

A Critical Analysis of Schedule Sixth: A Case Study of Khasi Hills Autonomous District Council (KHADC) of Meghalaya

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1. Introduction

In 1972 Meghalaya was formed as a new state comprising Khasi hills, Jaintia hills, and Garo hills. The Khasis, Jaintias, and Garos are the three major tribes in Meghalaya. The first inner line regulation was passed in 1873 for all the districts of the eastern frontiers of Bengal (Sukumaran, 1986). Provisions of certain basic infrastructure and services are grossly inadequate in most blocks of Meghalaya. Improvements in different socioeconomic development indicators are essential for enhancing people's development levels. There is a wide disparity among the districts of Meghalaya in terms of all the sectors of development.

At the time of colonialism, British officers felt that as long as the tribes remain backward it would be difficult for them to make the native tribes accept changes brought in by the colonial rule. Hence, British officers considered it necessary to modernize the community by through education and Christianity. The status and authority of the office of the Syiem were significantly reduced to make it royal and to act according to British interests. In the pre - colonial period, the Khasis evolved a unique three - tier democratic system of governance with villages at the bottom, *raids* at the middle, and *hima* at the top. In the Khasi hills, a number of villages and raids came together to form a hima with an elected chief known as Syiem. As suggested by Viceroy the Khasi chiefs formed a federation consisting of all the states to enter into the proposed Indian federation. The rulers of the 28 states met and formed the federation of States on 16th December 1934 (Rymbai, 2010).

The Indian Northeastern state of Meghalaya comprises three hill regions, namely the Khasi hills, Jaintia hills, and the Garo hills. It was only after India got independence that the Khasi states were amalgamated with other Khasi villages, which were under British control, and United Khasi - Jaintia hills were annexed to the Assam and brought under the provisions of the Sixth Schedule of the Indian constitution (Srikanth, 2005).

In 2001 East Khasi Hills was the most advanced in terms of different sectors of development, while South Garo Hills are the least developed. The development index of the East Khasi Hills is three times more than the South Garo Hills in 2001. Even in 2011, The East Khasi Hills are more developed than the East Garo Hills in terms of different sectors of development. At the same time, Jaintia Hills remains in the third position even after ten years in terms of socio - economic development. There is a dire necessity for

planned development in the state (Dasgupta, 2006). The land system in Meghalaya is quite different from that in other parts of India. Here the traditional customary laws are applied and followed. Land belongs to and is owned by the tribal communities and the various clans in the region. Distribution and use of land are done by the community and the elders of the community.

Under the Sixth Schedule and article 271 A, B, C, D, E, F, G, and H, the states of Northeast India here been conferred with special safeguards with respect to the administration of the tribal areas. Traditionally, both the Khasi and Jaintia hills and forests are governed according to their customary laws and practices. In the conception of the Khasi, land belongs to the people and not the state or its rulers who are nearly administrators with no territorial powers (Borkotoky D., 2014).

The KHADC is a body to protect the interest of the tribal and its main function is to regulate trade. It is an institution to preserve and protect the traditions and culture of people. Party politics plays a very big role in the implementation of development projects by the KHADC. People believe that KHADC has done more than the state government has done for them over the years. KHADC organized festivals and heritage villages set up to exhibit the culture and traditions of the indigenous people which helped villages to generate an additional source of income. KHADC is not able to carry out the development activities smoothly, mainly due to its financial constraints. KHADC has to depend on State Government for its financial requirements.

The KHADC has prime responsibility for the protection of the forest along with the traditional institutions. The KHADC is also a body that has the power to regulate trade by the non - tribal. The most important function of the KHADC was to prevent the land of the tribal from going into the hands of non - tribal (Borkotoky D., 2014).

1) Landownership System:

The study of landownership system is sensitive and complex matter. Land ownership of tribal of Meghalaya differs from tribe to tribe. Ownership, distribution, and inheritance of the land are based on traditions and customary laws (Nongrum, 2005). Tribal lands due to their customary rules and principles have become easy prey to the selfish interest of rich landowners. Courts themselves added to the confusion of their decisions based on half - knowledge, miss information, and biased interpretation. In the state of Meghalaya, we find various customs governing the rights of

the people regarding ownership of lands. These customs have led to numerous conflicts, confusion, and litigation. Meghalaya is rich in mineral products, but agriculture is the main occupation (Nongrum, 2005).

