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Functioning of autonomous district council in Bodoland territorial council (BTC) of Assam: An analytical study

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Abstract

The Autonomous District Council (ADC) is a completely unique administrative mechanism, which has been put in place under the provision of the Sixth Schedule {Article 244(2) and 275(1)} of the Constitution as a way to preserve and protect the ethnic identities of the tribals of the North – East Region of the Country, specially living in the state of Assam, Meghalaya, Tripura and Mizoram. At present, there are three full-fledged autonomous district councils in Assam and out of these three the Bodoland Territorial Council (BTC) is one of the most remarkable one. The BTC is the end result of the movements led through the numerous social, students, and armed groups of the Bodos which was set up under the historic Act of 2003. Extensive and enormous power and functions have been bestowed to the BTC to fulfill the desires of the tribal people of the area. In this regard, it must be borne in mind that the most important aims and goals of the present study is to find out if the BTC has actually led to the devolution of power and functions towards the development of the common people or whether they have contributed more to corruption and mismanagement of resources. Accordingly, it has come to light that a good number of loopholes and shortcomings seem to plague the very mechanism of the BTC which have grossly affected their proper functioning. Therefore, in order to ensure good governance for the welfare of the entire society of the BTC, as was originally envisaged in the Sixth Schedule, some feasible recommendation have been tried to suggest in this presented paper.

Keywords: Sixth schedule, ADC, Bodos, BTC

Introduction

The provision of the Sixth Schedule of the Indian Constitution {incorporated into the Constitution of India under the Article 244 (2) of the Constitution and Article 275(1)} deals with the administrative system of tribal areas of Assam, Meghalaya, Mizoram and Tripura. A lawful managerial structure has been outlined under the Sixth Schedule which upholds the idea of granting autonomy to the tribals of the aforementioned states. The most important objectives of the Sixth Schedule are to safeguard and protect the aboriginal tribal people's ethnic identity not to speak of their cultures, traditions, customs, language, land and property, etc. So on in compatibility of the above objectives, a new inventive mechanism, namely 'Autonomous District Council' has been set up which is pertinent just to some of the hill districts of Northeast India, such as Assam, Meghalaya, Mizoram and Tripura. The Autonomous District Council (ADC) is a simple and inexpensive administrative system which is created to work for the development of the tribal people living in the area.

Many changes pertaining to the structure, power and functions of the ADCs have taken place in an effort to adapt the system to the ever changing scenario and demands of the time and circumstances. At present, three full-fledged autonomous district councils are in operation in Assam namely:

1. Dima Hasao Hills Autonomous Council (DHADC).
2. Karbi Anglong Autonomous Council (KAAC).
3. Bodoland Territorial Council (BTC).

Bodoland Territorial Council

The Bodos are a particular ethnic community inside the more prominent Mongoloid ethnic Group of Assam.

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They are an ethnic community having their own traditions, culture and language. Before the colonial rule in India, they were known as Kacharis of Assam. At present, the Bodos are occupying a largest position as the plain tribes in Assam who are especially used to live in the northern areas of the Brahmaputra valley. To be sure, the BTC can be regarded as the result of the Bodo movement which was launched by the Bodos who sought to preserve and safeguard their own ethnicity and cultural heritage mainly to enhance their social, economic and political status. As a result of the continuous and tireless hectic Bodo movement, an agreement for the creation of the Bodoland Territorial Council (BTC) was subsequently signed among the Bodo Liberation Tigers (BLT), the State and Union Govt. of India on 10th February, 2003. Significantly, the BTC was accorded the status of ADC underneath the jurisdiction of the Sixth Schedule by the Constitution (Amendment)

Act.2003. Generally, the Sixth Schedule of the Constitution deals with the hill districts of Assam, i.e. KAAC and NCHAC, but the Bodoland Territorial Council (BTC) has been provided the status of Autonomous District Council under the Sixth Schedule by the Constitution (Amendment) Act.2003. The major pursuits and objectives of the BTC is bringing progress to one of the most backward tribal groups of Assam namely the “Bodos” especially in the field of education, preservation of land rights, linguistic aspiration, culture and its ethnic identity. Therefore, massive power and functions have been placed to the BTC to pay attention to development of the socio-economic and political infrastructure of the entire area over which the Council has the jurisdiction and for this purpose a distinct administrative structure is to have been followed through the BTC Government (under the Constitution Amendment Act. 2003) under the supervision of the state government of Assam.

