

# POLITICS OF AUTONOMOUS AND DEVELOPMENT COUNCILS IN ASSAM

**Dr. Prahlad Kumar Brahma**

*Asst. Professor of Law,*  
B.R.M. Govt. Law College  
Panjabari, Guwahati-37.

## ***Abstract***

Self-determination and preservation of one's own culture is one of the important rights granted under different provisions of international covenants. Constitution of India also has provided certain rights as fundamental rights in tune of the provisions mentioned in different international covenants particularly the provisions mentioned in Universal Declaration of Human Rights of the year 1945.

Tribal communities have been following and preserving their traditions and cultures since time immemorial. By virtue of the rights granted under different provisions of laws they are entitled to preserve their tradition and culture. In the name of sustenance of their traditions and culture the Govt. particularly the state govt. of Assam has been seen taking steps through different policies and schemes.

In the name of sustaining their tradition and culture and to bring rapid development at per the developed community certain administrative arrangement has been made by creating certain special mechanism of administration by way of providing exclusive opportunity to those sections of people considered to be tribal through creation of Autonomous Council administrative mechanism under state Acts.

But if the way of functioning of such autonomous council and objective as well as history behind the creation of such administrative mechanism is examined it may be observed that it is based more on politics having great political agenda instead of providing autonomy with a view to preserve tradition and culture and seeking development in true sense in the name of inclusiveness in governance.

In this article attempt has been made to highlight as to how the creation of councils in an inappropriate manner has created rift among the members of the same community and accordingly succumbed to divide and rule policy.

**Key words:** Governance, autonomy, inclusiveness, divide and rule.

## **INTRODUCTION**

The Constitution of India was framed in such a period while there was a wave of upholding the human rights. The Universal Declaration of Human Rights framed in the year 1948 had a great impact in framing the Constitution of India. The leaders who moved for having a Constitution for India were swayed by the wave of giving importance of basic rights of human being. Thus, considering those basic rights enumerated as human rights in the charter under the nomenclature Universal Human Rights, the framers of the Constitution of India enshrined those rights in the constitution as fundamental rights. The Constitution of India under article 29 prescribes cultural rights which includes preservation of traditional institutions of a particular community.

International Covenant on Economic, Social and Cultural Rights, 1966 and International Covenant on Civil and Political Rights, 1966 under Article 1 respectively provides that all people have the right to self-determination.

The concept of autonomous council in the north east of India was created in the Constitution of India to persuade the tribal people by providing certain powers for preservation of their age-old tradition or culture by creation of administrative mechanism under Sixth Schedule to the Constitution of India. However, that was aimed to prevent the tribals to take anti India stand during the transition of power from British regime to native Indians during independence which was aimed to continue only for a particular period which is apparent from the discussion in the Constituent assembly reflected in the Constituent Assembly Debate<sup>1</sup>.

As noted before, plain tribal people of Assam, under the guidance of Bodo leaders had been demanding separate administrative arrangement since British regime by submitting memorandum before the Simon Commission<sup>2</sup>. However, their justification for having separate administrative arrangement had not been considered during the time of framing the constitution. While in respect of safeguarding the culture and traditions of plain tribes of Assam, it has been submitted by Gopinath Bordoloi- the Chairman of the Committee, that 'the plain tribals have assimilated with the mainstream'<sup>3</sup>. As such the demand was not considered by the members of the Constituent Assembly. Whereas special administrative arrangement has been made for the hill tribes with certain autonomy by creating Autonomous Council under the Sixth Schedule to the Constitution of India<sup>4</sup>.

After independence also the Plain Tribal Council of Assam -a political umbrella of tribal people of Assam demanded separate state with the nomenclature 'Udayachal' as their homeland<sup>5</sup>. Again, by changing the nomenclature of the demand a Union Territory in the name of 'Mising Bodoland' was demanded<sup>6</sup> wherein Bodo, Mising and different tribal groups were involved. Thus, in different occasion they demanded Union Territory for their safety, security of their culture and all-round development.

All Bodo Students' Union- a student organization under the leadership of Upendra Nath Brahma, spearheaded a movement for separate state for Bodos since the year 1987. It is noteworthy that tribal people of Assam have been demanding separate state or union territory even before 1987 as mentioned before. But an organized mass peoples' movement got momentum strongly since the year 1987. It is to be noted that during the agitation for separate state for Bodos under the leadership Upendra Nath Brahma almost all the plain tribal community unitedly supported the demand. But after his demise in the year 1990 the movement for separate state lost momentum a bit.