2) Education under District Councils:

The sixth schedule of the constitution conferred the District Councils in the Northeast with certain special powers not enjoyed by the local level bodies of the other states in the country. The power and responsibility for recruitment and appointment of office staff and teachers and also for transfer and removal of teachers are confined to the District Council authority. Improvement of the standard of education is perceived as equally important by the District Councils. District Council can take over the private schools or set up new schools. Both the district council officials and teachers are not satisfied with the grants provided by the state government. The members of the district council and Teacher's association officials feel that grant - in - aid to private schools/ District Council primary schools should be increased. The district council should not depend much on financial assistance given by the state.

The state government official and deputy director of public instruction, the members of the district council, and the Teachers' Associations are of the view that the primary schools should be handed over to the state government from the district councils for efficient management. It may be noted that the present arrangement has left the teachers dissatisfied. All Garo Hill Primary Schools Teachers Association is satisfied by the state governments' management in regular payments. Therefore, the association demanded the Meghalaya state government take over the primary schools. District Councils don't have funds to run the schools. They have to depend on the state government for funds always. Instead better state government takes over the primary schools and runs it. The communication was from top to bottom and there was no communication from teachers to administration. Therefore, the administration was poor in decision - making.

The political influence hampered the normal process of educational administration. The workload of the District Council administrative office is very heavy. District Council officers are not satisfied with the teacher, student ratio in the Garo and Khasi hill areas. Council officials opined that matriculation should be the prescribed qualification for appointing teachers. Teachers are given professional training, and refresher course training as it helps the teaching quality. The executive committee transfers the teachers in a revenged manner which forces teachers to leave their jobs. Appointment of teachers, termination of service, removal, and transfer done without any guidelines or rules. Teachers would get irregular payments, and there won't be any allowance or increments for hardworking teachers.

The only interaction prevailing between the state government and District Council was financial responsibility. In order to bring coordination between District Council and state government, a Board of Elementary Education should be established. The functions of the managing committee are to see that teachers' and students' attendance is regular, strict observance of school

hours, and holding of classes regularly. The managing committee recommends posting and transfer of teachers and inspects the schools at regular intervals. The educational administration is not evaluated periodically or not annually. The only achievement in assessing the educational objectives are the good result in examinations and the increase in enrollment (Warjri, 1979 - 80).

In 1973 the Meghalaya board of school education Act was passed to provide for better organizational management and development of school education in the state. In 1970 the United Khasi and Jaintia hills district and the Garo hills district of Assam state were carried out to form the autonomous state of Meghalaya which attained its full statehood in 1972. In 1949, the Sixth Schedule of the constitution was passed. In accordance with it, in 1958 the Government of Assam finalized the proposed terms and conditions for handing over primary education in the hill areas to their respective autonomous district councils (Lyndem, 1984). Apart from the problem posed by the physical features, the state also faces problems with regard to poverty, backwardness, and lack of social awareness towards the education of people.

3) Development Projects

Along with its constitutional powers and functions entrusted by the sixth schedule, the KHADC also takes up several development projects in the area covered by it. The KHADC has a civil works department to look after development work relating to the construction of roads, markets, and footbridges and providing water supply to rural areas within the state. The KHADC is the District Council in the state to set up several Town Committees and has vested in them powers and functions which will help them to take up the functions of municipal administration in areas not covered by the Municipality. As the institution KHADC exists to protect the indigenous people in the state, it becomes important to feel the pulse of the people regarding KHADC. Almost 96 percent of the respondents know about KHADC because they voted during the elections.

The KHADC as an institution still has a very vital role to play in not only protecting the interests of the people but also carrying out certain development works for the rural areas. The state needs to involve the KHADC in the process of monitoring and evaluation of the central as well as state schemes that are existing in the state. The major problem in the state of Meghalaya is that almost all the development schemes are implemented by the officers appointed by the state government who lack accountability, and hence some other institutions like KHADC should be put in place to monitor and evaluate the development schemes.

KHADC has the mandate over certain development activities such as the repair of roads, construction of footpaths, providing water supply schemes, and construction of markets. With the limited availability of funds, KHADC is trying its best to provide for the development of the people. KHADC should make more efforts in providing the committees with the necessary funds and resources so that they can provide the people with basic civic amenities. Many people opined that KHADC should be made more accountable and responsible for the needs of the people. The

KHADC along with other traditional institutions can become very important in the implementation of the development schemes. And there is an opinion that KHADC has not been able to live up to its expectation mainly due to party politics.

