

Local Democracy in North–East India

with special reference to Mara Autonomous District Council in Mizoram

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1. Background:

The tribe of Maras currently dwelling in the south–western part of Mizoram belong to Indo–Tibetan race and it is believed that they had migrated and settled in their present homeland since 1650 AD. Before the British’s annexation of their land, each village was governed and control by its own chief who was absolutely sovereign and independent from external control. It was in 1924 that the entire territory governed by different Mara chiefs was annexed and came under the control and administration of the British. Then, the so–called Maraland was divided in two parts and were subsequently kept under the separate administration of the British. The eastern part was under the territorial jurisdiction and control of the Chin Hills of Burma whereas the western part was included in the Lushai Hills of India. Unfortunately, the Maras have been geographically separated by international boundary of Myanmar and India till today.

Under the Government of India Act 1935, the hills Areas of Assam are divided into two categories–excluded areas and partially excluded areas. The Lushai Hills (Now Mizoram), the Naga Hills and the North–Cachar were under the excluded area over which the provisional Ministry of Assam had no jurisdiction and no federal or provisional legislation extended to the District automatically.

In 1947, the Government of India set up a sub–committee of the Constituent Assembly, named the North–East Frontier (Assam) Tribal and excluded Area Committee, under the chairmanship of Gopinath Bordaloi, the then Chief Minister of Assam, the Bordaloi’s Committee after making an on the spot study of the demands and separations of the hill tribe recommended the setting up of Autonomous District Councils.

The recommendation was accepted and incorporated into Articles 244 (2) and 275 (1) of the Constitution. Following the enactment of the Constitution, the Government of India immediately set up Interim Tribal Advisory Council in each Hill District, with limited power to advise the District Collector/Deputy Commissioner on administrative and development manners. District Council and Regional Council for the Autonomous Region were constituted in 1952 and 1953 respectively under Lushai Hills District in accordance with Paragraph 2 of the Sixth Schedule to the Constitution and the Assam Autonomous District (Constitution of District Council) Rules 1951 and the Pawi–Lakher (Constitution of Regional Council) Rules 1952 of the Government of Assam. The Pawi–Lakher Regional Council was set up on 23rd April 1953. Prior to the formation of Pawi–Lakher Regional Council, the Lakher Autonomous Regional Council was constituted vide Notification No. TAD/R/50/118 of 05.03.1951. however, the leader of Pawi tribe had pleaded the political leaders of their

neighbouring Mara tribe to allow them to join the Lakher Autonomous Regional Council. Consequently, the Government of Assam issued Notification No. TAD/R/50/119 of 31.07.1951 for creation of Pawi–Lakher Regional Council.

Through the North–Eastern Areas (Re-organisation) Act 1971, the Mizo Hills was elevated to the status of the union Territory of Mizoram. Following this, the Pawi–Lakher Autonomous Regional Council was dissolved in 1972 and trifurcated into three Autonomous District Councils i.e. (1) Lakher Autonomous District Council (2) Pawi Autonomous District Council and (3) Chakma Autonomous District Council through amendment of the Sixth Schedule to the Constitution. Later Lakher Autonomous District Council and Pawi Autonomous District Council were re–named as the Mara Autonomous District Council and Lai Autonomous District Council respectively through amendment of the Sixth Schedule to the Constitution in 1988.

2. The Autonomous District Councils in Mizoram:

Under Articles 244 (2) & 275 (1) of the constitution the provision of the Sixth Schedule had applied to the administration of Tribal Areas in Mizoram. The philosophy behind the Sixth Schedule to the Constitution is to protect and develop the tribal's custom and tradition, Language, their population, their interest and develop themselves by constitutionally mandating a special kind of autonomous governance structure. The Sixth Schedule endows these councils with extensive Legislative Judicial Executive and Financial powers.