After years long agitation in the year 1993 an Accord<sup>7</sup> was signed which resulted the creation of Bodoland Autonomous Council under the state Act known as the Bodoland Autonomous Council Act, 1993.

## OBJECTIVE OF RESEARCH

In the state of Assam in India numerous autonomous councils have been formed. The objectives as reflected in respective acts under which the autonomous councils have been created are allegedly to bring development for the particular community. However, if the provisions of the respective laws are examined many lacunas, anomalies and ambiguities are found in the relevant laws. Apart from that political interest rather than aimed objectives of bringing development are found which are coupled with apparently divisive policy for political interest. Therefore, with a view to study the objectives and the way of functioning the councils as per laws

<sup>1</sup> Constituent Assembly Debate, Vol. IX. p.1022.

<sup>2</sup> Ajay Roy, *The Boro Imbroglia* (1995), Spectrum Publications, Guwahati, p.56.

<sup>3</sup> Borodoloi Sub Committee Report on the North-East Frontier (Assam) Tribal and Excluded Areas available in the Framing of Indias's Constitution edited by B. Shiba Rao, Select Document Vol. III.

<sup>4</sup> Sixth Schedule to the Constitution of India.

<sup>5</sup> *Why Separate State*, published by ABSU, p.22.

<sup>6</sup> *Ibid* at p. 24.

<sup>7</sup> Memorandum of Understanding Signed in the year 1993.

and any other matters connected therewith and its per reaching impact on the society the research has been carried out on the topic with the following objectives:

1. To examine the laws relevant to autonomous concept and its implication.
2. To study the efficacy of relevant laws on the subject matter.
3. To identify and study other issues connected therewith and
4. To study whether there is any politics in creating so many councils in the state of Assam in India.

## RESEARCH QUESTION

With a view to carry out the investigation systematically the following research question has been formulated:

1. Why so many autonomous councils and development Councils have been created in the State of Assam?
2. Whether it really aimed to foster the inclusive development in true sense? And
3. What is the possible far-reaching impact of the such move?

## HYPOTHESIS

For systematic investigation on the topic following hypothesis has been formulated on the basis of preliminary inquiry:

“So many Autonomous Councils and development Councils are being created in Assam with a political objective rather than bringing development”.

## METHODOLOGY

While carrying out the research both doctrinal as well as empirical research methodology have been followed in collecting the data connected to the issue.

## CREATION OF AUTONOMOUS COUNCILS AND DEVELOPMENT COUNCILS

Initially Bodoland Autonomous Council was created in the year 1993 as a result of agreement between Bodo leaders who launched a vigorous mass movement for separate state of Bodoland and Govt of Assam in presence of the observer of the Central Govt. The Council was created under the State Act namely the Bodoland Autonomous Council, Act, 1993. It was the first council of such nature in the state of Assam under state Act. However, two Autonomous Councils namely Karbi Anglong Autonomous Council, and Dima Hasao Autonomous Council were in exist by virtue of the provisions of the Sixth Schedule of the Constitution of India. Again, in the year 2003 the Bodoland Territorial Areas District (BTAD) was created<sup>8</sup> by extending the concept of administrative system provided in Sixth Schedule to the Constitution of India to the plain area.

In the year 1995 three Autonomous Councils namely Rabha Hasong Autonomous Council, Mising Autonomous Council, and Tiwa (Lalung) Autonomous Council had been created under state Act.

Three more Autonomous Councils namely Sonowal Kachari Autonomous Council, Thengal Kachari Autonomous Council and Deori Autonomous Councils were created in the year 2005 under the Sonowal Kachari Autonomous Council Act, 2005, the Thengal Kachari Autonomous Council Act, 2005 and the Deori Autonomous Council Act, 2005 respectively.

The concept as specified in the objectives of respective Acts reveal that these are created to provide autonomy in respect of administration of particular locality as specified in the Act. It is pertinent to mention here that except the Bodoland Autonomous Council which has been superseded by the Bodoland Territorial Council in

<sup>8</sup> Constitution Amendment to the Sixth Schedule of the Constitution of India.

later stage have been constituted basically focusing on development of particular communities like Rabha in respect of Rabha Autonomous Council, Mising community in respect of Mising Autonomous Council and Tiwa or Lalung in case of Tiwa (Lalung) Autonomous Council. As such the jurisdiction of the Council has been confined to the area wherein Rabha, Mising and Tiwa (Lalung) community respectively are concentrated. Likewise, Sonowal Kachari Autonomous Council, Thengal Kachari Autonomous Council and Deori Autonomous Councils were created comprising the areas where those communities are concentrated.

