC does not play any role in allocation of funds to ADCs. In fact, funds are allocated to ADC through budget provisions. Assam Hills Area Development Department is the nodal department of State government of Assam for all the Sixth Schedule ADCs and statutory ADCs. The nodal department for PRIs is Panchayat and Rural Development Department.

Village Councils are not constituted in KAAC and NCHADC. Village Councils are constituted in statutory ADCs though elections are not held till date. ADCs follow village headman and lineage system in villages. VCDC is functional in BTC without elections. On the other hand, Gram Panchayats is constituted in Panchayat areas and regular elections are held. Decentralised planning process is absent in ADC areas while in Panchayat areas decentralized planning is carried out in a bottom up manner with the active involvement of Gram Sabhas. Regular Gram Sabha meetings along with the recording of the proceedings are held in Panchayat areas.

10.1.9 Arunachal Pradesh: State of Arunachal Pradesh has a three tier structure of Panchayats with Gram Panchayats at the village level, Anchalsamitis at the block level and Zilla Parishads at the district level. Arunachal Pradesh was possibly among the last States to pass the compliance legislation in line with Part IX of the Constitution. In Arunachal Pradesh, there is also a traditional gathering of villagers known as Kebang, which meets to sort out local problems. Regular elections are conducted for electing PRI members. At present most of the rural development programmes and schemes are being implemented by the Department of Rural Development through the District Rural Development Agency. The sources of funds available to Panchayats include CFC grants, SFC grants; Scheme based grants and tax and non-tax revenues. The State Government has constituted SFC for recommendations of fund sharing. The State has a decentralized planning process with the involvement of Gramsabha. On an average, two gram sabha meetings are held per Panchayat.

10.1.10 Manipur: State of Manipur has a peculiar system of decentralized governance. Four districts have PRI system while the remaining five districts have statutory ADCs. Tribal Affairs and Hill Department is the nodal department of the statutory ADCs as Rural Development and Panchayati Raj Department for PRIs. Elections to ADC and Panchayat are conducted by State Election Commission. State Finance Commission reviews the finance and makes recommendation for sharing funds between State and local bodies including ADCs.

The nomenclature of the lowest level of local governance in ADC areas is Village Authority. In most cases elections to Village Authorities are not held. Though Village Authority is not a democratic body, it conducts meeting of Village assembly. On the other hand, elections to both tiers of Panchayats are held regularly under PRI system. Regular Gram Sabhas are organized

by the Gram Panchayats. Decentralised planning is absent in ADC areas while PRIs have better system of decentralised planning.

10.1.11 Meghalaya: State of Meghalaya has a unique place in the local governance system of North Eastern India as its entire population is covered by three ADCs that are constituted under the provisions of the Sixth Schedule of the Constitution. District Council Affairs Department is the nodal department of the State Government for ADCs. The members of ADC are elected through adult franchise and regular election conducted by State Election Commission. Village Council or Durbar Shnongie is the lowest unit of the decentralisation system. It is a traditional institution with hereditary leadership. There is no elected village level institution in Meghalaya. The next tier is Elaka, the cluster of villages. It is significant to note that Elaka exists only in two ADC areas as Garo Hills does not have Elaka system. Village Council or Durbar Shnongie has only judicial power as it does not have any financial or administrative power. There is no State Finance Commission in Meghalaya to review the financial position of the local bodies. All the three ADCs get funds from the State Government. The State has constituted a District Planning and Development Council in all districts. However, all the three ADCs have a weak decentralized planning system as there is no system of Gram Sabha or village assembly. Grassroots level planning is totally missing.

10.1.12 Mizoram: There are eight administrative districts and out of these, two administrative districts cover three ADCs under Sixth Schedule. The State of Mizoram has been exempted from the 73rd Constitutional Amendment. Village Councils, the traditional local self-government institutions, carry out rural development activities. The non-ADC areas or general areas covering six districts have a different local governance system. These areas function as per the laws passed by the State legislative assembly from time to time. District Council Affairs Department is the nodal department of all the three ADCs. Directorate of Local Area Administration is entrusted with administrative responsibility of the non-ADC areas. The State Finance Commission makes recommendations on the principles which should govern the distribution between the State and the Village Councils, Aizawl Municipal Corporation and the three ADCs.

The system of local self-government at the Village Council level in Mizoram is quite different from the Panchayati Raj System. Each Village Council comprises of appropriate number of elected members headed by the President. These are the village level administrative units that

function in accordance with the tribal customary laws. Village Councils under ADC areas are under the control and administration of ADC itself. All the Village Councils receive funds for executing Centrally Sponsored Schemes. Village Councils in non-ADC areas receive funds directly from the State government. It is not mandatory to hold meetings of gram sabha in ADC areas. However, Village Councils under ADC and non-ADC areas hold gram sabha meetings thrice in a year. Decentralised planning in ADC areas implemented through District and Block administrations. In non-ADC area, decentralised planning process is taking place through District Planning and Development Council.

10.1.13 Nagaland: Nagaland is in non-Part IX Areas and the 73rd Constitution Amendment Act does not apply. In the State of Nagaland, there are 12 districts and 1238 Village Councils. Constitutionally, Nagaland is given a special privilege with the passage of Article 371A. Village Council and Village Development Board are the core village level institutions involve in the local governance. Directorate of Rural development is the nodal department of both Village Council and Village Development Board. Since there is no State Election Commission, the election of Village Council members is conducted by an Election Committee. Majority of the members are nominated. A Village Council consists of members chosen by villagers in accordance with the prevailing customary practices. State Finance Commission is not constituted by the State of Nagaland. Funds are available in the form of grants to all villages through the VDBs which mobilize internal resources for investment in various income generating and productive activities.

Village Development Board is a statutory body, functioning under Village Council. The institution of the VDBs is synonymous with the concept of decentralized grassroots level planning in Nagaland. Village Council frames rules and regulations regarding civil, criminal, and tradition related cases. The Village Council constitutes the Village Development Board for the village level implementation of various development projects both under State and Centrally Sponsored Schemes. VDB is the village level institution which involve in the decentralized planning process. Village Council meetings are held regularly.

10.1.14 Sikkim: The Panchayati Raj in Sikkim is governed by Sikkim Panchayati Raj Act 1993 which was enacted and notified on October 10, 1993. Sikkim follows a two-tier system of Panchayati Raj with the Zilla Panchayat at the district level and the Gram Panchayat at the village level. Rural Management & Development Department is the overall in-charge of the PRIs in the State. Regular elections are conducted for electing PRI members. State Finance

Commissions is constituted in the State of Sikkim. DPC helps in decentralised planning process of PRIs. PRIs receive funds and grant in aids from SFCs, CFCs and Centrally Sponsored Schemes. Gram Sabha is mandated to meet at least twice in a year. In case of need or to discuss any urgency or other matters, they convene more meetings. Social Audit-cum-Vigilance Committees have been constituted as sub-committees of the Gram Sabhas in all Gram Panchayats to monitor and evaluate all programmes.

10.1.15 Tripura: State of Tripura has both ADC and Panchayat areas. The Sixth Schedule of the Constitution applies to a large part of the State, which is under the jurisdiction of the Tripura Tribal Areas Autonomous District Council. Tribal Welfare Department is the nodal department of State Government of Tripura for TTAADC. Elections to all three tiers of Panchayats as well as TTAADC have been held regularly. TTAADC receives government funds mainly through Tribal Welfare Department. It mobilizes significant amount of taxes and non-taxes revenue. The source base of PRIs mainly consists of State Finance Commission grants, Central Finance Commission grants and Centrally Sponsored Scheme funds.

Village Committee plays a significant role in the administration of village in TTAADC area. There are 587 ADC villages which are run by an elected Village Committee headed by a Chairperson. BDO place the work proposal to zones and zones to ADC Council after getting approval from concerned line department. The State of Tripura has good decentralised planning system in both ADC areas and PRI areas. Village Committee organizes Gram Sansad (Village parliament) in every quarter to involve people in decision-making. Tripura has taken up the exercise of Gram Panchayat Development Plan through participatory planning process. Gram Sabha meetings are held regularly in Gram Panchayats.

10.1.16 Autonomous District Council and District Panchayat in States: Comparative Analysis

The salient features ADC and District Panchayat in North Eastern States are given in Table 10.4. It is evident that Panchayat elections are being conducted by the respective State Election Commission. Similarly, election to both sixth Schedule ADCs and statutory ADCs are being conducted by the respective State Election Commission.

Table 10.4 : Select Features of Autonomous District Council and District Panchayat North Eastern States

State	Nomenclature		Election	Designation of the Chairperson
	Part IX Area	Non Part IX Area		
Arunachal Pradesh	Upper Subansiri Zilla Parishad	Not Applicable	Regular election Conducted by State Election Commission	Chairman
Assam	Darrang Zilla Parishad	Not Applicable	Regular election Conducted by State Election Commission	President
		Bodoland Territorial Council	Regular Election conducted by State Election Commission	Chief
		Karbi Anglong Autonomous Council	Regular Election conducted by State Election Commission	Chief Executive Member
		North Cachar Hills Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
		Mising Autonomous Council	Regular Election conducted by State Election Commission	Chief Executive Councillor
Manipur	Bishnupur Zilla Parishad	Not Applicable	Regular election conducted by State Election Commission	Adhyaksha
		Chandel District Council	Regular Election conducted by State Election Commission	Chairman
		Ukhrul District Council	Regular Election conducted by State Election Commission	Chairman
Meghalaya	Not Applicable	Khasi Hills Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
		Garo Hills Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member

		Jaintia Hills Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
Mizoram	Not Applicable	Chakma Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
		Mara Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
		Lai Autonomous District Council	Regular Election conducted by State Election Commission	Chief Executive Member
Nagaland	Not Applicable	Not Applicable	Not Applicable	Not Applicable
		Not Applicable	Not Applicable	Not Applicable
Sikkim	South Sikkim, Zilla Panchayat	Not Applicable	Regular election Conducted by State Election Commission	Adhyaksha
Tripura	Dhalai, Zilla Parishad	Not Applicable	Regular election conducted by State Election Commission	Sabhadipati
		Tripura Tribal Areas Autonomous District Council	Regular election conducted by State Election Commission	Chief Executive Member

Source: Field Survey,

Note: In Nagaland, there is no district level local governance system

10.1.17 Village Council and Village Panchayat in NE States: Comparative Analysis

Village Councils of ADCs do not play an active role in development plans compared to Gram Panchayats. There is no effective decentralised planning at village level in ADC areas. Participation of common man in decision making is missing in most of the Village Councils. Meetings of Gram Sabha or village assembly are not mandatory in a Village Council. It is

significant to understand that Village Council does not have administrative and financial powers. On the other hand, Village Councils/ Village Authorities have the judicial power which is not given to the Gram Panchayats under the Panchayati Raj system.