The three Autonomous District Councils in Mizoram have been constituted in accordance with Paragraph 20 of the Sixth Schedule, namely (1) Chakma Autonomous District Council (CADC) (2) Lai Autonomous District Council (LADC) and (3) Mara Autonomous District Council (MADC). These District Councils are summarised as follows:

S.No	Item	CADC	LADC	MADC
1.	Area.	1500 Sq.Km	1870 Sq.Km	1445 Sq.Km
2.	Population.			64,829 (As per 2015 census)
3.	No. of elected members.	18	25	25
4.	No. of nominated members.	3 (1 male) (2 female)	3 (1 male) (2 female)	3 (1 male) (2 female)
5.	Details of Executive Committee.	6 Members and a Chief Executive Member.	8 Members and a Chief Executive Member.	8 Members and a Chief Executive Member.
6.	Legislative Department.	Chairman and Deputy Chairman.	Chairman and Deputy Chairman.	Chairman and Deputy Chairman.
7.	Village Council.			
	(1) Relevant Legislation.	Village Council Act passed by the District Council.	Village Council Act passed by the District Council.	Village Council Act passed by the District Council.

	(2) Criteria for composition.	Village council in each village with 50 houses or more houses.	For each village consisting 50 houses to 250 houses.	For each village consisting 50 houses to 250 houses.
	(3) No. of villages.		95	93
	(4) Election of Members.	Adult Franchise Election once in five years. One elected seat is reserved for woman in every village council.	Adult Franchise Election once in five years. One elected seat is reserved for nominated in every village council.	Adult Franchise Election once in five years. One elected seat is reserved for women in every village council and each village council has one nominated seat.

3. Powers and function of the Autonomous District Council:

The functions of the three District Councils conform to the common pattern as enumerated under the Sixth Schedule. In respect of Mizoram they consist of three main functions (1) Legislative powers (2) Judicial Powers and (3) Executive powers.

- (1) **Legislative powers:** Under Paragraph 3 the Autonomous District Councils are empowered to make Laws with respect to–
- (a) The allocation, occupation or use or setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non–agricultural purposes or for any other purpose, likely to promote the interests of the inhabitants of any village or town.
 - (b) The management of any forest not being a reserve forest.
 - (c) The use of any Canal or water–course for the purpose of agricultural.
 - (d) The regulation of the practice of Jhum or other forms of shifting cultivation.
 - (e) The establishment of village or town committees or Councils and their power.
 - (f) Any other matter relating to village or town administration, including village or town police and public health and sanitation.
 - (g) The appointment or succession of chiefs or headman.
 - (h) Inheritance of property.
 - (i) Marriage and divorce and
 - (j) Social custom.

Under Paragraph 2 (7) the ADCs are empowered to make rules with the approval of the Governor 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 within the District by persons other than resident in the District in the states of Tripura and Mizoram.

In respect to legislative functions, the councils function like mini legislative Assemblies with powers to pass their own Laws and Rules, subject to ratification by the Governor. With respect to matters over which the District Councils are empowered to make Laws Act of the State Legislature shall not extend to such Areas unless the relevant District Council directs by public notification. As regard to other matters, the President or the Governor with respect to Act of State legislature may direct respectively that an Act of Parliament or of the State Legislature shall not apply to an autonomous District or shall apply only subject to exceptions or modifications as may be specified.

The applicability of the Laws to tribal areas of the States of Mizoram can better be understood by the following table.

Applicability of the foresaid of Union Laws and State Laws to tribal Areas of Mizoram.

Sl.No.	Category of Laws	Mizoram under Para 12 B
1.	Laws of the State Legislature or the Subjects mentioned in Para 3.	Not applicable unless District Council so direct with or without modification.
2.	Laws of the State Legislature on the subjects mentioned in Para 3.	Governor may direct not to apply or may apply with or without modification.
3.	Laws of the State Legislature on the subject mentioned in Para 8 and 10.	There is no special mentioned meaning thereby that the District Council regulation shall prevail.
4.	Laws of the State Legislature prohibiting or restricting the consumption of any non–distilled alcohol liquor.	Not applicable unless District Council direct so with or without modifications.
5.	Laws made by the Parliament.	President may direct not to apply or may apply with or without modification.