Subsequently in the year 2020 another four Autonomous Councils namely, Kamatapur Autonomous Council, Moran Autonomous Council, Matak Autonomous Council and Boro Kochari Welfare Autonomous Councils have been created under the state Acts<sup>9</sup>. Kamatapur Autonomous Council has the jurisdiction in Koch Rajbongshi dominated area in Bongaigaon district, Dhubri district, Goalpara district and South Salmara district. While Moran Autonomous Council is supposed to be constituted comprising the Moran community dominated areas wherein 50% or more population belong to Moran Community and Matak Autonomous Council has jurisdiction in the Matak dominated areas wherein 50% or more population belong to Moran Community respectively<sup>10</sup>. On the other hand, more vaguely the Boro Kochari Welfare Autonomous Council has the jurisdiction in the Bodo dominated areas outside the Bodoland Territorial Areas District.

Therefore, obviously it may be presumed that these Autonomous Councils are being created for the development of those communities in pursuance to the autonomous power provided to them by providing self-governance. It is pertinent to mention herein that the subjects entrusted to the institutions under the Panchayat system are the subjects which have been transferred to those councils.

## DEVELOPMENT COUNCILS

With the similar objectives of bringing development with a mission of inclusive growth the Govt. of Assam have created as many as 31 Development Councils in the state in different occasion. For those councils the govt. allocates fund by earmarking fund in the annual budget. However, this allocation is according to the wish of the govt. since there is no hard and fast rule in this respect. Following are the Development Councils created in Assam:

- 1) Maimal Dev. Council
- 2) Moria Dev. Council
- 3) Gorkha Dev. Council
- 4) Chutia Dev. Council
- 5) Adivasi Dev. Council
- 6) Nath Jogi Dev. Council
- 7) Koch Rajbongshi Dev. Council
- 8) Bishnupriya Manipuri Dev. Council
- 9) Tai Ahom Dev. Council
- 10) Mech Kachari Dev. Council
- 11) Manipuri Dev. Council

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<sup>9</sup> The Kamatapur Autonomous Council Act, 2020; The Moran Autonomous Council Act, 2020; The Matak Autonomous Council Act, 2020 and the Boro Kochari Welfare Autonomous Council Act, 2020.

<sup>10</sup> Section 2(o) of respective Acts.

- 12) Sadharan Jati Dev. Council
- 13) Singpho (Man Tai) Dev. Council
- 14) Amri Karbi Dev. Council
- 15) Sarania Kachari Dev. Council
- 16) Barak Valley Hill Tribes Dev. Council
- 17) Tea & Ex-Tea Garden Dev. Council
- 18) SC Development Council.
- 19) Chaodang Development Council
- 20) Madahi Development Council
- 21) Kumar Development Council
- 22) Hajong Development Council
- 23) Sut Development Council
- 24) Gorla Development Council
- 25) Barman Kachari Development Council
- 26) Development Council for Karbi people residing outside Karbi Anglong
- 27) Hindi Speaking Development Council
- 28) Bengali Speaking Development Council
- 29) Jolha Development Council
- 30) Brahmin Development Council
- 31) Kalita Development Council yet to be notified.

Though the Development Councils have been created yet there are no specific laws pertaining to regulation of fund and its utilization except ambiguous guidelines issued time to time by the govt. of Assam. It has also been observed that the department which constituted the Development Councils is the department meant for Welfare of Plain Tribes and Backward Community. So, as a rule this dept. should focus on the development of those community for which the dept. exists. But the dept. is irrationally constituting different development Councils which appears to be unreasonable in as much as there are different Development Councils constituted for the development of advanced communities like Brahmin community.

### **LAWS RELEVANT TO AUTONOMOUS COUNCIL**

The state govt. has created those Autonomous Council by decentralizing the power of governance through state Acts. As reflected in respective Acts by which these Autonomous Councils are being created provides that the Autonomous Councils will have executive power in respect of the subjects mentioned in the Acts. Apart from that it has also been provided that this administrative arrangement has been created with a view to give more autonomy for governance for bringing development to those communities.

