Chapter-II

PANCHAYATI RAJ IN ASSAM AND ARUNACHAL PRADESH: PAST AND PRESENT

This Chapter discusses the development of Panchayats in India in general and in Assam and Arunachal Pradesh in particular. It has four Sections. Section I focuses on the evolution of present Panchayati Raj Institutions (PRIs) in India. Section II has been designed to deal with the development of Panchayats in Assam. Section III explores the development of Panchayats in Arunachal Pradesh and the age old Village Council. In Section IV an attempt has been made to analyse both the Assam Panchayati Raj Act, 1994 and Arunachal Pradesh Panchayati Raj Act, 1997 in a comparative perspective. The current status of PRIs in both the states is also mentioned.

SECTION-I

2.1 Evolution of Present Panchayati Raj Institutions (PRIs) in India

The Panchayati Raj Institution- grass root units of self-government - is an ancient concept having a long history in India. It is found even in the Rig Veda, (which dates approximately 1200 BC) where the local bodies were the points of context with higher authorities on matters affecting the villages and resident.\(^1\) Likewise, in the periods of Mauryas and Guptas references are found of a village and a district respectively. The Mauryan and Gupta administration provided a systematic base to the Panchayati Raj system. But with the introduction of a centralised administration during the Mughal regime, the villages lost much of their autonomy. Law and order was dealt with through their own man called the Headman or Mugaddam. The
judicial powers of the Panchayats were also considerably curtailed under the Mughals. These practices robbed the Panchayats of their autonomy and consequently they entered into an era of lessening importance and with the advent of the British, they got more relegated to subservient place in the colonial administration.  

Under the British rule in India, an attempt to establish local self government was first made in 1800, when a district local fund was created consisting of a local cess of one anna in a rupee, of land revenue, toll and ferry charges and cattle pond receipts. The district local fund committee was empowered to incur expenditure on local works and education. However, it was only in 1870 that the real spirit of local government was noticed when Lord Mayo adopted a resolution to share revenue with the provinces with an intention to bring about administrative efficiency. In the same year, the Bengal Village Chowkidari Act was also passed which empowered the District Magistrate to constitute a Panchayat in any village if majority of the adult male residents apply in writing to the District Magistrate for constitution of a Panchayat in such village. As per the Act, the Panchayat consisted of not less than three and not more than five residents of the village concerned. The members could be partly elected and partly nominated or wholly nominated for a period of three years. In case of extraordinary circumstances, the Magistrate could nominate one person to the Panchayat. The Act also laid down that no person was appointed a member of the Panchayat unless he was a resident in such village. Again, in 1880, another important recommendation regarding village self-government was made by the Royal Famine Commission. The Commission recommended to utilise village organisations for famine relief work and accordingly the village agencies were called upon to control famine.
But the true spirit in the process of development of local self-government was noticed in 1882, when Lord Ripon – the then Viceroy of India – issued a Resolution to establish local government institutions on the foundation of the local government system of ancient India. He stated – ‘it is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly defined as an instrument of political and popular education.’\textsuperscript{5} This resolution led to the passage of new Acts in various provinces.

The next important step in this regard was initiated in the early part of twentieth century when Royal Commission on Decentralisation (1907-08) was constituted. It observed that village communities in India had disintegrated in a way that they could hardly be reconstituted as reliable units of government. Therefore, it suggested that the new system should be introduced slowly and gradually and local governments should not be under any special restrictions in respect to their ‘provincial’ and ‘subordinate’ public works staff.\textsuperscript{6} Meanwhile, the Indian National Congress in its Lahore Session (1909) passed a resolution to ‘make all local bodies from village Panchayats upwards elective with elected non-official chairman’ and “to support them with adequate financial aid.” Again, at its twenty-eighth session in December 1913 in Karachi, the Congress adopted a resolution regretting that decentralisation had remained largely on paper.\textsuperscript{7} Such pressure compelled the British Government to initiate some new steps and thus the Government of India Act 1919 was passed which brought about local bodies under the domain of Indian ministers in the provinces. It suggested that there should be (as far as possible) complete popular control in local bodies and the largest possible independence for them from outside control.\textsuperscript{8}
With the growing demands of Indians, the British Government in 1925 appointed the Hatch Committee to consider the position of village Panchayats. The Committee recommended the enfranchisement of women as well as contribution of funds to the panchayats by district local boards and the governments. This contributed immensely in the passing of village Panchayat laws in six native states (1926) – Cochin, Travancore, Indore, Baroda, Kolhapur and Mysore. It was then followed by the passing of Bombay Village Panchayat Act 1930, which empowered the village Panchayats to take up multifarious activities, including power to levy taxes and duties to increase their income and this helped a lot to popularise the Panchayat. Further acceleration in this course came with the passing of Government of India Act 1935, which conferred Provincial Autonomy and thereby facilitated the evolution of Gram Panchayat. With popularly elected governments in the provinces, almost all provincial administrations enacted legislation for further democratization of local self-government institutions, including the village panchayats. It is thus the concept of local government remained a major issue during the whole British period.