List of Acts, Rules & Regulations enacted by the Mara Autonomous District Council.

1. The Mara Autonomous District Council (Constitution, Conduct of Business, etc.) Rules, 2002.
2. The Lakher District Council (Land and Revenue) Act, 1973.
3. The Mara Autonomous District (Village Councils) Act, 1974.
4. The Lakher Autonomous District (Forests) Act, 1981.
5. The Lakher Autonomous District (Inheritance of Property) Act, 1982.
6. The Lakher Autonomous District Council (Animals Control and Taxation) Act, 1983.
7. The Mara Autonomous District Council (Town Committees) Act, 2011.

8. The Mara Autonomous District Council (Agricultural Land Settlement) Act, 2011.
9. The Mara Autonomous District Council (Non–Agricultural Land Settlement) Act, 2011.
10. The Lakher Autonomous District (Administration of Justice) Rules, 1981.
11. The Mara Autonomous District Council (Salaries and Allowances of Chief Executive Member and Executive Members) Rules, 2003.
12. The Mara Autonomous District Council (Salaries and Allowances of Chairman and Deputy Chairman) Rules, 2003.
13. The Mara Autonomous District Council (Salaries, Allowances and Pension of Members) Rules, 2003.
14. The Mara Autonomous District Council (Board of School Education) Rules, 2010.
15. The Mizoram Autonomous District Councils Fund Rules, 2010. (*Framed by His Excellency the Governor of Mizoram*)
16. The Mara Autonomous District Council (Allocation of Business) Rules, 2011.
17. The Mara Autonomous District Council (Transaction of Business) Rules, 2011.
18. The Mara Autonomous District Council (Publication of Board) Rules, 2011.
19. The Mara Autonomous District Council (Public Health and Sanitation) Rules, 2012.
20. The Mara Autonomous District Council (Business Advisory Committee) Rules, 2013.
21. The Mara Autonomous District (Election to Village Councils) Rules, 2014.
22. The Lakher District Council (Revenue Assessment) Regulation, 1973.
23. The Lakher District Council (Professions, Trades, Callings and Employments Taxation) Regulation, 1973.
24. The Lakher District Council (Taxes) Regulation, 1974.
25. The Lakher District (Market) Regulation, 1977.
26. The Mara Autonomous District Council (Tax on Entry of Vehicles into the Autonomous District) Regulations, 2005.
27. The Mara Autonomous District Council (Trading) Regulation, 2012.
28. The Mara Autonomous District Council (Taxes and Rent on Buildings) Regulation, 2013.
29. The Mara Autonomous District Council (Taxes on Motor Vehicles) Regulation, 2014.
30. The Mara Autonomous District Council (Control of Vehicles Parking and Collection of Parking Fees) Regulation, 2014.
31. The Lai, Mara and Chakma District Councils (Group A, B, C & D Posts) Recruitment Rules, 1992.

(2) **Judicial powers:**

For administration of Justice, Paragraph 4 provides that the District Councils are vested with the following powers:

- (1) Constituting village Councils and Courts for the trial of suits and Cases of the Scheduled tribe Communities. District Council can appoint members of village

councils and presiding Officers for the administration of the Laws made by the District Councils.

- (2) The District Council Court headed by Court President with 2 Judicial Officers and subordinate District Council Court under Judicial Officer are constituted and empowered to exercise the powers of a Court of Appeal in respect of all suits and cases of appeal by the village councils and Courts so constituted. No other Courts except the High Court of the state and the Supreme Court of India have jurisdiction over such suits and cases.
- (3) District Council may with the prior approval of the Governor, make rules regulating—
 - (i) The constitution of village councils/courts and the power to be exercised by them.
 - (ii) The procedure to be followed by the District Council or any Court constituted by such council in appeals and other proceedings.
- (4) The Governor may for the trial of suits or cases arising out of any Law in force in any Autonomous District Council confer on the District Council or on Courts constituted by such council or any officer appointed in that behalf by the Governor, such powers under the code of Civil and Criminal procedures, as he deems appropriate and thereupon the said council, Court or Officer shall try to suits cases or offences in exercise of the powers so conferred.
- (5) The Governor is authorised to withdraw or modify any of the powers conferred on District Council Court or Officer so far as the judicial matter are concerned.