However, on examining the mode of functioning the council, it has found that the councils do not have financial autonomy. These Autonomous Councils are dependent on the state govt. for both approval of the planning, budget estimate and above all release of fund. So, to that count there exist no autonomy on the part

of the council in real sense as their actions requires prior approval of the state govt. Apart from that, except few<sup>11</sup> Autonomous Councils other councils are running with the interim council wherein members are nominated by the state govt. and accordingly the council exists at the pleasure of the state govt. If the state govt. wishes, it can change the members of the Council by dissolving the Council and by constituting the same a fresh. So, in case of interim council govt. of Autonomous Council exists at the mercy of the state govt. In such situation the Autonomous Council cannot function independently by taking development measure by their own.

The respective Acts under which the Autonomous Councils have been created have provided the executive powers to the Autonomous Council. However, the execution of the laws or the projects are to be worked out by the official executives of the Assam govt. which obviously will be for favour of the Assam govt. Therefore, during the friction between the Autonomous Council and state govt., the decision of the Assam govt. will prevail.

Ambiguity with regard to the applicability of laws or decisions in between Panchayat administration and the Council administration is also another vital issues. The subjects on which the Autonomous Council will have power are the subjects transferred to the Panchayat. So, subjects on which the Autonomous Council shall have executive power, are the subjects originally entrusted to the Panchayat. Therefore, two authorities have power on the same subject. There is no specific law which allows or disallows to exercise power on the given subject by a particular authority. In such situation there is every possibility of misrepresentation or false claim to be made by either of the two authorities which is against the administrative fair play.

The Development Councils are supposed to be governed by the guidelines issued by the state govt. issued time to time and these Councils do not have any authority to prepare a plan for utilizing the fund allocated to them.

### **AUTONOMOUS COUNCIL VIZ A VIZ PANCHAYATI RAJ SYSTEM- AN ANALYSIS**

The provisions contained in those Acts on which basis the respective Autonomous Council have been created reveals that the council are getting the powers supposed to be exercised by the institutions like Gaon Panchayat, Anchalik Panchayat and Mahukhuma Parishad created under the Assam Panchayat Act, 1994. Few provisions which resemble between the two Acts are being noted.

Provisions under Assam Panchayat Act, 1994	Provisions under the Autonomous Council Acts
<p>Sec. 60 provides that the Gaon Panchayat have the powers to deal with the matters related to the subjects granted to it.</p> <p>With regard to the execution of the schemes the authority is the Block Development Officer.</p> <p>Fund may be generated subject to the existing laws of the state by imposing taxes or by levying toll or any like nature. Apart from that, the Gaon Panchayat is entitling</p>	<p>Under different Acts which created Autonomous Councils in the year 1995 provided as many as 34 subjects.</p> <p>With regard to the execution of the schemes the authority is the Principal Secretary through Block Development Officer. (Sec. 19)</p> <p>Fund may be generated subject to the existing laws of the state. (Sec.20).</p>

<sup>11</sup> Rabha Hasong Autonomous Council, Deori Autonomous Council and Sonowal Kochari Autonomous Council have got elected Council.

<p>share of the revenue of the state's consolidated fund of the state.</p> <p>In principle the Gaon Panchayat has got more power with independence.</p> <p>Accounts and Audits are to be examined by the Auditor General.</p>	<p>The Council administration has been segregated by creating village council within its territorial jurisdiction.</p> <p>Accounts and Audits are to be examined by the Auditor General.</p>
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### POLITICS OF CREATION OF AUTONOMOUS COUNCILS AND DEVELOPMENT COUNCILS

Autonomous Councils as well as Development Councils have been constituted in the name of decentralization of power by entrusting the power of governance in the form of self- governance and with a view to bring inclusive growth backed by political interest.

Bodoland Autonomous Council which was created to quell the agitation of Bodo movement was the first Autonomous Council in the state created under the State Act. This is the result of struggle by the plain tribal community of Assam unitedly under the leadership of All Bodo Students' Union.

However, no territorial boundary was specified and made, nor election was held. It was running by nominated members and was 'interim' in nature. No constituency was delimited for election nor powers were transferred to them by the State Govt. So, this could not fulfill the aspirations of Bodo people. Therefore, Bodo people again resumed movement for separate state of Bodoland in the year 1994.