Table 1: The Profile of the BTC of Assam has been shown in the following table

Name of the ADC	BTC
Geo Area	8821.68sq.Km
Population	3,155,359
Density	350/Km
Literacy	71.62%
District	Four (4)-Kokrajhar, Baksa, Chirang and Udalguri
Head Quarters	Kokrajhar
Sub-Division	Ten (09)- Parbatjhora, Gossaigaon, Kokrajhar, Mushalpur, Salbari, Tamulpur, Kajoigaon, Udalguri and Bhergaon
Revenue Circle	Nineteen (19) Barama, Goreswar, Jalah, Tamulpur, Baganpara, Bbaksa, Bijni, Sidli, Bengtol, Kokrajhar, Gossaigaon, Dotoma, Bogbari, Bhawraguri, Udalguri, Hharisinga, Mazbayt, Kalaigaon, Khoirabari
Development Block	Eighteen (18)

Source: Statistical Handbook of Assam, 2011

Objectives of the Study

1. To understand the managerial design of the Bodoland Territorial Council (BTC).
2. To discuss the power and functions of the Bodoland Territorial Council (BTC).
3. To analyze the functioning of the Bodoland Territorial Council (BTC) in practice.

Methodology

To comprehend the managerial designs of the Bodoland Territorial Council (BTC) of Assam concerning its functioning and its various issues and prospects, data have been gathered from both primary and secondary sources. The primary data have been gathered through interviews with the different administrative & executive officers of the BTC (Political representatives/ Bureaucratic), heads of the Oppositions, different organizational leaders as well as the different common peoples of the study area.

Secondary data and information have been collected from various paper files, statistical handbook of Bodoland Territorial Area District (BTAD), various books, journals, published research papers and articles, government records of the councils, Memorandum of Understandings.

Composition of the Bodoland Territorial Council (BTC):

A unique administrative set up is to have been bestowed to the BTC by the Sixth Schedule amendment Act, 2003. Since its formation, the BTC has had two sorts of separate administrative bodies, of which one is known as Administrative Body (composed by election) and the other as Permanent Administrative Body (composed by the Government based on recruitment process).

The Administrative Body composed through Election

Normally, an Autonomous District Council cannot have more than 30 members; however the case of BTC is quite different comparatively from the two other ADCs (KAAC and NCHAC) of Assam. As per the modalities of 2003 of the BTC Accord, the BTC has total 46 members and they are designated as “Members of the Council Legislative Assembly” (MCLA). In fact, from that the total 46 MCLA of the BTC, 40 members are elected on the basis of adult suffrage, out of which 30 members are reserved for ST, 5 are reserved for non-tribals and 5 members are open for all communities and remaining 6 members are to be nominated by the Governor of Assam. The tenure of the MCLA is for 5 (five) years unless it is dissolved before the completion of the specified term.

Executive Committee

The BTC has an executive committee to carry on the day to day administrative activities and functions of the Council and the committee is commonly known as “Executive Council” (EC). As per the modalities of the Constitutional Amendment Act, 2003, the EC of the BTC comprises of 14 (fourteen) members who are called Executive Member (EMs), certainly one of them is designated as the Chief Executive Members (CEM) and another one has to be designated as the Deputy Chief Executive Members and the remaining 12 (twelve) members of the EC are to hold their position as EMs of the said EC. Regarding the functions of the EC, it has the power to all the subjects and depts. falling within its purview. The CEM assigns certain subjects to each EMs of the EC of the BTC. The EC of the BTC is collectively responsible for all executive orders and policies issued in the name of the Council.

Permanent Administrative Body of the BTC composed through Recruitment

Likewise, the other two ADCs of Assam (KAAC and NCHAC), the BTC has also a permanent administrative body headed by a Principal Secretary. The rank of the Principal Secretary is akin to the Commissioner / Secretary to Govt. of Assam. Accordingly, he is assisted by a good number of Secretaries, i.e. Secretaries (six), Joint. Secy. (two), Dy. Secy. (two), Under Secy. (four), and additionally 10 (ten) Superintendents.

Powers and Functions of Bodoland Territorial Council (BTC)

The BTC has been authorized by the Act (MoS, 2003) to ratify some powers which have been classified under the following headings:

Legislative powers

The BTC has got powers to enact laws on the allotment, occupation, use or selling a part of lands, forest lands (except reserve forests) for the purpose of agriculture, Grazing lands, allotment for residential or other non-agricultural purposes in order to promote interests of the inhabitants for village or town. Besides, some other major legislative powers have also been enjoyed by the BTC, likewise: Management for any forest except reserved forest, use of any canal or water course for irrigation purpose, establishment of towns or village councils and inheritance of poverty, marriage and divorce and social customs, money lending and trading by non-tribals other than the scheduled tribes, etc.

Executive powers

The BTC has the executive power to establish, construct and manage primary schools, dispensaries, markets, cattle hounds, ferries, fisheries and waterways. It can also decide to determine the language and the manner in which primary education should be imparted within its jurisdiction. The Chief Executive Member, Executive member, Principal Secretary and Secretary to the executive Committee of a Council shall be competent to initiate, review and accept the Annual Confidential Reports (ACRs) of all the officers and staff placed under the administrative control of the Council. While posting or transferring the Officers of the entrusted subjects/departments in or out of the council, the State Government shall consult the Council under no circumstances, in respect of the officers and staff, who have not been realized by the Council shall be accepted by the State Government.