Select features of Village Councils and Village Panchayats in North Eastern States are given in Table 10.5

Table 10.5 : Select Features of Village Council and Village Panchayat: A Comparative Analysis

State	Nomenclature	Election/ Institution to hold election	Designation of the Chairperson	Remark
Arunachal Pradesh	Gram Panchayat, Sigin-II	Regular election conducted by State Election Commission	Chairperson	Part IX Area
Assam	VCDC in BTC	No election to VCDC	Chairman	GaonPanchayats are more institutionalised. Elections are held regularly and participatory democracy is followed in every activity. These institutions are more transparent.
	Village Council in KAAC	Village Council is not constituted	Not Applicable	
	Village Council in NCHAC	Village Council is not constituted	Not Applicable	
	Village Council in MAC (Statutory ADC)	No election to Village Council	President	
	GaonPanchayat, Deomarnai	Regular election conducted by State Election Commission	President	
Manipur	Village Authority in Chandel ADC (Statutory ADC)	No election to Village Authority	Village Chief	In comparison to Village Authorities, Gram panchayats in Manipur are actively involved in decentralised planning and development activities. Elections to Gram Panchayat and Gram Sabha
	Village Authority in Ukhrul ADC (Statutory ADC)	No election to Village Authority	Village Chief	

	Gram Panchayat, Nanghalawai	Regular election conducted by State Election Commission	Pradhan	meetings are held regularly. Gram Panchayat have both financial as well as administrative powers.
Meghalaya	Village Council (Durbar Shnongie) in KHADC	No election to Village Council	Dolloi	Village Council is not visible. Elakaisthe only the visible administrative system with an administrative head in Khasi and Jaintia ADCs. Elaka System is Mising in Garo ADC.
	Village Council (Durbar Shnongie) in JHADC	No election to Village Council	Dolloi	
	Village Council in GHADC	No election to Village Council	President	
Mizoram	Village Council in Chakma ADC	Regular election conducted by State Election Commission	Village Council President	Village Council of ADC area are under the control and administration of ADC Council.Village Councils of Non-ADC area are under the control and administration of local administration department
	Village Council in Mara ADC	Regular election conducted by State Election Commission	Village Council President	
	Village Council in Lai ADC	Regular election conducted by State Election Commission	Village Council President	
	Village Council in Non-ADC Area	Regular election conducted by State Election Commission	Village Council President	
Nagaland	Village Council in Kohima District (Non Part IX area)	Regular election conducted by Election Committee formed by Village Council. It is just a local Committee	Chairman	Non-Part IX Area. The core local governance institutions are Village Councils and Village Development Boards. Village Council takes care of all the administrative matters within the village where as the Village Development Boards look after the development programmes in the village.All the VDBs covered under our survey are quite active and fully functional.
	Village Development Board is a statutory body, functioning under the Village	No election to Village Development Board	Chairman – Ex-officio	

	Council in Kohima District.			
	Village Council in Mokokchung District (Non Part IX area)	Regular election conducted by Election Committee formed by Village Council. It is just a local Committee	Chairman	
	Village Development Board is a statutory body, functioning under the Village Council Council in Mokokchung District	No election to Village Development Board	Chairman – Ex-officio	
Sikkim	Gram Panchayat, ManiramPhalidara	Regular election conducted by State Election Commission	President	Part IX Area
Tripura	Village Committee in TTAADC	Regular election conducted by State Election Commission	Chairperson	In Tripura Village Committee and Gram panchayat are functioning in a similar pattern. Both of the village level institutions participate actively in the planning and execution of development works.
	Gram Panchayat, PaschimBalaram (DhalaiDistt. Part IX Area)	Regular election conducted by State Election Commission	Secretary	

Source: Field Survey

Various organs of ADCs in North Eastern States are given in Table 10.6. All the Sixth Schedule ADCs excluding BTC in Assam and TTAADC in Tripura perform executive, legislative and judicial functions.

Table 10.6 : Organs of ADCs

State	Nomenclature	Organs		
		Executive	Legislative	Judiciary
Assam	BTC	Executive	Legislative	Nil
	KAAC	Executive	Legislative	Judiciary
	NCHAC	Executive	Legislative	Judiciary
	MAC (Statutory ADC)	Executive	Nil	Nil
Arunachal Pradesh	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Manipur	Chandel District Council (Statutory ADC)	Executive	Nil	Nil
	Ukhrul District Council (Statutory ADC)	Executive	Nil	Nil
Meghalaya	KHADC	Executive	Legislative	Judiciary
	JHADC	Executive	Legislative	Judiciary
	GHADC	Executive	Legislative	Judiciary
Mizoram	CADC	Executive	Legislative	Judiciary
	MADC	Executive	Legislative	Judiciary
	LADC	Executive	Legislative	Judiciary
Nagaland	Nil	Not Applicable	Not Applicable	Not Applicable
Sikkim	Nil	Not Applicable	Not Applicable	Not Applicable
Tripura	TTAADC	Executive	Legislative	Nil

Source: Field Survey

10.2 Major Problems

10.2.1 Major Problems : Assam

- Poor coordination between Panchayat and Rural Development Department, Planning and Development Department and Hill Areas Development Department has resulted in ineffective implementation of the development works in ADC areas.
- In hill ADCs, Village Councils are not constituted.
- In BTC, VCDC is functional though elections are not held.
- While BTC has a few seats exclusively reserved for non-tribal communities, KAAC and NHDC have no representation of non-tribal communities in Village Councils.
- Granting of greater administrative and financial powers to BTC has resulted in resentment among the people of the remaining two Councils. KAAC and the NHAC has been demanding equality among the three ADCs in terms of legislative and executive powers.
- There is no transparency in nominations to Executive Council of ADCs while the objective of nominations of members is to give representation to minority or unrepresented tribe in the respective district.
- Inadequate devolution of powers to ADCs .State government has not transferred all activities under the Sixth Schedule provisions to ADCs.
- There is no regular election of Village Councils and holding of Gram Sabhas. As a result, decentralized planning process has become quite weak in all ADC areas.
- There is a conflict between democracy and preservation of customs and tribal culture. There appears to be reservations among members of ADC regarding PRI system. This opposition is mainly to safeguard the powers of customary Chiefs and village headmen. There is a keenness to safeguard the powers of customary Chiefs and village headmen. As a result, decentralized planning process has become quite weak in all ADC areas. There is

10.2.2 Major Problems : Manipur

- State- created ADCs is no better than a mere government department or government corporation. The devolution of powers to these Councils is limited. Every activity requires the approval of line department of the State government.

- ADC does not have adequate funds or independent revenue sources for mobilizing funds
- There is no effective decentralised planning at village level. Meetings of Village Authority are not held to assess the felt need of the people. Village Authority gets funds under scheme such as MGNREGS from DC/ State government.
- In some case, there appears to be favouritism in the selection of beneficiaries by Chief of Village Authority. Adequate transparency measures in selection process might lead to efficiency in the implementation of welfare programmes, especially public distribution system.
- No transparency in nominations to Executive Council of ADCs while the objective of nominations of members is to give representation to minority or unrepresented tribe in the respective district.
- Inadequate devolution of powers to ADCs .State government has not transferred all activities under the Sixth Schedule provisions to ADCs. The 26 matters enumerated under section 29(1) and third amendment Act, 2008 of the Manipur (Hill Areas) District Council Act 1971 have not been effectively transferred. Some of them are only partially transferred. Primary education up to class (VIII) as against the provision of the Act is not yet transferred. Though ADC Chairperson is made the Chairperson of DRDA, he or she is not entrusted with any power.

10.2.3 Major Problems : Meghalaya

- State of Meghalaya has been implementing welfare and developmental schemes through its specific departments and Block Development Officers. As a result, interaction between ADCs and grassroots tribal institutions is abysmally low. There is a disconnect between ADCs and the range of tribal constituents. The State government, ADCs and the traditional institutions have conflicting relations.
- There is an absence of effective communication between ADCs and State Government on development matters, especially planning, implementation and monitoring of government schemes at village level ADCs do not get information regarding the total allocation of funds from the State.
- Delays occur in receiving the ADC share of revenues from the government. Meghalaya has not yet established a State Finance Commission. The delays in fund transfer create uncertainty and non-transparency in the process of intergovernmental transfers

- There is no proper institutional arrangement at village level. Village Council is a traditional institution with hereditary leadership. Moreover, it has judicial power without any role in development activities. Though KHADC had initiated steps to enact a Village Administration Bill for strengthening its legitimacy it is not yet succeeded.
- There is an overlap of authority in the State. There are two competing systems of authority each of which is seeking to serve or represent the same constituency.
- In the Garo Hills, there is substantial population of non-Garo people whose needs require special consideration. Physical isolation of Garo Hills from the rest of the State should not lead to any deficit of attention or gap in allocation of funds
- Women are not allowed to be the members of the local dorbaror though they are allowed to be the members in ADCs. There is a need to increase women representation at all levels.
- In Meghalaya, Sixth Schedule ADCs have succeeded to a great extent to preserve the identity and autonomy of tribal population. However, there is an overlap of authority in the State. There are two competing systems of authority each of which is seeking to serve or represent the same constituency. The result has been confusion and confrontation especially at the local level on a number of issues.

10.2.4 Major Problems : Mizoram

- Significant overlap of functions between State government and ADCs. There is a significant overlap of functions between State government and ADCs. The three ADCs cover only 15 percent of population of Mizoram. However, these ADCs do not receive much attention from the State government.
- There is no provision that the election will take place within six months after the dissolution of the Village Council. There is no permanent existence of the Village Council.
- Village Councils do not have any administrative and financial Powers. The tribal communities have strong ethnic feelings creating constant frictions, which adversely affect administration and developmental activities. Village Council plays an important

part in economic planning and implementation of policy programmes at the grassroots level. A framework for bottom-up grassroots planning and convergence through the DPC is operational in a limited sense.

- Absence of Gram Sabha is a matter of serious concern. It is significant to understand that there is a growing demand for direct transfer of fund to the Village Councils rather than the District Councils and build stronger grassroots level institutions. There is a need for devolving more powers to the Village Councils in the absence of any administrative and financial Powers.

10.2.5 Major Problems : Nagaland

- Women are not given enough opportunity to participate in the functioning of village governments. There is an urgent need to include women in such institutions through amending the existing laws.
- Some of the VDB Secretaries who are regular government employees reside in far off work places and used to visit their respective villages only when there is VDB meeting. Irregular visit of VDB secretary to their respective village has resulted in poor performance. In some villages, there is a practice of VDB Secretaries taking a commission out of their total allocation of fund to meet their expenses.

10.2.6 Major Problems : Tripura

- The process of decentralized planning is coordinated by the Planning and Coordination department of the State of Tripura. As the revenue districts of the State comprises of areas which comes under both the PRI and Sixth Schedule Areas, constitution of the District Planning Committee does not take place on time. The undue delay in the constitution of DPC affects the decentralized planning adversely.
- There are some vagueness in respect of the role and responsibility assigned to the ADCs in decentralised planning .

- Sixth Schedule clearly states that ADC should constitute Village and District Council Courts in ADC areas to deal with cases pertaining to customary laws. TTAADC has failed to introduce an efficient judiciary system which codifies the customary laws

10.3 Major Recommendations

10.3.1 Major Recommendations : Assam

- Suitable measures may be taken to ensure better coordination between P& R D, Planning & Development Department and Hill Areas Development Department
- In hill ADCs, Village Councils may be constituted.
- In BTC, VCDC elections may be held.
- May provide representation of non-tribal communities in Village Councils of KAAC and NHDC
- KAAC and the NHAC may be given greater administrative and financial powers as in the case of BTC
- Strengthen the decentralized planning process in ADC areas by holding regular election of Village Councils and Gram Sabhas.
- District Rural Development Agencies may be merged with ADCs.

10.3.2 Major Recommendations: Manipur

- Ensure transparency in nominations to Executive Council of ADCs
- Strengthen the decentralized planning process in ADC areas by holding regular election of Village Councils and Gram Sabhas
- Avoid favouritism in the selection of beneficiaries by Chief of Village Authority
- Devolution of more powers to the ADCs.
- ADC may be given adequate funds or independent revenue sources for mobilizing funds

10.3.3 Major Recommendations: Meghalaya

- ADCs in development functions.
- SFC may be constituted ,reduce delays in fund transfer, increase transparency in the process of intergovernmental transfers
- It is not desirable to introduce Panchayati Raj System in Meghalaya. However, adopting appropriate practices of the PRI setup will speed up inclusive development. There is a need to increase women representation at all levels.

10.3.4 Major Recommendations: Mizoram

- Reduce the overlap of functions between State government and ADCs
- Create a provision that the election will take place within six months after the dissolution of the Village Council.
- Devolving more powers to the Village Councils especially, administrative and financial Powers.
- Create Gram Sabha to strengthen the decentralisation process.

10.3.5 Major Recommendations :Nagaland

- Include women in the functioning of village government institutions through amending the existing laws.
- VDB Secretaries should be made more accountable , committed and transparent .

10.3.6 Major Recommendations: Tripura

- Avoid the undue delay in the constitution of District Planning Committee
- More clarity needs to be given in respect of the role and responsibility assigned to the ADCs in decentralised planning .
- Establish Village Courts for the speedy delivery justice. Sixth Schedule clearly states that ADC should constitute Village and District Council Courts in ADCareas to deal with cases pertaining to customary laws. Hence it may establish Village Courts for the speedy delivery justice.

10.4 Deepening Democracy and Decentralised Planning: Sharing of Best Experiences and Lessons for other States

In order to draw lessons from best practices of other States, it is significant to understand the major highlights of Report of the Expert Committee (2006) headed by Shri V. Ramachandran on Planning for the Sixth Schedule Areas. The Expert Committee made the many suggestions including the following for implementation of participative planning at the village level.