In the meantime, the mainstream intellectual of Assam could anticipate that the united movement of different tribal people of Assam is an alarm to the integrity and security of the state of Assam as the tribal people-known as Bodo group, happened to be the earliest inhabitant of the Brahmaputra valley<sup>12</sup> and if they remain united with similar sentiment the mainstream non tribal communities who are holding the reign of governance may face strong resistance in governance. Hence politics of divide and rule begins.

In the year 1995 three different Autonomous Councils namely Rabha Hasong Autonomous Council, Missing Autonomous Council and Lalung (Tiwa) Autonomous Council were created under the State Act.

These Autonomous Councils were created to meddle in the Bodoland movement launched by the Bodo people where almost all section of tribal people supported. By creating the Autonomous Council leaders of the respective community has been provided the test of political power by creating political berth by raising them to the chair of the council designed as Chief Executive Member and others as Executive Members of the Autonomous Council. Accordingly, these tribal communities have been segregated and kept away from participation in the Bodoland movement launched by Bodo people. Thus, attempt has been made to weaken the movement by lessening the support of different tribal communities in the Bodoland movement by dividing the tribal communities.

<sup>12</sup> Edward Gait, A History of Assam. (2001), Reprint Edition (Bina), Bina Library, Guwahati, p.299.

In this respect the pertinent point to consider is that the concept of Autonomous Councils which has been discarded and rejected by Bodo community on ground of failure to bring all-round development to the community under the Autonomous Council concept under the state Act has been brought back and provided to Rabha, Mising and Lalung community just to shatter the unity among the tribal people in Assam by luring to give political power to the community and thereby engaging a few leaders of the community by entrusting with certain power which are ambiguous and dependent on the state govt.

Another aspect required to be considered in this respect is that those communities neither demanded or agitated nor any agreement was signed by any organizations of those communities for any such administrative arrangement through creation of Autonomous Council. In spite of that, three councils have been created which is nothing but mere appeasement policy for particular communities with political motives in as much as the concept was a failed concept which is evident from the Bodoland Autonomous Council Act, 1993 as it could not yield any satisfactory result for which Bodos discarded and revived their agitation for separate state. These three councils could not bring any remarkable development or change among the communities except making a selective few people rich and political monger.

With the similar objectives and with a view to gain political advantage the political party in power exercised the power to win the favour of particular community. Another pertinent point to be noted here is that those councils are being constituted beyond the proposed territory of Bodoland in as much as Rabha Hasong Autonomous Council has been created in the south bank basically in Rabha dominated area particularly in Goalpara district. Lalung Autonomous Council has been created in Morigaon district and some parts of Nagaon district and on the other hand Mising Autonomous Council has been created comprising certain areas of Lakhimpur and Dhemaji districts. Another reason for creation of these Councils is to appease those communities since these communities may feel neglected on giving autonomous Council to Bodos. Therefore, they have been provided even though they did not demand such arrangement.

Subsequently another three Autonomous Councils being the Sonowal Kochari Autonomous Council, Deori Autonomous Council and Thengal Autonomous Council have been created in the year 2005. This act of creation of Autonomous Council is also nothing but to win favour of the community which is founded on political agenda.

In the year 2020 another four Autonomous Councils namely Kamatapur Autonomous Council, Moran Autonomous Council, Matak Autonomous Council and Boro Kochari Welfare Autonomous Council have been created. These are political outcome of the demand of separate state of Kamatapur and providing Scheduled Tribes (ST) status to the Koch Rajbongshi community of Assam in respect of Kamatapur Autonomous Council. This administrative arrangement has been made to quell the agitation launched by the Koch Rajbongshi community. The Moran Autonomous Council and the Matak Autonomous Council are also the result of the agitation launched by the two communities for providing Scheduled Tribes (ST) status to these two communities respectively. These are also created to quell the agitation of the respective communities for granting Scheduled Tribes (ST) status to them. On the other hand, the Boro Kochari Welfare Autonomous Council is the result of the Memorandum of Settlement signed by the ABSU, NDFB (National Democratic Front of Bodoland – an armed organization), Govt. of Assam and the Central Govt. Since the objective was to appease the communities, the power- particularly the subjects given to those Councils are varied and the same is apparently based on the strength of the respective communities. Therefore, the Boro Kochari Welfare Autonomous Council has been provided with 34 subjects, on the other hand other Councils have been provided 18 subjects. In this respect another pertinent point to be mentioned here is that prior to creation of Kamatapur Autonomous Council, which has been claimed to have been created for bringing all round development to Koch Rajbongshi community, a Development Council was constituted for the community in the name of bringing development under the name and style Koch Rajbongshi Development Council in the nature of Development Council provided to certain communities. But as the community could not be