The officials mentioned that KHADC established Town committees, however, due to lack of funds the committees could not achieve their goals. Development projects proposed by the KHADC are highly scrutinized by the District Council Affairs Officers, before being passed by the planning department of the government. The major problem lies with the Centre and State's lack of political will as these two institutions have not made any sincere efforts to streamline and democratize the powers and functions of the Autonomous District Councils along with the KHADC.

Development policies implemented in the tribal areas neglected the indigenous system of natural resource management and use, in which women play an important role. The distinctions along the axis of age, class, status, and gender may decide the indigenous community internally, collectively they share certain common elements that marked them off from the rest of the population. Areas inhabited by indigenous communities are rich in minerals, water bodies, and forests, while this provided them with an important source of livelihood, it has also attracted resource-hungry colonizers to their territory (Nongbri, 2001).

KHADC also takes on several development projects in the areas covered by it. The KHADC has a civil works department to look after development works relating to the construction of roads, markets, and footbridges, providing water supply to various rural areas within the state. The KHADC is the only district council in the state to set up several town committees and has vested in them powers and functions which help them to take up the duties of a minimum Municipal administration in areas not covered by the Municipality. KHADC exists to protect the interest of the indigenous people in the state. The KHADC is definitely involved in development activities, especially in rural areas.

The KHADC along with its traditional functions is also involved in various development activities mainly in relation to the construction of markets, and roads, providing water supply schemes, and sanitary facilities. The KHADC has the potential to be one of the major institutions in the entire development process in the state thereby leading to better governance in the state of Meghalaya. There is a lack of proper communication between the KHADC and the state government. The officials and members of the KHADC have a clear view that the development works undertaken by them help rural people to a great extent. And in fact according to the officials the institution playing an important role in providing some of the basic services to the people with its minimum resources. The concept of the town committee has been put forward by KHADC and has great potential to deliver the basic civic amenities to people in areas where there is no municipal administration and the state government has also not been able to provide the required services.

KHADC played a greater role to reach out to the rural remote population in terms of development. Town

committees have initiated some minor civic works live providing basic dustbins in various localities to maintain the cleanliness of the town. The state government does not interfere with the budgetary issues of the district councils and their duty was only to facilitate resources to the district council. KHADC needs to empower the traditional bodies which play a very important role in the implementation of the various development projects. KHADC has higher control over the forest cover in the state. Although, the KHADC is very much capable of implementing development schemes it is not able to perform properly mainly because it has to depend on the state for its financial requirements (Borkotoky D., 2014).

The people's participation in the government program is the basic requirement for the success of all development efforts. The people for whom the schemes are launched should be afforded an opportunity to interact with the scheme and any constraint or difficulty faced by them should be meted out forth (Laloo, 2012).

4) Over Lapping of Powers

There is too much overlapping of the powers and functions, for example, water resources and sanitation are subjects under District Council, but the state also makes the same plan for the same subjects. In fact, it should have been the subject of one institution with the help of the other institution. The officials of the KHADC opine that subjects mentioned in the District Council jurisdiction should have been left to implement by KHADC with the help of the state government. The KHADC can contribute to the development only when the state government allows it to do (Borkotoky D. K., 2014).

The state in its turn does not release the financial grants on time to KHADC, which affects the development projects taken it. For any institution to be fully involved in the development process it must have financial viability which unfortunately is not available with KHADC due to various reasons. There is too much overlapping of powers and functions, as for example water resources and sanitation are subjects under a district council, and the state also makes plans for the same subjects as they are state subjects under the state list. And hence both the KHADC and the state government are working for the water resource as well as sanitation in the areas under their jurisdiction. In fact, it should have been only one of the institutions working on a particular subject with the help of the other institutions. The KHADC can be a major stakeholder in the entire process of development only if it is allowed to do so by the state government. The KHADC along with the traditional institutions can become very important in the implementation of the development process in urban areas the KHADC has not been able to live up to its expectation mainly due to party politics (Borkotoky D., 2014).

District council is an autonomous body and its powers and functions are laid down in the Sixth Schedule (Pariat, 1988). Sometimes proposals made by the administration in the larger interest of the community are delayed or turned down because of strong pressure which can have an adverse effect. The politicization of development administration is increasing and is gradually undermining its independence

and the standards of efficiency and is leading to more and more frustration.