- Wherever a mechanism for planning at habitation, village or cluster level exists, this should be used for preparing participative plans.
- A Committee may be formed at the habitation level through open meeting of the Gram Sabha for implementation of the Programme. Women should get 50 per cent of the membership.
- Inclusive Committees may be set up at the district level.

Suggestions given by the Report of the Working Group headed by Shri V. Ramachandran on Democratic Decentralisation and PRIs are also quite relevant now. The State of Tripura follows a good practice of decentralised planning system in both ADC areas and PRI areas. Village Committee organizes meeting of village assembly in every quarter to involve people in decision-making. Tripura has taken up the exercise of Gram Panchayat Development Plan through participatory planning process. This can be good lesson for other North Eastern States. Performance of Tripura and Mizoram in conducting election to both ADC and Village Council can be considered as a best practice. Election in TTAADC and Village Committee (equivalent to Village Council) is being conducted on a regular basis. In fact, State Election Commission conducts these elections. The States have separate electoral rolls for the local body elections. In Mizoram regular elections to three ADCs and Village Councils are conducted by State Election Commission using separate electoral rolls.

States such as Meghalaya, Assam and Manipur can draw lessons from the co-existence of Village Councils and Village Development Boards in Nagaland. Village Council takes care of all the administrative matters within the village where as the Village Development Boards look after the development programmes in the village. Article 243-I of the Constitution provides for the constitution of State Finance Commission to review the financial position of the Panchayats and to make recommendations as to the principles that should govern the distribution between the State and the Panchayats of the net proceeds of the taxes, duties and tolls. The States of Manipur and Mizoram have set up State Finance Commission to review the finance of local

bodies and to make recommendations for sharing of funds between State and local bodies including ADCs. This can be a good lesson for other North Eastern States.

10.6 An Overall Assessment

Drawing on many decades of traditional governance, results of this study seek to harmonise safeguarding of customary practices and traditional institutions with grassroots level democracy. The spirit of democracy and decentralised governance should be the basis of the local governance. Traditional governance institutions could benefit more from participatory governance which can lead to fast and inclusive growth. On the other hand, judicial function of Village Council in some States is a positive feature which is not available to Gram Panchayats under the Panchayati Raj Act. While the PRI system encourages decentralised planning, participatory governance and grassroots level democracy, Sixth Schedule provisions protect local tribal traditions. North Eastern States can combine the good practices of these two institutions for better development. Regular disclosure of financial and operational information by ADCs could improve the governance system. Transparency can be improved by introducing national accounting standards for reporting revenues and expenditure and by conducting regular audits. An activity mapping exercise will map the role of ADCs in different activities and functions with a special focus on improving citizen service delivery system. The respective State government should follow the Sixth Schedule Constitutional provisions in letter and spirit.

Due to the difficult terrain and unique cultural practices in tribal areas of North East, development activities are comparatively slower in case of ADC areas in comparison to the Panchayat areas. The problem of inadequate checks and balances in the administrative system can be addressed by strengthening monitoring system. More transparency in the system will ensure discontinuance of some of the bad practices. Effective evaluation and regular monitoring of utilization of funds and the efficient functioning of the Village Councils can improve the governance. Panchayat areas are found in a better position to take meticulous measures to prevent bad practices and introduce good practices in the administrative system. Effective and transparent decentralised governance can improve citizen service delivery mechanism in ADC areas.

Inadequacy of trained staff has been crippling the activities of ADCs to a large extent. The State Governments should be encouraged to show keen interest in the smooth functioning of ADCs. Performance incentives by State government will boost the involvement of ADCs in development activities. Along with the villages' practice of lineage system, they can also adopt election system which will leads to more participative democracy. Under PRI system different tiers of Panchayats are more democratic and effective in decentralised governance. Panchayats are entrusted with a wide range of functions compared to ADCs. The Panchayats are in more advantageous position in respect of development functions. There is a greater need of focus towards revenue generation in ADC areas to reduce their complete dependency on the funds from the State government. On the other hand, Panchayats are entitled to get funds under several Government schemes, in addition to their own sources of income.

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ANNEXURES

Annexure 1

Compilation of Articles, Acts & Rules

Provisions of the Sixth Schedule of the Constitution

Under the Sixth Schedule, separate provisions have been made for the Administration of Tribal areas in Assam, Meghalaya, Tripura and Mizoram, as defined under Paragraph 20 of the Schedule. These provisions have been made in exercise of the enabling provisions given in Articles 244(2) and 275(1) of the Constitution. The Sixth Schedule identifies and designates certain tribal areas as autonomous districts. It provides for the constitution of District Councils and Regional Councils for autonomous areas, consisting of not more than thirty members each, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage for a term of five years. (An exception has been made in respect of the Bodo Territorial Council). The administration of an autonomous district is to be vested in a District Council and of an autonomous region, in a Regional Council (Para 2). The Sixth Schedule endows Councils with legislative, judicial, executive and financial powers, details of which are as follows:

Legislative powers of District and Regional Councils: Under Para 3, District and Regional Councils are empowered with the assent of the Governor, to make laws with respect to:

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 nonagricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town;

- The management of any forest not being a reserved forest
- The use of any canal or water-course for the purpose of agriculture.
- The regulation of the practice of jhum or other forms of shifting cultivation.
- The establishment of village or town committees or councils and their powers
- Any other matter relating to village or town administration, including village or town police and public health and sanitation
- The appointment or succession of Chiefs or Headmen
- The inheritance of property
- Marriage and divorce.

- Social customs.

Under Paragraph 2(7), the District or the Regional Council is empowered to make rules inter alia, regarding formation of subordinate local Councils or Boards and their procedure and the conduct of their business, with the approval of the Governor.

In addition, Paragraph 10 empowers District Councils to make regulations for the control of money-lending and trading by non-tribals.

Judicial Powers of District and Regional Councils:

Paragraph 4 provides for Regional and District Councils to constitute village councils or courts to the exclusion of any court in the State for the trial of suits and cases between Scheduled Tribes within such areas, with certain exceptions. The Regional or District Council can appoint members and presiding officers of such village councils. The Regional and District Council are also empowered to act as, or constitute separate courts of appeal.

Executive functions of District Councils

The range of executive functions of District and Regional Councils vary from Council to Council, based on several amendments made to the Sixth Schedule. The common range of executive functions are laid out in Paragraph 6, under which District and Regional Councils are empowered to establish, construct, or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport and waterways in the district and may make regulations for their regulation and control. It is also specifically empowered to prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district. Functions relating to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State extends can also be entrusted to Councils.

Financial powers of District and Regional Councils

Constitution of District and Regional Funds: Para 7 constitutes 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 said District and Regional Councils. The accounts of the District and Regional Councils are to be maintained as prescribed by the Comptroller and Auditor-General of India, who is also entrusted with their audit.

Powers to collect taxes and fees: Paragraph 8 gives powers to Regional and District councils to assess and collect land revenue and to impose taxes within their jurisdictions such as on lands

and buildings, on professions, trades, callings and employments, animals, vehicles and boats, on the entry of goods into a market, tolls on passengers and goods carried in ferries and for the maintenance of schools, dispensaries or roads.

Entitlement to Royalties: Para 9 entitles the District Council to receive a share of the royalties accruing each year from licenses or leases for the purpose of prospecting for, or the extraction of, minerals granted by the State Government in respect of any area within an autonomous district as agreed upon with the Government. Disputes in this regard are to be referred to the Governor for settlement.

Indication of resources to be credited to Councils: Under Paragraph 13, estimated receipts and expenditure pertaining to autonomous districts which are to be credited to, or is to be made from the State Consolidated Fund shall be first placed before the District Council for discussion and then shown separately in the annual financial statement of the State to be laid before the Legislature of the State under Article 202.

Role of the Governor of the State in respect of District and Regional Councils:

The Sixth Schedule has entrusted several key powers to the Governor of the State concerned in respect of District and Regional Councils. These powers are classified and briefly described below:

Description of the power Details of the provision in the Sixth Schedule entrusted to the Governor	Details of the provision in the Sixth Schedule	
	Para	Brief Content
Powers to constitute district and regional councils	19	To constitute district councils for each autonomous district as soon as possible and until constitution of district council, to be the head of the administration of the district
	1(2)	Divide areas of district council into autonomous regions
	1(3)	Issue notification for inclusion, exclusion, creation, increase, decrease unite or define areas of district council or alter the name of any district council
	2(6)	Frame rules for the first constitution of district council or regional council

	14(3)	Place one of the Ministers in charge of the welfare of the autonomous district region
Powers to dissolve and supersede councils	16(1)	Dissolve a district or regional council and assume to himself all or any of the functions or powers of the district or the regional council on the recommendation of the commission appointed under Paragraph 14.
	16(2)	Dissolve a district or regional council and assume to himself all or any of the functions or powers of the district or regional council if satisfied that the administration of the autonomous district or region cannot be carried out in accordance with the provisions of the Sixth Schedule to the constitution
Powers affecting electoral representation in the council area	2(1) & 2(6A)	Nominate four members in each district council who hold office at his pleasure
	17	For the purposes of elections to the legislative assembly of the State, 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
Powers to enlarge, diminish powers or review decisions of District and Regional Councils	4(3)	Extent of jurisdiction of the High Court over suits and cases tried by District Council Courts
	5	Confer power under CPC and CrPC on district council courts for trial of specified nature of cases and withdraw or modify the same
	6(2)	Entrust conditionally or unconditionally all or any of the executive powers available to the State to the District Council or its officers with the consent of the District Council
	15(1)	Annul or suspend acts and resolutions of the district and regional council if such act or resolution is likely to endanger the safety of India or is prejudicial to the public order
Give prior assent to laws, rules and regulations of the District and Regional Councils	3(3)	Assent to laws made by the District and Regional councils, without which they have no force of law
	2(7)	Approve the rules made by the District and Regional council for composition and delimitation of the Councils, qualification terms of office etc, of its members and generally for all matters regulating

		the transaction of business pertaining to the administration of the district
	6(1)	Give prior approval for the framing of regulations by the District Council for the regulation and control of primary schools, dispensaries, markets, road transport, waterways, etc.
	4(4)	Approve rules regarding constitution procedure etc of village council and district council courts, made by the district and regional councils.
	7(2)	Make rules for the management of district and regional fund
	8(4)	Give prior assent for regulations framed by District and Regional Councils for levy and collection of taxes, without which they do not have the force of law
	10(3)	Give prior assent to regulations framed by the district council for the control of money lending, without which they do not have the force of law.
Powers of arbitration	9(2)	Give the final decisions in respect of disputes between district council and regional council in cases of royalty for extraction of minerals, which shall be referred to the governor for resolution
Powers to appoint a Commission	14(1)	Appoint a commission to ensure into the administration of autonomous district regions.
	14(2)	Report of commission appointed under paragraph 14 is required to be laid before the State legislature with the recommendations (except in the case of State of Assam) with respect thereto.

In addition to the above powers, special powers have been conferred in respect of the Governorsof Assam, Tripura and Mizoram, as described below:

States concerned	Details of the provision in the Sixth Schedule	
	Para	Brief Content
Tripura and Mizoram	9 (3)	Prescribe the period within which the royalty acquiring from grant of lease for extraction of minerals is to be shared between the State

		Government and the District Council
	12 AA (b) 12 B (b)	Direct that any act of the State legislature other than matters specified in paragraph 3 and legislation prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall not apply to any autonomous district or an autonomous region or shall apply subject to such exceptions or modifications as may be notified
Assam	12 (1) (b)	Direct that any act of parliament or of the State legislature other than matters specified in paragraph 3 and legislation prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall not apply to an autonomous district or an autonomous region or shall apply subject to such exceptions and modifications as may be notified

Main provisions of the ADC Acts & Rules: Assam

The Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 The 15th October, 1951.

In exercise of the powers conferred by sub-paragraph (6) of paragraph 2 of the Sixth Schedule to the constitution of India, the Governor of Assam is pleased to make the following rules for the first constitution of the District Councils for the autonomous districts comprising the tribal areas specified in Part A of the table appended to paragraph 20 of the said Schedule.

These rules shall be called the Assam Autonomous Districts (Constitution of District Councils) Rules. 1951.

They shall come into force at once.