2.1.1 Panchayati Raj in Post-independent India

However, situation changed considerably with ushering in of independence in India. The Constituent Assembly drafted a new constitution but surprisingly it did not make a reference to the village Panchayats. This sparked off a severe controversy inside the Constituent Assembly. Many prominent members like H. V. Kamath, N. G. Ranga and others vigorously criticised the draft constitution. Finally, it was decided to incorporate the Panchayats in the Chapter on Directive Principles of State Policy under Article 40, which enjoins upon the state “to take steps to organise village
Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of local government”

In consonance with this the Community Development Programme was launched on October 2, 1952 under which an entirely new unit of governance called Community Development Block (CDB) was set up. The Programme was introduced with a view to evoke popular enthusiasm and co-operation in the process of socio-economic development of the country.

The objectives of the CDP were:

- First increase employment and increase production by the application of scientific methods of agriculture including horticulture, animal husbandry, fisheries etc. and the establishment of subsidy and cottage industries;
- Second, self-help and self-reliance and the largest public extension of the principle of co-operation;
- Thirdly, the need for developing a portion of the vast unutilised time and energy in the countryside for the benefit of the community.

Similarly, the National Extension Service (NES) was also started in 1953 to make the rural people aware of their problems and to suggest measures to overcome them. Extension services were provided through block level staff with a view to encourage people’s participation. Though both CDP and NES were launched with high expectation, they actually failed to achieve the desired results in terms of evoking popular participation.

Towards the end of the first five year plan period, the Union Government appointed a committee headed by Balwant Rai Mehta in January 1957 to review critically the working of the CDP and the NES and to suggest measures for more people’s participation. The Committee submitted its report to the National Development Council (NDC) in the same year. The Mehta Committee observed “So long as we do not discover or create
representative and democratic institution which will supply the local interest, supervision and care necessary to ensure that expenditure of money upon local objects conforms with the needs and wishes of the locality and invest it with adequate powers and assign to it appropriate finances, we will never be able to evoke local interest and excite local initiative in the field of development. It also observed that development cannot progress without responsibility and power. Community development can be real only when the community understands its problems, realises its responsibilities, exercises the necessary powers through its chosen representatives and maintains a constant and intelligent vigilance on local administration. With the objective, it recommended an early establishment of statutory elective local bodies and devolution on them the necessary resources, powers and authority. The philosophy behind the report was to move the decision making centres closer to the people. In fact, the report of the Committee centred round the scheme of ‘democratic decentralisation’. Some of the major recommendations of the Committee were:

i) The Government should divest itself completely of certain duties and responsibilities and delegate them to body which will be in charge of all developmental work within its jurisdiction. The body will reserve to itself only the functions of guidance, supervision and higher planning.

ii) Constitution of three-tier system of Panchayat – Gram Panchayat at Village level, Panchayat Samiti at Block level and Zilla Parishad at district level. The Village Panchayats should be constituted by direct election on the basis of adult franchise with provisions for co-option of two women members and one
member each from the Scheduled Caste and the Scheduled Tribe Communities. The Panchayat Samiti should be indirectly elected by the Village Panchayats which was to be in charge of the administrative and developmental activities of the Block. The Zilla Parishad should consist of the presidents of Panchayat Samities, the members of State Legislature and the Parliament belonging to the locality and all the district level officers of the development departments as members, having the Collector as its Chairman to co-ordinate the activities of the Panchayat Samities.