(3) Executive powers:

The following Executive powers have also been vested with the District Council under the Sixth Schedule to the Constitution.

- (a) Under Paragraph 6 (1) of the Sixth Schedule, District Council have powers to establish, construct and manage Primary Schools, Dispensaries, Markets, Cattle Ponds, Ferries, Fisheries Roads, Road Transport and Water ways. The councils also have the power to assess, levy and collect revenue in respect of land and buildings, taxes on professions, trades callings and employments, animals, vehicles and boats, tolls on passengers and goods carried in ferries and taxes on the maintenance of schools, dispensaries and roads as listed in Paragraph 8 of the Sixth Schedule.
- (b) As provided by Paragraph 6 (2) of the Sixth Schedule to the Constitution, the Governor may, with the consult of the District Councils, entrust either conditionally or unconditionally to that council any matter to which the Executive power of the state extends. The Executive powers have been further clarified and elaborated through a detail notification dated 22nd September 1993, which modified the earlier notification dated 20.8.1986. Under this order,

the following items have been enumerated to the District Councils, with effect from 1994–1995.

S.No.	Department	Activities
1.	Agriculture and Horticulture	Agriculture Link Road
		Distribution of Planning material and certified seeds.
		Procurement of machineries implementation and water pumping machinery at 50% subsidy.
		Land Development.
		Minor Irrigation and construction of field channels.
2.	Fisheries	Grant-in-Aid to individual Fish farmer for Fish pond development.
3.	Public Health Engineering	Rural Sanitation
		Spring Source development.
4.	Industry	Handloom and handicraft
		Grant-in-Aid to individuals for supply of tools and implements
		Selection of beneficiaries for loans
5.	Sericulture	Grant-in-Aid for silkworm rearing
		Marketing of cocoon to State Government
6.	Animal Husbandry and Veterinary	Subsidy scheme for Cattle development
		Subsidy scheme for Piggery
		AH Dispensaries
7.	Arts and culture	Grant-in-Aid for promotion of arts and culture
		District Library
		District museum
		Assistance for publication
8.	Social welfare	Old age pension (Plan and Non-plan)
		Assistance to voluntary organisations
		Pre-Schools
		Welfare of handicapped persons
9.	Soil conservation	Welfare of poor and destitute people
		Implementation of terracing
		Plantation subsidy scheme
10.	Local administration	Village grassing
		Urban development
11.	Forest	Construction of steps, culverts, retaining walls etc.
		Ongoing projects of the forest department are handed over to the District Council, along with assets and liabilities.
12.	Transport	Separate Transport Department to be created in each District Council from 1994–1995 onwards. State Transport Department would set aside the cost of one Bus for each District Council including maintenance charges.
13.	Sport and youth services	District Council to create sport and youth services

		department. Funds will be provided by the State Sport and Youth Department.
14.	Co-operation department	District Council to create cooperation department.
15.	Public works department	District Council to create Public Work Department and strengthen their technical capacity in accordance with PWD norms, to take up the following works.
		Inter-village approach roads and links with PWD roads
		Maintenance and improvement of satellite towns and village roads.
16.	Education	Primary Schools transferred with effect from 1994-1995 onwards, along with the budget, which will be transferred from the State education department budget and reflected in the district council budget.
		Adult Education
		Middle Schools agreed to be transferred to District Councils, with board examination to continue to vest with the examination board.
17.	Rural development	Rural communications
		Construction of community halls
		Rural housing
18.	Relief and rehabilitation	Rs.1 lakh to be provided by the council for 1994-1995 under non-plan, with finance department earmarking funds for this purpose.
19.	DRDA& ICDS	States Government to seek clarification from Central Government whether these agencies can be handed over the District Council.
20.	Water ways and Inland water transport	State Government to provide funds to District Councils for this purpose from 1994-1995.