5) Regional Inequalities: Peaceful and Violent Movements

In Meghalaya, it is found the incidence of poverty is more acute than the incidence of employment. This is because in hilly areas labor - intensive method is involved in agriculture operation due to difficult terrain transport and communication problems. Thus, labor productivity is low in a hilly situation and hence poverty exists despite employment. Provision of land to the rural poor would be direct and one of the most effective means of raising their living standard. It may be stated that more than 90% of the people below the poverty line in North East India live in rural areas. These poor people belong to landless agricultural labor and pretty artisan classes (Laloo, 2012).

Since independence Assam has been experiencing several peaceful and violent movements. Assam has experienced re - organizations several times, leading to a drastic reduction in size. Historically speaking the hill tribes of North - eastern India were neither part of India nor of Assam prior to the British colonization of the region. In the non - tribal - dominated Brahmaputra valley, it was the Bodo - Kachari tribal who created the first culture and civilization in the valley. After the colonization British separated the hill tribal from the plainsman. Under the Government of India act 1935, the hill areas of undivided Assam were divided into two categories the Mizo hills and the North Cachar as excluded areas. Whereas the United Khasi and Jaintia hills district with exception of Shillong, the Garo, Naga Hills, and Karbi hills has partially excluded areas. The Government of Assam had no justification over the excluded areas, they were administered under the special powers of governors.

After independence, the constitution also accepted broadly the spirit of the government of India act of 1935 by providing each hill district and autonomous district council with autonomous power under the Sixth Schedule. Some of the educated people in the region realized that autonomous stipulated in the Fifth Schedule was not adequate for the region's development and they were very conscious of their distinct identity and apprehension about the motives of the immigrant plainsman. Even some of them felt that India should recognize them not as part of their subordinates but as friends with sovereign powers in their internal matters within their territories. The government in Assam in 1960 declared 'Assamese' as the official language of the state of Assam by ignoring the multilingual and multi - ethnic character of the state. This undemocratic language policy ignored the emerging tribal identity and its resultant sentiment.

At the end of 1969, Indira Gandhi declared the intention of the government of India to fulfill the long - standing demand of the hill tribal by providing them an autonomous state, within the state of Assam. Under article 244, three hill districts of Assam i. e., Garo hill district, Khasi and Jaintia hill districts became the first autonomous state of the Indian union. Formerly, there were only two main components of the federal unit, the states, and the union territories. Meghalaya was regarded as an extraordinary experiment in

the history of the Federal Government and the Indian Constitution because it was not only an autonomous state but also because of its further units of autonomous power, i. e. autonomous district councils within the autonomous state. Under the new constitutional provisions, the autonomous state shall have the power to make laws on 61 out of 66 subjects enumerated in the state list under the Seventh schedule. Meghalaya as an autonomous state comprises the United Khasi and Jaintia hill districts and the Garo hills district (Hussain, 1987) .

When the autonomous state of Meghalaya was formed it had two districts, the Garo and United Khasi - Jaintia hills district. In 1972, the Jaintia hills were separated from the Khasi hills. In 1976 the Garo hills district was divided into two districts, East and West Garo hills district and the Khasi hills district was divided into East and West Khasi hills district. The Ri - Bhoi and South Garo hills district was formed in 1992 (Kurbah, 2011).

The Syiems authority has been eroded through acts passed by the district council. Their authority over markets and jungles has been taken away. The advent of modern constitutional and democratic institutions and the growth of new social forces undermined the authority of *Syiems*. As the Khasi *Syiems* were more democratic and less oppressive the public opposition towards them was minimal. The transition from the rule of *Syiems* to the district council was smooth in the Khasi hills. Over the years the Bangladeshis crossed over the borders and settled in Meghalaya and the adjoining states, thus threatening the very existence of the local people (Rymbai, 2010) .

2. Conclusion

KHADC is not able to carry out the development activities smoothly, mainly due to its financial constraints. KHADC has to depend on State Government for its financial requirements. District Councils don't have funds to run the schools. They have to depend on the state government for funds always.

The state needs to involve the KHADC in the process of monitoring and evaluation of the central as well as state schemes that are existing in the state. The major problem in the state of Meghalaya is that almost all the development schemes are implemented by the officers appointed by the state government who lack accountability hence some other institutions like KHADC should be put in place to monitor and evaluate the development schemes. There is too much overlapping of the powers and functions, for example, water resources and sanitation are subjects under District Council, but the state also makes the same plan for the same subjects.