appealed by giving Development Council, the Autonomous Council has been granted to them. Apart from that it has been speculated that the move to create the Kamatapur Autonomous is to counter the demand of separate state of Bodoland in as much as a good number of villages falls within the boundary of the proposed Bodoland demanded by Bodos. It has been considered that the Koch Rajbongshi will not remain as part of the Bodoland and as such they will oppose if the concerned authorities move for creation for Bodoland and accordingly separation from Assam by dividing Assam will be restrained. In the same line of speculation, it has been alleged by a section of supporter of Bodoland that the move for creation of Kamatapur has been designed by a section of mainstream intellectuals in connivance of the state govt. in different occasions. The creation of organization namely ‘Oboro Suraksha Samity’<sup>13</sup> which originated just to oppose any move to be taken relating to Bodoland is one of many instances.

## EFFICACY OF AUTONOMOUS COUNCIL

The narrative of creating community wise Autonomous Council is ‘decentralization of executive power’ and carrying out the ‘inclusive development’. But on investigation it has been found that such arrangement has not brought any remarkable development for the community nor of the area. Except only enriching a handful people who are holding the office or wielding power in consonance of wish of the ruling party in the govt., no development of the public in general has been observed. In this respect, on investigating the issue or causes of failure to bring all round development in different perspective it has been found that mechanism of allocation or release of fund is one of the vital reasons. The fund has been released by the state govt. according to their whims and fancies. If the govt. pleases it allocates or releases the fund by approving the budget estimate submitted by the council. While if the Chief Executive Member of the Council is not favourable of the govt. the budget estimate may not be approved and fund will not be released on time. It has been found that in case of interim council if the govt., feels that the existing Chief Executive Member is required to be changed, be it for any political reason or whatever may be, it can be changed and there are instances of doing such acts by the govt. It is therefore impliedly bound on the part of the Executive Members of the Council to maintain good relation with the Govt. The Executive Members are impliedly bound to be with the govt. in the name of getting fund for the Council. So, the members in the Council must have political allegiance to the party in power and accordingly they are being politically managed or bound.

Absence of accountability is another important issue. The fund received is supposed to be audited by the Comptroller and Auditor General of India (CAG). But the same is to be submitted through State Govt. and therefore, members are least bothered on following proper procedure of utilizing fund since they maintain a good relation with the state govt. While examining the Report of the CAG for the year 2024 it has been found that Annual Audit Account has not been submitted by the Autonomous Council as reported in the CAG report. The CAG report reveals as follows:

“The CAG had not received 485 annual accounts of 75 Autonomous Councils, Development Councils and Government Bodies (due up to 2023-24) for audit as of September 2024. Out of 485 outstanding annual accounts, nine accounts pertained to three Autonomous District Councils created under Sixth Schedule of the Constitution.”<sup>14</sup> The appendix appended in the report reflects that the audit account has not been submitted by those autonomous councils namely Rabha Hasong Autonomous Council, Mising Autonomous Council, Tiwa Autonomous Council created in the year 1995. They have not submitted the audit account to the CAG since 2009 till 2024. Similarly, the Autonomous Councils created in the year 2005 namely Deori, Autonomous Council, Thengal Kochari Autonomous Council and Sonowal Kachari Autonomous Council have also not

<sup>13</sup> It is an organization basically formed against Bodo community and as such any move undertaken by the govt. in respect of Bodoland has been opposed by the organization. A handful of people formed the organization in connivance of a section of mainstream Assamese intellectuals and have been sabotaging the sensitive issue of division of Assam in the name of creating Bodoland.

<sup>14</sup> Report of the Comptroller and Auditor General of India on State Finances for the year 2023-2024, p. 126

submitted the Audit Account to the CAG since 2009 till 2024<sup>15</sup>. This cast a doubt on proper utilization of funds and execution of development plans by the Autonomous Councils. Apart from that, the nomination of members by the government for some of the Autonomous Councils instead of holding election for the Autonomous Council as interim govt. also reflects the political motives behind not holding election for those Autonomous Councils.