The general administration machinery of the District Councils:

The Administrative machinery of all District Councils is similar, except for certain minor variations. There are broadly two wings in each District Council—a Council Secretariat Wing, very similar to a legislative wing for a State legislature and an Executive Wing, which undertakes executive functions.

The Council Wing answers to the Chairman of the Council and consists of a secretary appointed by the Chairman and such other officials and staff as may be appointed by the Chairman in consultation with the Executive Committee of the District Council. With the Governor's previous approval, the District Council make rules regulating the conditions of service of officers and staff appointed to the secretariat of the District Council.

Each District Council has an Executive Committee headed by the Chief Executive Member and consisting 6 to 8 other Executive Members as may be specified in the Constitution and Conduct of Business Rules of the concerned District Councils. Each Executive Member is entrusted with such subjects or matters by Chief Executive Member. The Executive Committee shall dispose all matters falling within its purview, except certain matters which shall be referred to the Governor for final approval. The Executive Committee is assisted by Executive Secretary and such other Joint, Deputy and Under Secretaries. The Executive Secretary heads the administration of Executive Department and General Administration Department and is the Principal Advisor to Executive Member on all matters of policy and administration with this department. Line departments have separate set up under District Councils.

(4) Financial power:

- (1) Paragraph 7 of the Sixth Schedule to the Constitution provides for the constitution of a district fund for each Autonomous District to which shall be credited all moneys received respectively by the District Councils for that district. The Account of the District Councils are to be maintained as prescribed by the comptroller to Auditor General of India, who is also entrusted with the power to audit and his reports on Audits shall be placed before the Council.
- (2) Paragraph 8 gives powers to District Councils in their respective territorial Jurisdiction to levy and collect taxes on lands and buildings, on professions, trades, callings and Employments, animals, vehicles and boats, on the entry of goods into a market, toll on passengers and good carried in ferries and for the maintenance of school, dispensaries or Roads,
- (3) Paragraph 9 entitles the District Councils to receive a share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of minerals granted by the 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.
- (4) Under Paragraph 13, estimated Receipts and Expenditures pertaining to Autonomous District Councils which are to be credited to or is to be made from the state consolidated Fund shall be first placed before the District Councils 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.

4. Discretionary powers of Governor:

In certain cases the Governor while discharging his functions under the provisions of the Sixth Schedule to the Constitution is empowered with discretionary powers. The Governor while exercising his discretionary powers should consult the council of ministers of the concern state and if he thinks necessary he may also consult the

District Council. However the Governor is not bound to act in accordance with the advice of the council of ministers while acting in his discretion.

5. Problems of District Councils:

- (1) By the entrusted power of Executive order 1993 created a parallel administration functioning within the District, one headed by the Councils, which has potentially wide Executive and development functions and the other headed and coordinated by the Deputy Commissioner, who operates through separate agencies such as DRDA and state level Department Officers posted in the District. The parallelism also extends to the judicial sphere as District Council involved in the settlement of cases through Village Councils, while the Deputy Commissioner exercises powers under the IPC and CrPC. While Council existed even prior to the constitution amendment, unlike Panchayats and Municipal in other parts of the Country their position and status has been weakened and their power diffused overtime.

In Mizoram, these councils at first glance are over-structured with patchy empowerment. The problems of the councils are also compounded by the fact that they covered very small populations of ethnic groups, thereby reducing the scope of scale of their operation.

- (2) The state government departments at the district level have grown and elbowed out the district councils performing most of their mandated functions, except Education. This parallel or duplication and the fact that work is carried out in an atmosphere of tension and rivalry between the district Administration and the District Councils has led to inefficient implementation. This parallel system of the district administration undertaking works through the village councils directly has not led to more decentralization but less of it. It has made the state departments and DRDA's enormously powerful, going beyond playing the role of fund releasing to micro-managing the implementation of every scheme through a system of centralized sanctioned approvals of programmes and beneficiary list. In this regards, it is suggested that the key to operationalise of the entrustment of 20 departments orders by backing up with the devolution of funds and the dismantling of parallel structure that exist in the District council area by full transfer of all departments and bodies relating to these activities to the control of the councils and merger of parallel institutions related to these transferred matters and department including DRDA. The union Government will also need to take similar action with regard to centrally sponsored schemes being implemented in the District Council areas.
- (3) Fiscal flows to the District Councils include both Plan and Non Plan funds. These funds are considered as Grant-in-Aid to the district councils since the councils are mainly undertaking the running and management of Education institutions and District Council secretariats and departments, Non Plan funds pertain to salaries paid to officers, staff and teachers and maintenances of