In these rules, except where it is otherwise expressly provided or the context otherwise requires- "autonomous district" means an area deemed as such under paragraph 1 (1) of the Sixth Schedule to the Constitution of India.

If any difficulty arises to the functioning of any District Council or the holding of any election to a District Council under these rules, or any other matter connected therewith, the Governor may, by order, do anything not inconsistent with these rules or any provisions of the Constitution or any order made there under or an Act of Parliament or of the Legislature of the State of Assam, which appear to him to be necessary for the proper functioning of, or holding of election to, the District Council, as the case may be.

Substituted by Sixth Schedule to the Constitution (Amendment) Act, 1995 (No. 42 of 1995) dt. September 12, 1995.

Substituted by the North-Eastern Areas (Reorganization) Act, 1971 (81 of 1971)

The Advisory Council for the Autonomous Districts Rules, 1967

These Rules shall be called "The Advisory Council for the Autonomous Districts Rules, 1967." These rules shall come into force at once

All the Tribal members of the Legislative Assembly representing various constituencies in the Autonomous Districts of Assam including the Shillong constituency.

Any Scheduled Tribe member or members of the Lok Sabha representing the constituencies reserved for Scheduled Tribes of the Autonomous Districts.

Any Scheduled Tribe member or members of the Rajya Sabha hailing from the Autonomous Districts.

(d) The Chief Executive Members of the District Councils and the Chief Executive Member of the Pawi-Lakher Regional Council.

(e) The Development Commissioner for the Hill Areas, Assam, *Ex-officio*.

The Council shall have a Secretariat staff consisting of a Secretary and such other officers and staff as the Governor may consider necessary to appoint. The Office of the Council will be located at Shillong and will form part of the Tribal Areas and Welfare of Backward Classes Department.

The Council unless sooner dissolved by the Governor, shall continue until the dissolution of the existing Assembly and shall be reconstituted as soon as possible after the General Elections to Assembly.

It shall be the duty of the Council 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.

Advisory Council for the Scheduled Caste in Assam Rule 1967

Governor of Assam has reconstituted the Advisory Council for the welfare of Scheduled Castes living in Assam vide Notification Order No. TAD/BC/113/2006/14, dated 27th of July, 2006, under Rule 4(1) of the "Advisory Council for the Scheduled Caste in Assam Rule 1967".

Governor of Assam has reconstituted the Advisory council for the Welfare of the other backward Classes of Assam vide Notification No. TAD/BC/113/06/15, dated 27-06-2006 under Rule 4(1) for the Advisory Council for the Welfare of the other backward Classes in Assam, 1967".

The meeting of the Advisory Council for Welfare of SC and ST for the year 2007-2008 was held on 23-06-2008 & 24-06-2008 and for Welfare of OBC was held on 01-08-2008.

In the district and sub divisional level there are Project Implementation Committee (PIC), Sub Divisional SC Development Board, Sub Divisional ST Development Board and Sub Divisional OBC Development Board. The Boards are constituted by the Government with non official members of the respective communities to ensure the proper implementation of SCSP, TSP, OTSP schemes and schemes for welfare of OBC communities.

Main provisions of the ADC Acts & Rules: Manipur

The Manipur (Hill Areas) District Councils Act, 1971

An Act to provide for the establishment of District Councils in the Hill Areas in the Union territory of Manipur

Division of Hill Areas into autonomous districts.—(1) as soon as may be after the commencement of this Act, the Administrator shall cause all the Hill Areas to be divided into not more than six autonomous districts.

The Administrator may, by order notified in the Official Gazette, declare that any area in any autonomous district which is, or is intended to be, included within the limits of any municipality, cantonment or town committee shall cease to be a part of such autonomous district, increase the area of any autonomous district, diminish the area of any autonomous district, unite two or more autonomous districts or parts thereof so as to form one autonomous district, define the boundaries of any autonomous district, alter the name of any autonomous district.

No order under sub-section (2) shall be made by the Administrator except after consultation with the Hill Areas Committee.

Any order made by the Administrator under sub-section (2) may contain such incidental and consequential provisions as appear to the Administrator to be necessary for giving effect to the provisions of the order.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 No. 33 of 1989

As Act to prevent the commission of offences of atrocities against the members of the scheduled castes and the scheduled tribes to provide for (special courts and the exclusive special courts) for the trial of such offences and for the relief and rehabilitation of the such offences and for matters connected therewith or incidental thereto

The Manipur Municipalities Act, 1994. (As Passed By The Houses Of Parliament) Act No. 43. Of 1994)

An Act to provide for constitution and organisation of municipalities in the Urban areas of Manipur and for matters connected therewith and incidental thereto.

This Act may be called the Manipur Municipalities Act, 1994. It extends to the whole of the State of Manipur except the Hill Areas to which the Manipur (Hill Areas) District Council Act, 1971 (Manipur Act 76 of 1971) extends or any area which is included in a Cantonment under the Cantonment Act, 1924. It shall be deemed to have come into force on the 24th day of May, 1994.

Municipal Corporation for a larger urban area, in accordance with the provisions of this Act: Provided that a municipality under this section. may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township. Explanation.-- In this section," a transitional area"," a smaller urban area" or" a larger urban area" means such areas as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non- agricultural activities, the economic importance or such other factors as it may deem fit, specify by notification for the purposes of this Act, Not with standing anything contained in sub- section (1), any local area, except in Scheduled Area, which was declared as a small town or a municipality under the Manipur Municipalities Act, 1976, before the commencement of this Act, shall be deemed to have been declared as a transitional area or a smaller urban area, as the case may be, for the purpose of this Act.

Before issue' of notification under sub- section (1) a draft of the notification is to be published indicating local limits of the area to be included or excluded from the municipality. Any person who is ordinarily resident of the local area in respect of which the draft notification has been published under sub- section (3) may, object to the proposal contained in such notification in writing to the Deputy Commissioner within forty- five days from the date of publication of the said draft notification.

On receipt of the objection under sub- section (4), the Deputy Commissioner shall within forty- five days of the receipt of objection forward the same with his comments to the Government for its consideration.

Effect of exclusion of local area from Municipality- When a local area is excluded from a municipality by a notification under sub- section (1) of section 3, and is included in the other local authority the Government shall frame a scheme determining what portion of the balance

of the municipal fund and all other property vested in that municipality, shall, on such exclusion, vest.

When such area is included within the limits of any other local authority, in such authority; and in any other case, in the Government and in what manner the liability of the municipality shall be apportioned between the municipality and such local authority or the Government, as the case may be, and on the publication of such a scheme in the Official Gazette, such property and liability shall vest and be apportioned accordingly

Election of Chair person and Vice Chair person.- Save as otherwise provided in the Act, the Councillors at the first meeting of the Nagar Panchayat to be called at the instance of the Deputy Commissioner after a General Election shall elect one of them to be the Chairperson in accordance with the rules made in this behalf.

An election under sub- section (1) shall take place- within twenty- one days from the date of notification of the result under section 22; in the case of vacancy in the office of the Chairperson on account of any reason other than the expiry of the term of office of the Chairperson, within twenty- one days from the date of the occurrence of the vacancy.

Powers and functions of the Chairperson.- It shall be the function of the Chairperson) to preside, unless prevented by reasonable cause, over all meetings of the Nagar Panchayat or the Council, as the case may be, and subject to the provisions of the bye- laws for the time being in. force, to regulate the conduct of business at such meetings.

To watch over the financial and executive administration of the Nagar Panchayat or the Council, as the case may be, and perform such executive' functions as may be allotted' to him by or under this Act and rules or bye- laws framed thereunder;

To exercise supervisory and executive control over acts and duties of all officers and employees of the Nagar Panchayat or the Council, as the case may be, in matters respecting their executive functions and the accounts and records of the Nagar Panchayat or tile Council-, as the case may be;

To direct in case of emergency, the execution or stoppage of any work or doing of any act which requires the sanction of the Nagar Panchayat or the Council, as the case may be, and the immediate execution or doing of which is, in his opinion necessary for the service or safety of the public, and the expenses incurred in the execution of such work or doing of such act shall be paid from Municipal Fund: Provided that He shall not act under clause (d) in contravention of any order of the Nagar Panchayat or the Council, as the case may be, prohibiting the execution of any particular work or the doing of any particular act; and He shall report

forthwith the action taken under clause (d) and the reasons therefor to the Nagar Panchayat or the Council, as the case may be, at its next meeting.

Function of Vice- Chairperson.- It shall be the function of the Vice- Chairperson-
In the absence of the Chairperson and unless prevented by reasonable cause, to preside over the meetings of the Nagar Panchayat or the Council, as the case may be, and he shall, when so presiding, exercise the same authority as is vested in the Chair. person under clause (a) of section 33;

Pending the election of a Chairperson, or during the absence of the Chairperson to exercise the powers and perform the duties of the Chairperson.

THE MANIPUR PANCHAYATI RAJ ACT, 1994 NO. 26 OF 1994

An Act to provide for the constitution and organisation of Panchayats as units of local self-Government in the rural areas of Manipur and for matters connected there with and incidental thereto.

WHEREAS it is expedient to reorganise Panchayats in rural areas of Manipur by comprehensive enactment to establish a two-tier Panchayati Raj system in the State with elected bodies at the Gram and District levels, in keeping with the Constitutional provisions relating to Panchayats for greater participation of the people and more effective implementation of rural development programmes.

Short title extent and commencement. This Act may be called the Manipur Panchayati Raj Act, 1994.

It extends to the whole of the State of Manipur excepting any area to which the Manipur (Hill Areas) District Council Act, 1971 (Manipur Act 76 of 1971) or the Manipur (Village Authorities in Hill Areas) Act, 1956 (Manipur Act 80 of 1956) extends, or which has been or may hereafter be declared as, or included in, a municipality under any law for the time being in force, or which has been or may hereafter be declared as, or included in a cantonment under the Cantonment Act, 1924 (2 of 1924).

It shall come into force on such date¹ as the Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

Membership of Gram Sabha and disqualification. A Gram Sabha shall, subject to sub-section , consist of all persons whose names are included in electoral rolls referred to in section 15 within the area of the Gram Sabha:

Provided that no person shall be a member of more than one Gram Sabha. A person shall be disqualified for being a member of the Gram Sabha, if, he is not a citizen of India; or, he is of unsound mind and stands so declared by a competent court; or he is for the time being disqualified from voting under the provision of any law relating to corrupt practices and other offences in connection with election to State Legislature

Gram Sabha meetings: Every meeting of the Gram Sabha shall be presided over by the Pradhan of the concerned Gram Panchayat and in his absence, by the Up-Pradhan, and in the absence of both by a member of the Gram Panchayat to be chosen from amongst the members of the Panchayat.

Agenda.: The Gram Panchayat shall prepare the agenda for discussion of the Gram Sabha, such matters shall relate to the following, namely, the annual statement of accounts of the Gram Panchayat, the report of administration of the preceding financial year and the last audit note and replies if any, made thereto, the budget of the Gram Panchayat for the next financial year; and, the report in respect of development programmes of the Gram Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year.

Resolution: Any resolution relating to the functions entrusted to the Gram Sabha under section 11, shall have to be passed by a majority of votes of the members present and voting in the meeting of the Gram Sabha.

Functions of Gram Sabha: A Gram Sabha shall exercise the following functions, namely, rendering assistance in the implementation of development schemes pertaining to the village, identification of beneficiaries for the implementation of development schemes pertaining to the village:

Main Provisions of the ADC Acts & Rules: Meghalaya

The United Khasi-Jaintia Hills Autonomous District (Administration Of Justice) Rules, 1953

In exercise of the power conferred on it by sub-rule 3 of rule 1 of the United Khasi-Jaintia Hills Autonomous District, (Administration of Justice,) Rules, 1953, the Executive Committee of the United Khasi-Jaintia Hills Autonomous District is please to appoint the 7th January 1954, as the date on which the said rules shall come into force.

These rules shall apply to the whole of the 3 (Khasi Hills Autonomous District,) excluding so much of the area thereof as, is for the time being comprised within the Municipal of Shillong

The Khasi Hills Autonomous District (Administration of Elaka) Act, 1991

Government of Meghalaya District Council Affairs Department Orders By The Governor

Whereas under the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws with respect to the matter relating to village or town administration. Now, therefore, the District Council of the Khasi Hills Autonomous District in exercise of the powers conferred on it under Clause (f) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India and of all other powers enabling it on that behalf hereby enacted in the Forty Second Year of the Republic of India

The United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules 1953

Rules shall apply to the whole of the United Khasi-Jaintia Hills Autonomous District excluding so much of the area thereof as is for the time being comprised within the municipality of Shillong.