There are certain legal implications also. The council has been constituted but no delimitation has been made for which election could not be held with regard to the Autonomous Councils created in the year 2020. The election for the Autonomous Councils created in 1995 and 2005 also held after lapses of many years and the same were running by the interim councils wherein the state govt. has got full and complete authority. The government appears to be not much serious about the issue in as much as until the elected council has been formed the councils will be run by the nominated members which will be according to the whims and fancies of the state govt.

Further it has been observed that the Development Councils are being created with a view to bring development to particular communities. By reading the list mentioned above it can be observed that for each and every community Development Council has been created. So, question arises as to the role of the institutions created under Panchayat system if all the communities are to be looked after by the Development Councils for their around development. That apart, even the least identified communities, who had stopped identifying themselves as separate community, also been provided Development Council. Another important issue required to be focussed hereunder is that if all have their own separate identity then there will arise a question as who remains as Assamese. Such situation shall be detrimental to the Assamese identity. The act of recognizing as distinct identification of particular communities which had built up Assamese community will lead to opt as separate and distinct community from greater Assamese community. The Modahi community as identified as separate community for Development Council were originally none other than Bodos who adopted the Neo Vaisnavite cult known as Ek Charan Dharma<sup>16</sup> and identified as Assamese only. Likewise, the Kalita community are originally the persons identified as Assamese community. If they are segregated for the purpose of providing Development Councils it will tend splitting among the Assamese community and erode the composite culture which will be detrimental to the Assamese society reason being that, if all are identified as separately as distinct community, then there would remain no community as 'Assamese'. Such divisive approach for political gain may lead to destroy the unity of different community as 'Assamese' as one community in as much as such move will lead to focus on their respective community only and accordingly lead to increase communal feeling which may result adverse impact on unity among the people of Assam as one 'Assamese community'.

## CONCLUSION

The Autonomous Councils and Development Councils are being created as an appeasement policy. Another objective is to win the favour of the electorates. So, the mechanism has been created with political objectives to wield the favour of the people through engaging few persons from the community who has the command in the society of a particular community. Though the tag of the slogan of 'inclusive growth', 'decentralisation of power with autonomy' has been highlighted while creating the Autonomous Council and Development Councils, yet the laws in pragmatic approach shows otherwise which is destined in a system of parliamentary democracy as the Councils have to look up the state govt. for everything.

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<sup>15</sup> Ibid.

<sup>16</sup> Assam Gazetteers (Goalpara), (Reprint) Antiquarian Studies, (2012) Guwahati, Assam, p. 129.

Further the Autonomous Councils and Development Councils created on community basis has not proved to be a healthy sign for maintaining unity in a heterogenous society as it may lead to communal hatred and seclusion.

It has been observed that due to interference from the state govt. the Council Govt. cannot function independently. So, there is a need of providing autonomous powers to those Councils in letter and spirit by amending the relevant laws by entrusting power to take decision even without approval from the state govt. The Governor should be entrusted to exercise the executive power without the aid and advice of the council of minister headed by the Chief Minister. Instead, the Governor should execute the function on the basis of aid and advice of the Executive Council of the Autonomous Council so as to maintain the true spirit of autonomy concept of the institution. Apart from that there is a need for allocation of separate annual budget by the State govt. on the basis of the plan and estimate submitted by the Councils and accordingly the same should be released without delay.

The development councils claimed to have been created in the name of bringing development of particular communities have been observed to have been entrusted to spent allocated fund without proper jurisdiction and accountability. The acts of bringing development may be carried out by the institutions under Panchayati Raj system. So, more fund supposed to be allocated to the Development Council may be allocated to the Gaon Panchayat or the Municipality as the case may be since it has been observed that the existing Development Councils could not achieved the desired objective except benefiting a few persons.

The Council administration should be directly held accountable to the CAG for the expenditure so as to inflict liability for expenditure.

On the basis of the conclusive opinion the following suggestions may be made:

1. The Autonomous Councils should be provided full autonomy on the subjects allocated to them.
2. The Governor should be made Head of the Executive and supposed to act on the basis of aid and advice of the Executive Council of the Autonomous Council.
3. Instead of creating so many Development Councils the powers expected to be exercised by the Development Councils should be transferred to the Gaon Panchayat and Municipality under more strict laws relating to the accountability in respect of utilization of fund.
4. Frequent audit of account should be made by the office of the CAG by amending the relevant laws for transferency and proper utilization of the fund.

If the above suggestions are followed then more transferency would prevail and proper utilization of fund would happen and accordingly there would decentralization of power as well as development for all.

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