secretariat to departments and Plan funds are pertaining to developmental works.

Generally, Annual fund allocation is made on the basis of population proportionately. The three Autonomous District Councils annually get 3% out of the total plan allocation to the state by the government of India, whereas 16% we ought to be allocated. Besides, all funds under centrally sponsored schemes are totally in the hand of the state government. To overcome these problems, it is suggested that allocation of funds to the district councils with more funds should be based on normative and transparent considerations. These allocations should be budgeted in detail and released in agreed instalments during the financial year.

The Plan fund allocation by the Government of Mizoram to the Mara Autonomous District Council are shown in the following:

8 th Five Year Plan (i.e 1992–1993 to 1996–1997)	1992 – 1993	225.00
	1993 – 1994	250.00
	1994 – 1995	397.00
	1995 – 1996	465.00
	1996 – 1997	503.00
9 th Five Year Plan (i.e 1997–1998 to 2001–2002)	1997 – 1998	513.00
	1998 – 1999	579.00
	1999 – 2000	617.00
	2000 – 2001	649.00
	2001 – 2002	629.00
10 th Five Year Plan (i.e 2002–2003 to 2007–2008)	2002 – 2003	647.00
	2003 – 2004	658.00
	2004 – 2005	686.00
	2005 – 2006	721.00
	2006 – 2007	746.00
11 th Five Year Plan (i.e 2007–2008 to 2011–2012)	2007 – 2008	766.00
	2008 – 2009	790.00
	2009 – 2010	1,250.00
	2010 – 2011	1,560.00
	2011 – 2012	2,028.00
12 th Five Year Plan (i.e 2012–2013 to 2013–2014)	2012 – 2013	2,193.00
	2013 – 2014	2,853.22

6. Village Council:

The village councils have been constituted through legislation in all the three councils. These elected village councils have replaced the hereditary institutions of chief ship and are involved in village governance and development. All the functions of village councils are more or less the same in the three Autonomous District Councils.

The present Autonomous District Councils were under the Pawi–Lakher Regional Council till they are trifurcated and upgraded into three Autonomous District Councils in 1972. The Pawi–Lakher Regional Council created Village Council by enacting P.L. Regional Village Council Act 1956. The Autonomous District Councils have created Village Councils by enacting Village Council Act under the provision of sub–paragraph 1 (e) of Paragraph 3. The Acts, Rules and Election Rules for village Councils are amended from time to time. The tenure of village council is 5 (five) years at present and regular election were held and conducted by the state election commission in all Autonomous District Councils in Mizoram.

The powers of these councils include the mobilizing of local funds and effort for community work. The village councils need to be made the nodal authority at the village level for decentralized planning and implementation and strengthening to entrust with more powers as the constitution given the powers to the Gram Sabha since the village councils are democratically elected by Adult Franchised.

(1) **Duties and functions of the Village Council in respect of Mara Autonomous District Council.**

Section 9 of the Mara Autonomous District (Village Councils) Act, 1974 provides that subject to such rules as may be prescribed in this behalf by the Executive Committee, the Village Councils may exercise all or any of the following functions:–