They shall come into force on such date as the Executive Committee may, by notification in the Gazatte.

The Jaintia Hills Autonomous District (Administration) Act, 1967

It is expedient to make provision for the administrations of the Jaintia Autonomous District and whereas the Jaintia District Council has no Laws, Rules and Regulations for the time being and whereas all Laws, Rules and Regulations made by the United Khasi- Jaintia Hills District Council had applied for the application of certain Acts, Rules and Regulations made by the United Khasi-Jaintia Hills District Council.

This Act shall be called the Jaintia Autonomous District (Administration) Act, 1967

In this Act unless the contrary appears from the context “The District Council, “The Executive Committee” appearing in the Acts, Rules and Regulations made by United Khasi-Jaintia Hills Districts Council as mentioned in the Schedule “The Jaintia Autonomous District” “ The Jaintia District Council” and “ The Executive Committee of the District Council of the Jowai Autonomous District respectively.

The Garo Hills District (Jhum) Regulations 1954

Passed by the Garo Hills District Council, Received the assent of the Governor of Assam on the 6th December 1954)

To provide for the regulation and control of the practice of Jhum or other forms of shifting cultivation.

Where it is expedient to provide for the regulations and control of the practice of Jhum or other forms of shifting cultivations within the Garo Hills Autonomous District

Selection and allotment of land for Jhum, Provision of Jhum in certain areas and by certain persons

Fixation of cycle of Jhuming, Recuperation of soil in the Jhum areas.

The Garo Hills Autonomous District (Administration of Justice) Rules 1953

These rules may be called the Garo Hills Autonomous District (administration of Justice) Rules, 1953

These rules shall apply to the whole of the Garo Hills Autonomous Districts

They shall come into force at once, but the Courts constituted under these rules shall commence functioning from such date as the executive committee may, by notification in the Gazette, appoint in this behalf, hereinafter referred to as “the appointment day”

Main Provisions of the ADC Acts & Rules: Mizoram

Chakma Autonomous District Council' (Village Councils) Act, 2002

The Mizoram Gazette Extra Ordinary Published By Authority

To provide for the establishment of Village Councils and for other matters relating to village I administration. Preamble: Where as it is expedient to provide for the establishment of Village Councils and their-.powers and for other matters relating to village Administration including village police, public health and sanitation; and. Whereas by clauses (e) and (f) of sub-paragraph (1) of paragraph 3.ofthe Sixth Schedule " .to the Constitution of-India, the District Council for, an Autonomous District is empowered to make i laws in respect of the establishment of Village or Town Committees of councils and their j powers and any other matter relating to the Village or Town Administration including village or ; town. Police and public health and sanitation. it Now, therefore, the District Council of the Chakma Autonomous District (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of all other powers enabling itin that behalf is pleased to enact and it is hereby enacted in the Fifty third Year of the Republic of India

The Chakma Autonomous District Council (Village Councils) (Amendment) Act, 2014

To amend the Chakma Autonomous District Council (Village Councils) Act, 2003 and CADC (Village Councils) Amendment Act, 2011 (hereinafter called the Principal Act and CADC (Village Councils) Amendment Act, 2011 respectively) and to provide for establishment of Village Councils and for other matters relating to Village Administration.

Whereas, it is expedient to provide for the establishment of Village Councils and their powers and for other matter relating to Village Administration including Village Police, Public Health and Sanitation; and Whereas, by clauses (e) and (f) of sub-paragraph (I) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws in respect of the establishment of Village or Town Committees or Councils or any other matters relating to the Village or Town Administration, Village or Town Police and Public Health and Sanitation. Now, therefore, the Chakma Autonomous District Council; in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted as follows

The Mara Autonomous District Council (Village Councils) (Amendment) Act, 2012

The Mizoram Gazette Extra Ordinary Published By Authority

To amend the Mara Autonomous District Council (Village Council) Act,1974 hereinafter called "the Principal Act" and to provide for the establishment of Village Councils and for other matters relating to village administration.

Whereas it is expedient to provide for the establishment of Village Councils and their powers and for other matters relating to Village Administration including village police, public health and sanitation; and Whereas by clauses (e) and (f) of sub-paragraph (1) of Paragraph 3 of the Sixth Schedule to the Constitution, the District Council for an Autonomous District is empowered to make laws in respect of the establishment of Village or Town Committee or Councils or any other matters relating to the Village or Town Administration, Village or Town Police and public health and sanitation. Now, therefore the District Council of the Mara Autonomous District (hereinafter referred to as the District Council), in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf is pleased to enact and it is hereby enacted.

Lai Autonomous District (Village Councils) Act, 2007

Mizoram Government

This Act may be called the Lai Autonomous District (Village Councils) Act, 2007. It shall extend to the whole of Lai Autonomous District. It shall come into force on the date of publication in the Mizoram Gazette.

Constitution of Village Council : There shall be a Village Council in each village within the jurisdiction of the District Council of the Lai Autonomous District. A Village Council shall be composed of members according to the number of houses it contains as specified below: -

The elected members as provided above shall be elected on the basis of adult suffrage and in accordance with the Rules made by the Lai Autonomous District Council under this Act. The other nominated members shall be appointed by the Executive Committee of the Lai Autonomous District Council on the recommendation of the President of the Village Council immediately.

Dissolution of Village Council : The Executive Committee may, by public notification appoint a commission under this Act consisting of not more than three persons to be appointed from amongst officers of the District Council to inquire the affairs of a Village Council if it is considered too in-efficient or is unable to carry on the village administration or is acting in a manner pre-judicial to the interest of the state or, is found to have been indulging in corrupt practices in matter of village administration and such a commission shall, after proper inquiry, submit each report of findings along with its recommendations to the Executive Committee within a period of time specified by the Executive Committee.

The Executive Committee may order either; Suspension of the Village Council for a period of three months at a time which may be extended for another three months or, Dissolution of the Village Council for fresh election.

When order is made under above, the Executive Committee shall assume to itself all the power and functions of the Village Council and may authorize in this behalf any employee of the Lai District Council to exercise this function during the period of suspension. When a Village Council is dissolved under (b) above, fresh election shall be held within six months.

Provided that pending of the election of Village Council the Executive Committee may authorize any employee of the Lai Autonomous District Council as specified above.

Duties & functions of the Village Council: Subject to such rules except those may specifically be prescribed in such behalf by the Executive Committee duties and functions of Village Council shall be;

Cleaning of village roads and path. Sanitation and conservancy in the village area and the prevention of public nuisance. Construction, maintenance and improvement of public wells and tanks for the supply of water to the village for drinking washing and bathing purposes. Opening of, and regulating, burial and cremation grounds for disposal of dead bodies of human beings, and allocation of places for disposal of dead animals and other offensive matter. (5) Taking of curative and preventive measure in respect of an epidemic. Construction, maintenance and improvement of village communication, drains and Water Ways. Control of village grazing grounds, location of glazier Khuties within the village area, village common and other communal property. Regulating the construction of new buildings or houses, or the extension or alteration of any such existing ones. Anti Malaria and Anti Kaia Azar measures and enforcement of vaccination. Registration of births and deaths and maintenance of register for the purpose. Registration of marriage. Supplying local information as and when require to the District Council or the State Government.

Measures necessary for the preservation of public health and for improving the sanitation conservancy of drainage of the village area. Measures of public utility calculated to promote the moral and material well-being of the villagers. Planting of trees at the sites of public places, on village roads and paths, and taking care of them.

Working and maintenance of public radio sets for the benefit of the villagers. Establishment and maintenance of libraries, reading rooms, social and cultural clubs or other places for recreation and games. Popularization of sports including indigenous sports, folks dances, folk song and organization and celebration of national and other local festival. Any other functions and

powers as may be delegated by the District Council from time to time. Regulation and order of collective works. The Village Council shall allot a particular region or area within the boundaries of each Village for jhum and subsidiary cultivation each particular year, and the distribution of the jhum and subsidiary plots shall be done in accordance with the laws frame by the District Council under Paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India. Creation of Safety Reserve: Every Village shall have safety reserve for the protection of fire etc. and no one shall be allowed to cut tree or to have gardening and agriculture activity within the safety reserve. Proper boundary of the safety reserve area shall be demarcated and reported to the concerned department for record. Any violation of trespass into the safety reserve in a maimer pre judicial to the safety of reserve shall be punishable with a fine which may extend to Rs.1000 (Rupees one thousand) only.

Creation of Supply Reserve: The Village Council shall create or maintain a supply reserve for the village. The reserve shall be accessible for collection of materials for construction of houses etc. The Village Council shall be generally held responsible for the proper and maintenance of this reserve. The Village Council shall have the power to prohibit the use of explosive or poison for the purpose of fishing or killing animals or birds. In the event of violation of the above provisions within the jurisdiction of the Village, and the Village Council of that village fail to take notice and does not report the matter to the District Council. The Village Council concern shall be held responsible and shall be liable to punishment with a fine as provided in Sub section.

For each or any of the above duties and functions, the Village Council may appoint a separate Committee which shall be responsible for implementing its decisions.

Main Provisions of the ADC Acts & Rules: Nagaland

The Nagaland Village and Area Councils Act, 1978 (Nagaland Act No. 1. 1979)

The consolidate and amend the law relating to constitution of village in Nagaland and it regulate their duties and functions and for matters connected therewith. It is hereby enacted in the twenty –ninth year of Republic of India

This Act may call the Nagaland Village Council Act, 1978. It extend to whole of Nagaland

It shall come into force on such date as the State Government may be notification in the Gazette, appoint, and different dates may be appointed for different provisions of the Act.

The title of the Act, originally enacted as the Nagaland village and Area councils Act, 1978 (Nagaland Act No. 1 of 1979) had been amended to be called the Nagaland village Council Act, 1978 by section 2 of the Nagaland village and Area Councils (Second Amendment) Act, 1990 (Nagaland Act No 7 of 1990)

The above said Act of 1979 has repealed the Nagaland village, Area and Regional Council Act 1970 (Nagaland Act No. 2 of 1971) as extended to erstwhile districts of Kohima and Mokokchung, which had also repealed the Nagaland Tribal Area Range and village Council Act, 1966 that was enacted for establishment of Tribal, Area Range and village Council in the erstwhile districts of Kohima and Mokokchung.

The Nagaland village Councils Act 1978 was sought be to be amended by the Nagaland Village Council (fourth Amendment) Act 2009 (Act no.2 of 2010) by which Act the title of the Principal Act was amended to be called as the Nagaland Village and Tribal councils Act 1978. It is understand that so far no specific administrative action has been taken in terms of the schemes of the amendment and therefore the text of the Nagaland village Councils Act brought out in the first edition of this book have been retained.

Village Council shall consist of members chosen by villagers in accordance with the prevailing customary practices and usages, the same being approved by the State Government, provided that hereditary Village Chiefs, GBs and Angs shall be exofficio members of such council and shall have voting right.

Chairman: The village council will choose a member as chairman of the council. During the absence of the chairman from any sitting of the village council a member of the council nominated by the Chairman shall act as Chairman.

Secretary: - The Village council may select and appoint a Secretary who may or may not be a member of the council. If the secretary is not a member of the council, he shall have no voting rights.

Powers and Duties: To formulate village development schemes to supervise proper maintenance of water supply, roads, power, forest, education and other welfare activities, to help various Government agencies in carrying out development works in the village, to take development works on its own initiative or on request of Government. To apply for and to receive grant in aid , donation, subsidies from the Government or any agencies .

Village Development Boards Model Rules, 1980 (Revised)

Government of Nagaland Department of Rural Development, Kohima

NO. RD/VDB RULES/89-90:- In exercise of the powers conferred by the sub-section I of Section 50 of the Nagaland Village and Area Council Act, 1978, the Government of Nagaland hereby revise the following VDB Model Rules of 1980 regarding the composition and functioning etc. of the Village Development Board constituted under Clause 12 of section 12 of the aforesaid Act:-

Short title and commencement: These Rules may be called Village Development Model Rules 1980 (Revised). It shall be extended to the whole of Nagaland.