Financial Powers

The BTC is entrusted with the responsibility to constitute the Councils funds and frame rules for their management with the approval of the Governor. They are also given mutually exclusive powers to collect land revenue, levy and collect taxes on lands, holdings, shops, entry of goods into the markets and tolls on persons, residents, and forest within their respective jurisdictions. But the BTC has the concurrent powers on the professions, trade, callings, employment, animals, vehicles and huts, tolls on passengers and goods carried in ferries and maintenance of schools, dispensaries or roads. The Council also derived their income from grants –in-aid, loans and advances, etc. from the State Government.

Judicial Powers

The Council has authority in accordance with Para 4 of the Sixth Schedule to constitute village council courts. District Councils court in the autonomous areas for adjudication or trial of suits and cases or customary laws in which both parties are tribals. But no case, involving offenses punishable by death, imprisonment for not less than five years are heard or adjudicated by the courts. The District Council court is the court of appeal in respect of all suits and cases tried by the village council courts and the subordinate District Council courts.

Thus it has been observed that the BTC has been enjoying extensive power and functions in respect of different spheres of developmental activities

Assessment of the power and functions of the BTC in practice

It has been already discussed that the provision of Sixth Schedule was incorporated into the Indian Constitution in order to form the Autonomous District Council for the development of the tribals living in the NE region of India and also to preserve and protect their ethnic cultures, traditions, traditional institution, customs, etc. In fact, it has been observed that the provision of the Sixth Schedule has been plagued with certain short comings and defects as a consequence, the overall performance of the ADCs have not been very satisfactory. In fact, the ADCs of Assam have, over the years, had to take a lot of flak from the public. More importantly, the present study which has recently been conducted is no exception.

Unfortunately, though maximum autonomy has been provided to BTC, in certain cases, the state government seems to have taken on a domineering attitude towards the powers of the Councils. When the state government provides any kind of developmental scheme in the BTC area, the political motivation is observed to be utterly lacking.

Another point to be noted is that in having a strong and powerful executive body, the council's administration cannot perform any activities without the consent of the Governor. Though the Council has been given plenary powers to oversee the various activities like law and order, rules passed by the council, post creation, appointment, financial powers, tax/vehicle, grants-in-aid and preparation of plans in BTC, it, in effect, cannot take any initiatives or decisions with regard to the exercise of its powers over the aforementioned subjects without the consent of the State Government of Assam. In such cases, the Governor works as a supervisor and mediator of the State Government.

Moreover, it must be noted that the BTC cannot exercise their powers independently even on the question of changing the medium of instruction in educational institutions without the approval of the State Government.

Furthermore, the Panchayati Raj institution has been scrapped in the BTC area so that the tribal local traditional administrative system can play a more active part amongst the tribal communities to maintain their affairs. But, the powers vested in the Councils belong to the developmental activities under the Panchayati system. Consequently, the schemes under the P&RD and DRDA still exist in the Council areas.

Some other shortcomings and drawbacks have also been observed in the functioning of the BTC administration, especially among the Executive Members and the

Administrative Officers. In view of that, some members of the Council have used their powers and authorities more or less arbitrarily. They do not hesitate to violate official rules and regulations for their selfish and their party interest. The web of favoritism and nepotism seems to have been cast over the entire administrative system of the District Council, especially in case of tender and sanctioning contracts, appointments and postings of employee.

In most cases, the funds sanctioned by the State Government have not been properly utilized and implemented by the Councils' government. The members of the Councils have been found working arbitrarily and have flagrantly ignored the advice and norms of the Government. It must be noted here that there has been gross misuse of financial powers in total violation of official procedures, rules and regulations.

Moreover, they have also diverted the funds illegally in some major cases for their own or party benefits. Thus, this kind of ongoing selfishness and intentional violation of the administrative rules & regulations and corruption committed by the Administrative Officials and the Political Members would, doubtless, undermine and shatter the dreams and aspirations of the BTC.

Conclusion

The core idea behind the setting up of "Bodoland Territorial Council" under the provision of the Sixth schedule to the Constitution is to provide a simple and inexpensive administrative framework for the all-round development of the tribal people residing within the territorial council's jurisdiction. The study reveals that the BTC have been functioning very much actively to bring about development in the socio-economic and political arena to the best of their abilities and have, to a certain degree, succeeded in fulfilling their goals. On the contrary, the study has also observed some major loopholes and short comings in the functioning of the BTC. Therefore, to get rid of all sorts of existing loopholes and shortcomings with regard to the BTC, effective and concerted efforts should be made at all levels of the State Government and Councils administration. The need of the hour is to refrain from all corrupt practices both at the State and Councils level. Therefore, the members of the BTC should concentrate on their service with devotion, dedication and sincerity for the all-round development of the area which are under their jurisdiction. Besides, the common people should also be aware of their responsibilities as citizens of the concerned Autonomous areas. Only the sincere and responsible people can bring about good governance by electing responsible and honest representatives to the council administration which will, indubitably, lead to the uplift and development-both at the socio-economic and political levels and which in turn will pave the way for all-round prosperity of the tribal communities residing in the state of Assam.

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