- (1) cleaning of Village roads and path;
- (2) sanitation and conservancy in the village area and the prevention of public nuisance;
- (3) constructions, maintenance and improvement of ‘Tikhao’ for the supply of water to the village for drinking, washing and bathing purpose;
- (4) opening of, and regulating burial and cremation grounds for disposal of dead bodies of human being and allocation of the places for disposal of a dead animals and other offensive matters;
- (5) taking of curative and prevention measures in respect of an epidemic;
- (6) construction, maintenance and improvement of village communications, drains and waterways;
- (7) control of village grazing grounds, location of grazier’s “Khuties” within the village area, village common and other communal property;
- (8) regulating the construction of new building or house, or the extension or alteration of any such existing ones;
- (9) anti–malaria and anti–kala–azar measures and enforcement of vaccination;
- (10) registration of births and deaths and maintenance of Registers for the purpose;

- (11) supplying local information as and when required to the District Council or the State Government;
- (12) measure necessary for the preservation of public health and for improving the sanitation, conservancy or draining of the village area;
- (13) measures of public utility calculated to promote the moral and material well being of the villagers;
- (14) planting of trees at the sites of public places, on village roads and paths taking care of them;
- (15) working and maintenance of public radio sets for the benefit of the villagers;
- (16) establishment and maintenance of libraries, reading-rooms, social and cultural clubs or other places for recreation and games;
- (17) popularization of indigenous sports, folk-dance, folk-songs and organisation and celebration of national and other local festivals;
- (18) any other functions and powers as may be delegated by ¹[the Governor or the Executive Committee] from time to time;
- (19) regulation and order of 'Tlarai or Vatlarai';
- (20) The Village Council shall allot a particular region or area within the boundaries of each village for Jhum, Tohi or Atulyu each particular year, and the distribution of the Jhum and Tohi plots shall be done in accordance with the laws framed by the District Council under paragraph 3 (1) (d) of the Sixth Schedule to the Constitution of India;
- (21) Selection of individual beneficiaries under various welfare and development schemes as may be delegated to them from time to time;
- (22) The Village Council shall be accountable to the Village Assembly for all its functions, expenditure, approval of plans and approval of utilization certificates;
- (23) The accounts of the Village Council shall be kept properly and shall be liable to audit by the Executive Committee or any officer appointed on its behalf by the Executive Committee.]

For each of any of the above duties and functions, the Village Council may appoint separate committee which shall be responsible for implementing its decisions.

According to section 20-A of the above Act, the Governor on the recommendation of the Executive Committee from time to time may allocate all or any of the functions listed in the Eleventh Schedule of the Constitution of India to the Village Council or Councils as a supplement to the powers of the District Council as

provided under sub-paragraph (1) of Paragraph 6 of the Sixth Schedule to the Constitution and demarcate the roles of the Village Council and the District Council in these areas.

As per the provisions of section 20-B of the Mara Autonomous District (Village Councils) Act, 1974 –

- (1) (i) Every Village Assembly shall, subject to approval of the Executive Committee, approve the plans, programmes and projects for social and economic development in respect of the village concerned before such plans, programmes and projects are taken up for implementation.
- (iii) Village Assembly shall be responsible for the identification and or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- (2) Ordinary a Village Assembly will be convened and presided over by the President of the Village Council. However, in the absence of the President or due to his incapacity to convene such meeting the Vice President or the Secretary may convene the meeting.
- (3) Quorum of a Village Assembly shall be half of the total number of registered house holders.
- (4) Every Village Assembly shall be responsible to safeguard and preserve the traditions and customs of the people, their cultural identity, and management of community assets.
- (5) The Village Assembly shall be consulted (a) before making any acquisition of land; and (b) before re-settlement and rehabilitation of persons affected by such projects. However, the final decision shall rest with the Executive Committee.
- (6) There shall be at least three Village Assembly meetings in a year.
- (7) The minutes of the meeting of each Village Assembly shall be recorded in a Register and shall be maintained by the Secretary of the Village Council.

Power of Village Council to frame Village Rules in respect of Mara Autonomous District Council:

According to section 21 of the Mara Autonomous District (Village Councils) Act, 1974, each Village Council may frame its Village Rules for the administration of the Village in accordance with the need of the Village. No rules shall be enforced in a village by the Village Council without the prior approval of the Executive Committee.