The Village Development Board, subject to such directives which the Village Council may issue from time to time, shall exercise the powers, functions and duties of the Village Councils enumerated in Clauses 4,6,7,8,9 Section 13 of the Act, subject to the prior approval of the Chairman of the Village Council.

The Village Development Board shall also, subject to such directives as the Village Council may issue from time to time, formulate schemes, programmes of action for the development and progress of the Village as a whole or groups of individuals in the Village, or for individuals in the Village, either using the village community or other funds.

All permanent residents of a Village shall be Members of the Village Development Board and all such members shall form The General Body of the VDB's. This general body of the VDB's shall hold at least two general body meetings, of the VDB's during one financial year. During this general body meetings, the concern Village Development Board Secretary who shall be designated as Secretary of the Management Committee of the VDB, shall lay before the

general body all details regarding the VDB Schemes implemented under various programmes, money drawn, loans issued against fixed deposits security, interest or fixed deposit drawn, manner of utilization of interest amount and any other issues concerning the VDB's on which the general body may like to seek clarification.

There shall be a Management Committee of the VDB's which shall be entrusted with the management of the Village Development Boards and the funds of the VDB's, the members of the Management Committee of the VDB shall be chosen by the Village Council concerned. The tenure of the members of the Management Committee of the VDB shall be 3 (three) years unless decided otherwise by the Village Council by resolution. The members of the Management Committee of the VDB may include members of the Village Council those persons who are not members of the Village Council or those who are ineligible to be chosen as, or for being members of the Village Council by virtue of the age or by virtue or tradition and custom. The minimum members of the Management Committee of the VDB's shall not be less than 5 (five) members and the maximum numbers of members shall not exceed 25 (Twenty-Five) members. The number of Women Members to be included in the Management Committee of the VDB should not be less than one-fourth $\frac{1}{4}$ of the total number of members of the Management Committee of the VDB's.

Any resolution passed by the Management Committee of the VDB either for loan application, drawl of funds etc. shall be attended by quorum of not less than 51% of the total number of the Management Committee, otherwise such resolutions passed shall not be valid and shall be liable to rejection by the Chairman of the VDB.

Main provisions of the ADC Acts & Rules: Tripura

The Tripura Tribal Areas Autonomous District (Establishment of Village Committee) Act 1994

The following Act passed by the Tripura Tribal areas Autonomous District Council which has received the assent of the Governor on 28.2.94 is published for general information is required under Para II of the 6th Schedule to the Constitution of India.

To provide for the establishment of Village Committee villages for the Tripura Tribal Areas Autonomous District and for matters connected therewith and incidental thereto.

Whereas it is expedient to establish and development local self Government and to make better provisions for administration of villages into well developed and sufficient unit.

There shall be established for each village a Village Committee to deal with all or any of the matters referred to in Section 20 and 21 and Village Committee shall consist of such number of members not having more an "11" (Eleven) and not being less than "7" (Seven as may be determined by the determined by the Executive Committee by notification in accordance with such scale as may be prescribed on the reference to the population of the Village Committee determined on the basis of the register of ordinary residents of the Village.

The Tripura Tribal Areas Autonomous District Council, Administration Rules, 1988

The following Rule passed by the District Council.

In exercise of the powers conferred by sub-paragraph 7 (b) of Paragraph 2 of the Sixth Schedules to the Constitution of India, the Tripura Tribal Areas Autonomous District Council, with the approval of the Governor of Tripura, makes the following Rules namely These rules may be called the Tripura Tribal Areas Autonomous District Council Administration Rules 1988.

Tripura Tribal Areas Autonomous District Village Committee (Administration) Rules, 2006

Tripura Tribal Areas Autonomous District Council, Khumulwng, West Tripura

These rules may be called the Tripura Tribal Areas Autonomous District Village Committee (Administration) Rules, 2006. They shall come into force on the date of publication in the Tripura Gazette.

Leave of Chairman and Vice-Chairman:-A Village Committee by a resolution at a meeting may grant leave of absence from time to time to its Chairman or Vice- Chairman for a total period not exceeding forty-five days in calendar year. The Secretary of the Village Committee

shall forthwith report sanction of such leave to the Zonal Development Officer. Generally Chairman and Vice- Chairman before proceeding on leave shall request for such leave. However, in unavoidable circumstances, the Chairman or, as the case may be, the Vice-Chairman may proceed on leave without sanction but after handing over the charge and Village Committee regularize the leave in its next meeting.

Provided that if the total leaves period in the year exceeds forty-five days, no honorarium and fixed T.A shall be paid for the period exceeding forty-five days. Provided further that if the Chairman and Vice-Chairman hold charge or is expected to charge for part of the year only, the maximum leave period of forty-five days shall be proportionately reduced.

Resignation or removal of Chairman or Vice-Chairman : The Chairman or Vice-chairman or a member of a Village committee may resign his office writing under his hand addressed to the Zonal Development officer and handing it over in person or by sending it by registered post to the Zonal Development officer. The Zonal Development Officer may accept the resignation after such enquiry as he may deem fit and inform the person concerned, the members of the concerned Village Committee and CEO within fifteen days of such acceptance.

Procedure for removal of Chairman, Vice-Chairman and members: The Zonal Development Officer shall be the prescribed authority for removal of a member of a Village Committee under section 16 of the Act. He shall exercise this function only on the basis of receipt of communication in this regard from the concerned Village Committee. The Additional CEO of TTAADC shall be the appellate authority under sub-section (2) of Section 16.

Attendance Register: The secretary to the Village Committee shall maintain an attendance register of members and all members shall sign it before the meeting.

When a meeting of a Village Committee is not held for want of quorum, the Chairman and the secretary to the Village Committee shall make a note to that effect in the Attendance Register, minute book of the meeting.

Resolution pressed for division: If there is difference of opinions in taking a resolution, it shall be put to vote and the vote shall be by show of hands. Every such resolution shall be recorded

in full in the minute's book together with the number of members voting for or against the resolution.

Panchayats : Main Provisions of the Constitution of India

243A. A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243B. (1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats: Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area. (3) The Legislature of a State may, by law, provide for the representation— (a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level; (b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level; (c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat; (d) of the members of the Council of States and the members of the Legislative Council of the Composition of Panchayats. State, where they are

registered as electors within— (i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level; (ii) a Panchayat area at the district level, in Panchayat at the district level. (4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats. (5) The Chairperson of— (a) a panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and (b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof

243D. (1) Seats shall be reserved for— (a) the Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat. (2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of Reservation of seats. seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat. (4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide: Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State: Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level. (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334. (6)

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

243E. (1) Every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer. Duration of Panchayats, etc. (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Panchayat at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1). (3) An election to constitute a Panchayat shall be completed— (a) before the expiry of its duration specified in clause (1); (b) before the expiration of a period of six months from the date of its dissolution: Provided that where the remainder of the period for which the dissolved Panchayat would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Panchayat for such period. (4) A Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Panchayat would have continued under clause (1) had it not been so dissolved

243F. (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat— (a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned: Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years; (b) if he is so disqualified by or under any law made by the Legislature of the State. (2) If any question arises as to whether a member of a Panchayat has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

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

such conditions as may be specified therein, with respect to— (a) the preparation of plans for economic development and social justice; (b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule. 243H. The Legislature of a State may, by law,— (a) authorise a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits; (b) assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits; (c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and (d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom, as may be specified in the law.

243-I. (1) The Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations Powers to impose taxes by, and Funds of, the Panchayats. Constitution of Finance Commission to review financial position to the Governor as to— (a) the principles which should govern— (i) the distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds; (ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayats; (iii) the grants-in-aid to the Panchayats from the Consolidated Fund of the State; (b) the measures needed to improve the financial position of the Panchayats; (c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats. (2) The Legislature of a State may, by law, provide for the composition of the Commission, the qualifications which shall be requisite for appointment as members thereof and the manner in which they shall be selected. (3) The Commission shall determine their procedure and shall have such powers in the performance of their functions as the Legislature of the State may, by law, confer on them. (4) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State. 243J. The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Panchayats and the auditing of such accounts. 243K. (1) The superintendence, direction and control of the

preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor. (2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine: Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment. (3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1). (4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

243L. The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references, in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly: Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification. 243M. (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244. Application to Union territories. Part not to apply to certain areas. (2) Nothing in this Part shall apply to— (a) the States of Nagaland, Meghalaya and Mizoram; (b) the hill areas in the State of Manipur for which District Councils exist under any law for the time being in force. (3) Nothing in this Part— (a) relating to Panchayats at the district level shall apply to the hill areas of the District of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force; (b) shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law. 1 [(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.] (4) Notwithstanding anything in this Constitution,— (a) the Legislature of a State referred to in subclause (a) of clause (2) may, by law, extend this part to that State,

except the areas, if any, referred to in clause (1), if the Legislative Assembly of that State passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting; (b) Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368. 243N. Notwithstanding anything in this Part, any provision of any law relating to Panchayats in force in a Continuance of existing laws and Panchayats. 1 Ins. by the Constitution (Eighty-third Amendment) Act, 2000, s. 2. State immediately before the commencement of the Constitution (Seventy-third Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier: Provided that all the Panchayats existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State. 243-O. Notwithstanding anything in this Constitution,— (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court; (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.]

Annexure 2

Questionnaire:1 ADC/ Statutory Autonomous Councils /VC/other Administrative Structure

Name of the State.....

Name of the District/ADC/ Statutory Autonomous Councils /VC other Administrative Structure.....

Basic details of the Respondent

Name of respondent

Office & Designation.....

Contact of Details of Respondent: -----

Tel with STD Code.....

Fax.....

Mobile.....

E-mail

Section: 1 Administrative setup

Sl No		
1.1	Please explain nomenclature of different tiers of local institution	
1.2	Nomenclature of heads of local institutions	
1.3	Please explain administrative setup in state (part IX Area, Non-part IX area)	

Section: 2 Profile of Local Body Members

S.No	Particulars	ADC/Statutory Autonomous Councils	Village Council	Any other Administrative structure (specify)
2.1	Please write here the nomenclatures of ADC/ Statutory Autonomous Councils / Village Council and any other administrative structure			
2.2	Number of Elected Representatives			
2.3	Number of nominated members			
2.4	Total number of Women Representatives			
2.5	Number of SC Representatives			
2.6	Number of ST Representatives			
2.7	Number of OBC Representatives			
2.8	What is the percentage of reservation for Women as per the Act?			
2.9	What is the percentage of reservation for Scheduled Castes (SCs) as per the Act?			

2.10	What is the percentage of reservation for Scheduled Tribes (STs) as per the Act?			
2.11	What is the percentage of reservation for OBCs as per the Act?			
2.12	Tenure of the member Fixed (Yes/No)?			
2.13	Tenure of the member lifelong (Yes/No)?			

Section: 3
Election Process

		ADC/Statutory Autonomous Councils	VC	Any other Administrative Structure (specify)
3.1	Who conducts election?			
3.2	Is there any state election commission?if yes, when was it appointed?			
3.3	What is the tenure of the State Election Commission?			
3.4	Is the state election commission in a position to conduct the election? Please explain -----			
3.5	Who decides the dates for Local bodies elections?			
3.6	Whether the states have separate electoral rolls for the Local Body elections?			
3.7	When was the last election held?			
3.8	When is the new election due?			

Section: 4
Constitution and Functioning of Planning Committee and Approval of Plans

Sl. No	Details regarding DPC	
4.1	Whether any form of Planning committee has been constituted? If yes, provide nomenclature and other details	
4.2	Who chairs the Planning Committee (PC)?	
4.3	Number of PC members and the tenure of PC?	
4.4	How the members of PC are selected / nominated?	
4.5	Are the plans of the ADC/ Statutory Autonomous Councils /VC/any other administrative structure submitted to PC?	

4.6	Is the Planning Committee functional? Does Planning Committee hold meetings regularly for consolidation/ approval of plan? Please explain the role of planning committee in consolidation / approval of plan	
4.7	Whether the integrated District plan from part of the state plan?	

Section: 5

Decentralized Planning, Preparation of Plan and Selection of Beneficiaries

5.1	Was the plan of the ADC/Statutory Autonomous Councils /VC/Any other Administrative structure prepared for the year 2016-17?	
5.2	Is there a guideline from the State to the ADC/Statutory Autonomous Councils/VC/Any other Administrative structure for plan preparation?	
5.3	Explain the steps in the process of plan preparation 2016-17?	
5.4	Did the ADC/Statutory Autonomous Councils /VC/Any other Administrative structure receive technical support for the preparation of plan documents?	
5.5	Is the Plan discussed in Gram Sabha?	
5.6	Please explain the role of Gram Sabha in the identification of work/scheme and preparation of plan	
5.7	What are the resources made available to local governments for planning?	
5.8	Please describe the institutional structure for decentralized planning	
5.9	Please describe the source of support provided for decentralized planning (e.g. resource persons, structure, persons allocated (permanent, temporary) etc.)	

Central and State Schemes

Sl No	What are the Central and State Schemes implemented through decentralised planning? Please list the schemes below:	ADC/Statutory Autonomous Councils	VC	Any other Administrative structure
5.10				
5.11				
5.12				
5.13				
5.14				
5.15				
5.16				

5.17				
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Section: 6
Gram Sabha/Village Council

6.1	Number of Gram Sabha/Village Council meetings mandated in a year:	
6.2	Number of Gram Sabha/ Village Council meetings taken place in the last year (2016-17)	
6.3	Officials who attend Gram Sabha/ Village Council (designation)	
6.4	Topics of discussion during the meeting	
6.5	Does the ADC/ Statutory Autonomous Councils /VC/any other administrative structure have financial assistance in conducting Gram Sabha/ Village Council?	

Section: 7
Devolution of Functions / Activities

		ADC/Statutory Autonomous Councils	Village Council	Any other Administrative structure (Specify)
7.1	How many subjects/ functions are devolved? (Mention the functions/ activities)?			
7.2	Please list out the development activities carried out in the last two years			

Section: 8
Monitoring of Activities

8.1	Who monitors the implementation of development activities?	
8.2	Whether the ADC/ Statutory Autonomous Councils /VC/any other administrative structure provide information to the public under RTI Act?	
8.3	Who is the Information Officer under RTI Act at ADC/ Statutory Autonomous Councils /VC/any other administrative structure?	
8.4	Which institution undertakes the complaints of ADC/ Statutory Autonomous Councils /VC/any other administrative structure?	
8.5	What are the Grievance Redressal mechanisms in ADC/Statutory Autonomous Councils /VC?	

Section: 9
Funds and Finance

Fiscal Transfer to ADC/Statutory Autonomous Councils/VC/AnyotherAdministrative Structure

9.1	Please explain funding pattern under central scheme.	
9.2	Please explain fund pattern under state scheme.	
9.3	Describe which department transfers fund and mention - one time or a regular featured grant?	

Types of Grant received

		Amount Received 2016-17(Rs.)	Amount Received 2015- 16(Rs.)
9.4	Central Finance Commission Grant		
9.5	State Finance Commission Grant		
9.6	Central Schemes grant		
9.7	State Schemes grant		
9.8	Any other grant (e.g. Subvention Grants))		

Income of ADC/Statutory Autonomous Councils /VC/Any other Administrative Structure

Whether the State Government has the mechanism to maintain information (database) on revenue of ADC/Statutory Autonomous Councils /VC /Any other Administrative Structure?

		2015-16	2016-17
9.9	Own Source of Revenue Tax revenue		
9.10	Own Source of Revenue Non Tax revenue		
9.11	Revenue received from State [including State Finance Commission (SFC)		
9.12	Revenue received from Thirteenth Finance Commission		
9.13	Grants for Staff salary		
9.14	Other grants from State (give detail)		

9.15	Receipts from Centrally Sponsored Schemes (CSS)		
9.16	Others (specify)		

State Finance Commission

9.17	Was the State Finance Commission constituted?	
9.18	If yes, please provide details related to SFC	
9.19	Please explain the applicability of recommendations of the State Finance Commission (main recommendations, acceptance and implementation) to local bodies	

Tax and Non-Tax Assignments to ADC/Statutory Autonomous Councils /VC/Any other Administrative structure

Sl. No	Name of Tax/ Non Tax	Empowered to collect (Please write Yes/No in the relevant columns)				Amount Collected(2016-17) (Rs. in Lakhs)	If revenue is collected by State Agencies, mention the amount (Rs. in Lakhs)	
		ADC/ Statutory Autonomous Councils	V C	Any other Administrative structure	State		Transferred totally to ADC/Statutory Autonomous Councils /VC/Any other Administrative structure	partly shared with ADC/Statutory Autonomous Councils /VC/Any other Administrative structure
9.20								
9.21								
9.22								
9.23								
9.24								
9.25								

Section: 10 Accounting and Auditing

Accounting and Budget

		2016-17(or Latest available year 1)	2015-16(or Latest available year 2)
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10.1	Whether any accounting format has been prescribed for the ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure? Explain		
10.2	Whether the ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure Prepare and submit Annual FinanceStatement to the prescribed authority after each Financial year? If yes, provide the details		
10.3	Is the ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure is having a trained Secretary/Accountant/Clerk to maintain the Accounts		
10.4	Whether there is a format prescribed by C&AG or any other authority for preparation of budget?		
10.5	If yes, provide the details		

Audit

Details of Audit		2015-16	2016-17	2017-18
10.6	Whether the Accounts of ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure are subjected to external audit?			
10.7	If Yes, write the name of the audit authority			
10.8	Whether the Accounts of ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure are subjected to internal audit ?			
10.9	Whether the Accounts of ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure are subjected to C&AG Audit?			

Section: 11 Social Audit

11.1	Is the social audit made mandatory at ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure level (Yes /No)?	
11.2	If yes, details of schemes for which it is mandatory (please give the names of schemes)	
11.3	Has the state issued any guide lines for the conduct of social audit (yes or no)?	
11.4	If yes, give the order number /provision in the Act	

11.5	Who prepare Social Audit Report at village level (please elaborate)?	
11.6	How often is the Social Audit Conducted?	
11.7	State whether the Social Audit Report are presented in the Gram Sabha/ Village Council	
11.8	Are remedial measures taken by the authority concerned upon the findings in the social audit?	
11.9	Whether the Social Audit Report and ATR available in public domain (yes or no)?	

Section: 12
Staff Pattern

12.1	Are there adequate functionaries for undertaking various activities/ works? Please explain	
12.2	Is the staff pattern of the ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure decided by the state?	
12.3	Who appoint staff?	
12.4	Please explain the control system in respect of staff	
12.5	Is there any public service commission or similar agency for recruitment purpose?	

Staff Structure

Sl.No	Description	ADC/Statutory Autonomous Councils	Village Council	Any other Administrative structure (specify)	Indicate Source of information
12.6	Own regular Staff (Number)				
12.7	On contract staff(Number)				
12.8	Other staff (please specify along with number)				

Section: 13
Training of Staff and Members of Local Bodies

No	Category	ADC/Statutory Autonomous Councils		VC		Other Administrative structure	
		Number Trained	Days Trained	Number trained	Days Trained	Number trained	Days Trained
13.1	Staff /functionaries						
13.2	ERs						
13.3	VC head						
13.4	VC members						

Please provide details including training institutions and resource persons? -----

Section: 14
Office and Infrastructure

S.No	Details of Infrastructure
14.1	Number of ADC/ Statutory Autonomous Councils /VC/Any other Administrative structurehaving:
	a) Pucca building - Please explain
	b) Computers & Printers
	c) Internet
	d) Websites
	e) e-mail address
	f) software applications adopted
	g) Use of PES Application

Section: 15
Problems and Suggestions

15.1	What are the issues pertaining to local governance?	
15.2	What are the problems pertaining to decentralised planning?	
15.3	What are the problems related to funding allocation for various activities?	
15.4	Please provide a few suggestions to improve the local governance	

Section: 16
Documents Sought

Sl	Name of Document	Year of Publication/
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No		Enactment / Order
16.1	ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure Council Act and rules of the State (including amendments)	
16.2	Notification/GOs/Executive Orders/Circulars/ Rules/ Guidelines related to ADC/ Statutory Autonomous Councils /VC/Any other Administrative structure, SFC, ATR, Gram Sabha/Village Council, Annual Report and Other related documents	
16.3	Act and Circulars on Planning Committee (PC)/ decentralized planning	
16.4	Budget documents of ADCs 2016-17, 2017-18	
16.5	Others (Specify)	

Name of Interviewer

(iv) Name of Interviewer

.....Designation.....
.....

(v) Contact Details of the Technical Officer (a)Tel With STD Code.....

.....(b)Fax..... (c)

Mobile.....(d) E-mail.....

Annexure 3

Questionnaire 2: District, Intermediate and Gram Panchayats

Section A- District Panchayat

Name of the State

Name of the District Panchayat

Documents Sought: Please attach the following reports/ documents/ any other relevant material and questionnaire duly filled in.

S.No	Documents
1.	Detail of Elected Representatives

S.No	Documents
2.	Annual Statement of Accounts for the last three years
3.	Copy of the Annual plan 2017-18
4.	Minutes of last three meetings

1. General Information

S.No	Particulars	District
1.1	Please write here the name of Panchayat (nomenclatures)	
1.2	Number of panchayats at each level	
1.3	Percentage of reservation for:	Women
		SCs
		STs
		OBCs
1.4	Total population of the Panchayat as per 2011 census	
		General
		SCs
		STs
		OBCs
		Total
		i.
ii.		

2. Standing Committee

2.1	Standing Committees constituted in the Village Panchayat:						
	Name of standing committee	Chairperson (name & designation)	Members (designation)	Number of meeting held in 2017-18	List of attendants	Resolutions passed or activities undertaken in 2017-18	Other issues before the committee

3. Planning at District Level

S.No	Particulars			
Plan Preparation				
3.1	Is there any guidelines issued by the state for decentralized planning at the district level? If yes, pls. elaborate:			
3.2	Is there any guidelines issued by the district to block for plan preparation? If yes, pls. describe			
3.3	What is the institutional structure for planning at the district level:			
3.4	Has the state given any planning calendar to district? If yes, mention the key dates:			
3.5	Whether district plans are made (mention the date):			
3.6	Who all are involved in the plan preparation:			
3.7	Specify the steps in the plan preparation process:			
3.8	Is there analysis of felt need for the plans :			
3.9	Are the overall goals stated in district plans; if so, pls. describe:			
Features of Plan				
3.10	Details of the plan prepared in 2017-18:			
	Activities proposed:	Amount Budgeted:	Sources of Budget	Are the funds allocated, adequate for the plan activities? If no, specify:
3.11	Whether the resources available for planning for the year 2017-18 have been indicated to the panchayat? If so, pls. give details:			
3.12	Please mention the date of approval of budget:			
3.13	Whether the plans of village and block have been integrated in the district plans? If yes, mention those plans:			
3.14	Are the departmental schemes included in the plan? If yes, specify:			
3.15	Does the district plans form the part of state plans? If so, pls. describe:			
3.16	Describe the source of support for planning at district by the state (resource persons, structure, staff allocated-permanent/temporary):			
3.17	Please elaborate the process of plan approval			
3.18	Mention the date of approval of the plan			
3.19	Any other salient issues related to planning			

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4. Functions performed by the District Panchayat

(a) Scheme based activities

(b) Non-Scheme based activities

4.1 Scheme based activities

Please mention the name of the scheme and activity undertaken

4.2 Non Scheme based activities

Please mention the name of the non scheme and activity undertaken

5. Infrastructure and e-connectivity

S.No	Details of Panchayat Infrastructure	
5.1	Number of panchayat having:	
	h) Panchayat 'Ghar' (Pucca building)	
	i) Computers & Printers	
	j) Internet	
	k) Websites	
	l) e-mail address	
	m) software applications adopted	
	n) GOs receiving facility through mail	
5.2	Is there pucca building for district panchayat? Specify the area in sq.feet:	
5.3	How many rooms are there in the building:	
5.4	Is there a separate hall for meetings:	
5.5	Number of days district panchayat operates in a week and office timing:	
5.6	What are the facilities available in the district office (toilet, water, electricity):	
5.7	Furniture and other equipments available (e.g. table, chair, fan etc.)	
5.8	For what all purposes computers are used (for all three levels):	
5.9	Name the departments that have their field offices in the district panchayat building:	
5.10	Measures taken for the following: construction of new panchayat ghar: repair of existing building:construction of toilets (including separate toilets for women):	

	Provision of electricity and water connections:
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6. Accounts and Audit

6.1	What are the provisions related to maintenance of accounts and audit of Panchayats? Specify the recent guidelines
6.2	Mention the Budget & Account format followed by panchayats. Since when the format is used:
6.3	Name the documents of the panchayats that are available on internet? (e.g. budget proposals, accounts statements, audited accounts and also specify the website, where accounts of Panchayats are available):
6.4	How many Panchayats have disclosed Account Statement online at all levels of panchayat (Please give numbers):
6.5	Number of Panchayats audited in the fiscal year 2017-18:
6.6	Who undertook the process of updating accounts online? (Own Staff/Outsourced)? Are the staffs trained?
6.7	Who audits the accounts of Panchayats at various level
6.8	Mention the recent initiatives undertaken in Accounting & Audit since April 2016

7. Social Audit

7.1	Please elaborate the Rules and Orders regarding Social Audit (Copies may be provided):
7.2	Write a note on Social Audit (e.g. who conducts it, the administrative structure, how often conducted and audit teams available for the purpose etc.):
7.3	Mention the schemes that are audited:
7.4	Are the reports of social audits & the ATR put in public domain? If yes, how such reports are disseminated?
7.5	Is there any training available to conduct social audit? If yes, who imparts the training?