7. **Sixth Schedule amendment:**

The sixth schedule to the constitution of Indian contains provisions as to the administration of tribal areas. These provisions have been made in exercise of the enabling provisions given in Articles 244 (2) and 275 (1). The aims of the sixth schedule were to protect tribal communities from the control and power of the majority groups and the groups of the plains. The process of protection begins with the formation of the first District Councils in Assam as far back as 1951.

The sixth schedule provisions are regarded as constitution within the main constitution but the whole schedule needs a close look to remove flaws contradictions and shortcomings. The provisions relating to entrusting subjects to the councils are not backing up with the devolution of fund and created a problem of parallel administration in the function of Executive Legislative and Judicial within the Councils area.

Such anomalies and contradictions need to be ironed out. Looking into possibilities to the sixth schedule Areas and those areas not covered by Parts 1X A of constitution. In particular, the approach that “one size fits all” cannot be applied to those areas of ADC’s in Mizoram, since the diversity of the situations; institutions and tradition of these areas are different.

Since 1990, the leaders of United Lai, Mara and Chakma Autonomous District Council have pursued for the amendment of 6th Schedule to the Constitution in order to have wider autonomy. The main point of sixth schedule to be amended proposed by the leader of ADCs in Mizoram are:

1. Paragraph 20 (1) Part I, II, IIA & III of the table should be amended thereby changing Autonomous District Councils as Chakma Autonomous Territorial Council, Lai Autonomous Territorial Council and Mara Autonomous Territorial Council.
2. Powers of Autonomous District Councils to make laws on subjects elaborated in Paragraphs 3A & 3B of the Sixth Schedule as well as 11th & 12th Schedule of the constitution should be given to the Autonomous District Councils in Mizoram.
3. In paragraph 6, sub-paragraph (1), the Autonomous territorial should be empowered with more subjects uniformly incorporating in the Sixth Schedule Paragraph 3A & 3A with 11th & 12th schedule.
4. Paragraph 13 of the Sixth Schedule should be amended by incorporating the provision of direct funding—direct fund allocation of Plan & Non Plan to the Autonomous Territorial Councils by the Government of India from consolidated fund of India. Both Plan & Non-Plan funds may be passed in the

Legislature of state with change. Thereafter it will be passed by the Council concerned thereby ready for use.

5. After paragraph 7 the following paragraph 7A should be inserted so as Autonomous Councils may have the powers to approve their own budget to the ceiling of the fund sanctioned by the Government of India and State Government to the Autonomous District Council.
6. In paragraph 7 after sub-paragraph (2) the following sub-paragraph should be inserted: (3) (a) District Councils shall receive Plan and Non-Plan funds in specific time by way of evolving a criteria on the basis of population and area for the developmental activities and to run the administration. Single window system for release of funds to the council shall be established.
7. A provision for augmenting the consolidated fund of India and State to supplement the resources of the ADCs should be included in Article 280 (B) (bb) and (C) by amending the constitution of India.
8. The North-East Division of the Ministry of Home Affairs should be upgraded to a separate Wing exclusively to look after the welfare of ADCs, and put under the charge of Additional/Special Secretary to handle the affairs of ADCs in the North East and a separate Development Commissioner may be designated to act as an intermediary between the Government of India and the Councils.
9. All the centrally sponsored schemes, central Sector Schemes, NEC Schemes; external Aided schemes will be implemented by the Councils.

Besides these proposals made by the leaders of Chakma, Lai and Mara, Ministry of Home Affairs Government of India have concluded a proposal relating to amendment of Sixth Schedule on the basis of various comments and reports submitted by different commissions. The Government of Mizoram have sent its comments and recommendation regarding the Amendment of Sixth Schedule for providing more powers to the three Autonomous District Councils in its state. As a result, the Ministry of Home Affairs have taken prompt initiation and a proposal for 6th Schedule Amendment has been proposal with the help of Legislation Department Ministry of Law & Judicial, Government of India. Thus, the Sixth Schedule Amendment Bill and constitution Amendment Bill relating to Article 280 have been finalised. Both the Bills are in the Parliament and are eagerly awaited for their legislation.

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