Recent Initiatives with respect to Social Audit in the Year 2017-18:
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Section B- Block Panchayat (Intermediate Panchayat)

Name of the State

Name of the Block Panchayat

Documents Sought: Please attach the following reports/ documents/ any other relevant material and questionnaire duly filled in.

S.No	Documents
1.	Detail of Elected Representatives
2.	Annual Statement of Accounts for the last three years
3.	Copy of the Annual plan
4.	Minutes of last three meetings

1. General Information

S.No	Particulars			
1.1	Number of village panchayat in the block:			
1.2	Percentage of reservation for:	Women		
		SCs		
		STs		
		OBCs		
1.3	Total population of the Block as per 2011 census	Category	Female	Male
		General		
		SCs		
		STs		
		OBCs		
	Total			
1.4	Number of Sarpanch in the block			
Source(s) of information:				

2. Standing Committee

2.1	Standing Committees constituted in the village panchayat:
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Name of standing committee	Chairperson (name & designation)	Members (designation)	Number of meetings held in 2017-18	List of attendants	Resolutions passed or activities undertaken in 2017-18	Other issues before the committee

3. Planning at Block Level

S.No	Particulars			
Plan Preparation				
3.1	Who issues guidelines to the block for preparation of plans? Elaborate and is it known to the panchayat:			
3.2	What is the institutional structure for planning at the block level:			
3.3	Whether the resources available for planning have been indicated to the block panchayat? If so, pls. give details:			
3.4	Write down the steps in the plan preparation process including who all are involved:			
3.5	Was any technical support offered to the block for the preparation of plan documents? Elaborate.			
3.6	Is there analysis of felt need			
3.7	Are the overall goals stated in the plans; if so, pls. describe:			
Features of Plan				
3.8	Details of the plan prepared in 2017-18:			
	Activities proposed:	Amount Budgeted (Rs. in Lakhs):	Sources of Budget	Are the funds allocated, adequate for the plan activities? If no, specify:

3.9	Please mention the date of approval of budget by the block panchayat:			
Approval of the Plan				
3.10	To whom the block plan was submitted	Due date of submission	Actual date of submission	
3.11	Who approved the plan in 2017-18 and how it was approved:			
3.12	Mention the date of approval of the plan			
3.13	<i>Number</i> of village panchayats in the block that prepared plans in 2017-18			
3.14	Are the plans prepared by village panchayats consolidated at the block level:			
3.15	Any other salient issues related to planning			

4. Functions performed by the Block Panchayat

(a) Scheme based activities

(b) Non-Scheme based activities

4.1 Scheme based activities

Please mention the name of the scheme and activity undertaken

4.2 Non Scheme based activities

Please mention the name of the non scheme and activity undertaken

5. Infrastructure and e-connectivity

S.No	Details of Panchayat Infrastructure
5.1	Do the panchayat have own building? Specify the area in sq.feet.
5.2	How many people sit in the building? Is the space adequate

5.3	How many rooms are there in the panchayatghar
5.4	Is there a separate hall for meetings
5.5	Number of days panchayat operates in a week and its office timings:
5.6	What are the facilities available in the panchayatbuilding (toilet, water, electricity)
5.7	Does the village panchayat use the facilities available at the block for their own use? If yes, specify
5.8	Furniture and other equipments available (e.g. table, chair, fan etc.)
5.9	Number of computers available? Are they in working condition:
5.10	Is internet available in the office? If no, how far is the nearest access point:
5.11	For what all purposes computers are used:
5.12	Do the panchayat have e-mail address or web page of their own?
5.13	Name the software applications that are in use in the panchayat
5.14	Whether they receive GOs and orders through mail
5.15	Name the departments that havetheir field offices in the block
5.16	In 2017-18, what are the measures taken for panchayat infrastructure? construction of new panchayatghar: repair of existing building: construction of toilets (including separate toilets for women): provision of electricity and water connections:

6. Accounts and Audit

6.1	What are the provisions related to maintenance of accounts and audit of Panchayat? Specify the recent guidelines
6.2	Mention the Budget & Account format followed by panchayats. Since when the format is used:
6.3	Name the documents of the panchayats that are available on internet? (e.g. budget proposals, accounts statements, audited accounts and also specify the website, where accounts of Panchayats are available)

6.4	How many Panchayats have disclosed Account Statement online at block level (Please give numbers)
6.5	Number of Panchayats audited in the fiscal year 2017-18:
6.6	Who undertook the process of updating accounts online? (Own Staff/Outsourced)? Are the staffs trained?
6.7	Who audits the accounts of Panchayats at block level
6.8	Mention the recent initiatives undertaken in Accounting & Audit since April 2016

7. Social Audit

7.1	Please elaborate the Rules and Orders regarding Social Audit (Copies may be provided):
7.2	Write a note on Social Audit (e.g. who conducts it, the administrative structure, how often conducted and audit teams available for the purpose etc.)
7.3	Mention the schemes that are audited
7.4	Are the reports of social audits & the ATR put in public domain? If yes, how such reports are disseminated?
7.5	Is there any training available to conduct social audit? If yes, who imparts the training?
Recent Initiatives with respect to Social Audit in the Year 2017-18:	

Section C-Village Panchayat

Name of the State

Name of the Village Panchayat

2.2	Is there a guideline from the State to the panchayat for plan preparation? And, Is it known to the panchayat?			
2.3	Whether the resources available for planning for the year 2017-18 have been indicated to the panchayat? If so, pls. give details:			
2.4	Write down the steps in the process of plan preparation in 2017-18 (including people involved in the process):			
2.5	Did the village panchayat receive any guidelines and technical support for the preparation of plan documents? If yes, pl. Elaborate:			
2.6	Was the Plan discussed in <i>Gram Sabha</i> ? If yes, specify the suggestion(s) made:			
2.7	What all suggestions of the GS were incorporated in the Village Plan (specify):			
2.8	Was the budget prepared by the panchayat for 2017-18:			
2.9	Is there analysis of felt need? If yes pls. describe.			
2.10	Are the overall goals stated in the plans; if so, pls. describe:			
Features of the plan				
2.11	Details of the plan prepared in 2017-18:			
	Activities proposed:	Amount Budgeted (Rs. in Lakhs):	Sources of Budget	Are the funds allocated, adequate for the plan activities? If no, specify:
2.12	Please mention the date of approval of budget by the village panchayat:			
2.13	Is there any special allocation for Women, SC, ST, Girl Child, Health and Education? Is yes, pl. elaborate:			
2.14	Are the departmental schemes included in the plan? If yes, specify:			
Approval of the plan				
2.15	To whom the plan of panchayat was submitted:			

	specify	Due date of submission	Actual date of submission
2.16	Who approved the plan in 2017-18 and how it was approved:		
2.17	Mention the date of approval of the plan:		
2.18	Are the plans prepared by panchayat considered by the DPC:		
2.19	Any other salient issues related to planning:		

3. Gram Sabha

S.No	Particulars						
3.1	Number of Gram Sabha meetings mandated in a year:						
3.2	GS meetings taken place in the year 2017-18:						
	Date of meeting in 2017-18	No. of participants	Officials who attend GS (designation)	Topics of discussion	Decision taken	Action taken	Photography/ Videography of the meeting
3.3	Please elaborate, is there a special reason/purpose of meeting:						
3.4	Number of Gram Sabha postponed due to lack of quorum in 2017-18:						
3.5	Does the VP have financial assistance in conducting GS:						
3.6	Is the VP able to conduct GS with their own revenue:						
3.7	Role of the GS in the following activities in 2017-18:						
	a) Planning						
	b) Budget Preparation						
	c) Preparation of UC						
	d) Passing of Accounts						
	e) Social Audit						
	f) Preparation of BPL List						
	g) Selection of work under MGNREGA						
	h) Preparation of Beneficiary						IAY

	list		
		AA Y	
		Others (Specify)	
	i) Any other (Specify)		
3.8	Is there <i>Mahila Sabha or Ward Sabha</i> in the village? If yes, pl. elaborate their activities in 2017-18		

4. Standing Committee

4.1	Standing Committees constituted in the village panchayat:						
	Name of standing committee	Chairperson (name & designation)	Members (designation)	Number of meetings held in 2017-18	List of attendants	Resolutions passed or activities undertaken in 2017-18	Other issues before the committee
4.2	Are there any other types of Committees? If yes, pl. describe:						

5. Infrastructure and e-connectivity

S.No	Details of Panchayat Infrastructure
5.1	Do the panchayat have own building? Specify the area in sq.feet.
5.2	How many people sit in the building? Is the space adequate:
5.3	How many rooms are there in the panchayat ghar:
5.4	Does the sarpanch have separate room:
5.5	Is there a separate hall for meetings:
5.6	Number of days in a week panchayat operates and office timing:

5.7	What are displayed in the panchayat walls inside
5.8	Information displayed outside the office building
5.9	What are the facilities available in the panchayat building(toilet, water, electricity)
5.10	What is the nature of water facility available? (tape water/stored water)
5.11	Does the panchayat use the facilities available at the block for own use. If yes, specify
5.12	Furniture and other equipment available (e.g. table, chair, fan etc.)
5.13	Number of computers available? Are they in working condition:
5.14	Is internet available in the office? If no, how far is the nearest access point:
5.15	For what all purposes computers are used:
5.16	Do the panchayat have e-mail address or web page of their own?
5.17	Name the software applications that are in use in the panchayat
5.18	Whether they receive GOs and orders through e-mail
5.19	Name the departments that have their field offices in the panchayat building:
5.20	In 2017-18, what are the measures taken for panchayat infrastructure? By whom? <ul style="list-style-type: none"> i. construction of new panchayat ghar: ii. repair of existing building: iii. construction of toilets (including separate toilets for women): iv. provision of electricity and water connections:

6. Accounts & Audit

6.1	What are the provisions related to maintenance of accounts and audit of the Panchayat? Specify the recent guidelines:
6.2	Mention the Budget & Account format followed by panchayats. Since when the format is used:

6.3	Name the documents of the panchayats that are available on internet? (e.g. budget proposals, accounts statements, audited accounts and also specify the website, where accounts of the Panchayat are available)
6.4	Has the Panchayat disclosed Account Statement online
6.5	Has the panchayat been audited in the fiscal year 2017-18:
6.6	Who undertook the process of updating accounts online? (Own Staff/Outsourced)? Are the staffs trained?
6.7	Who audits the accounts of Panchayat:
6.8	Mention the recent initiatives undertaken in Accounting & Audit since April 2016

7. Social Audit

7.1	Please elaborate the Rules and Orders regarding Social Audit (Copies may be provided):
7.2	Write a note on Social Audit (e.g. who conducts it, the administrative structure, how often conducted and audit teams available for the purpose etc.)
7.3	Mention the schemes that are audited:
7.4	Are the reports of social audits & the ATR put in public domain? If yes, how such reports are disseminated?
7.5	Is there any training available to conduct social audit? If yes, who imparts the training?
Recent Initiatives with respect to Social Audit in the Year 2017-18:	