iii) Main resources of income of Panchayat will be taxation markets and vehicles, water tax, house tax, conservancy tax, income from cattle ponds, grants from Panchayat Samities and fees charged from the registration of animals sold.

iv) The budget of the Village Panchayat will be subjected to scrutiny and approval of the Panchayat Samiti, Chief Officer of which will exercise the same power in regard to the village Panchayat as the collector will in regard to the Zilla Parishad.

v) The compulsory duties of the Village Panchayats should include among other provision of water supply, sanitation, lighting, maintenance of roads, land, management, collection and maintenance of records and other statistics and the welfare of backward classes.

These recommendations were accepted by the Standing Committee of the National Development Council (NDC) in 1958. The Council, however, agreed that there should be insistence on a single rigid pattern and left it to
the states to work out a pattern suited to their requirements. But the basic principles such as the three-tier structure, the transfer of adequate power and responsibility, leaving adequate resources at their disposal, entrusting development work to these bodies at each level, and last of all, the system was to be so designed that further devolution of authority will be facilitated. It is thus evolved the three-tier system of Panchayati Raj in the country with great fanfare. Rajasthan and Andhra Pradesh were the first states to adopt the Panchayati form of rural local government in 1959\textsuperscript{16} and then followed by other states. But gradually enthusiasm lost and since mid-sixties, the Panchayati Raj has been in a low rate.

The change of Congress Government in 1977, however, brought forward a desire to revitalise the PRIs. The new Government with a view to revamp the Panchayat structure appointed Ashoka Mehta Committee (1977), which submitted its report in 1978 with the following important recommendations\textsuperscript{17}:

i) There should be two-tier set up – Zilla Parishad and a Mandal Panchayat covering a population of 15000 to 20000 and thereby recommended abolition of the block as a unit of development administration.

ii) All developmental schemes should be channelled through Zilla Parishad.

iii) The tenure of Panchayat Raj bodies should be four years.

iv) Political parties could participate in election to these bodies.

v) Representation of SC and ST in all Panchayat bodies should be on the basis of their population.
vi) In consultation with the Election Commission the Chief Electoral Officers of the States could conduct elections to Panchayat Raj bodies.

vii) Nyaya Panchayat should be kept separate from the development Panchayats.

viii) The Committee suggested for complete transfer of land revenue collections to PRIs over a period of five years.

ix) In case of any supersession, election to Panchayat Raj bodies should be held within six months.

x) The Committee agreed to the need of some provisions in the Constitution in order to provide the PRIs the requisite status.

Thus, Ashoka Mehta Report has made an attempt to revamp the PRIs established according to the recommendations of the Balwant Rai Mehta Report. Both the Mehta Reports can be considered as landmarks in expansion of democracy at the grass root level.

The idea of decentralised planning was mooted in 1977 and 1983 by M. L. Dantwala and C. H. Hanumantha Committees respectively. Both the Committees recommended that the basic decentralised planning has to be done at the district level.

With a view to review the existing administrative arrangements for rural development and poverty alleviation programmes and also to recommend appropriate structural mechanism, a twelve member Committee under the Chairmanship of Dr. G. V. K. Rao was constituted in 1985. The Committee suggested for continuance of three-tier structure and urged that elections to those bodies should be held regularly. It suggested that the Zilla Parishad
should become the main body for management of all development programmes at the district level. It also recommended that a post of District Development Commissioner (DDC), higher in status than that of District Collector, should be created in order to co-ordinate all the development activities in the district. Besides, the Committee emphasised that the block development office should be the sheet anchor of the entire rural development process. The Chief Executive Officer of the block may be designated as Assistant Development Commissioner (ADC), who should be in status of Sub-divisional Officer.\textsuperscript{18}

Again, in 1986, another Committee under the Chairmanship of Laxmi Mal Singhvi was appointed to prepare a Concept Paper for discussion at a national workshop to review the growth, present status and functions of PRIs. The Committee advocated that Panchayati Raj should primarily be viewed as the local self government system and should be strengthened accordingly. It is the foundation stone for the country’s democratic political system. The existing constitutional provision in Article 40 is too general and also discretionary. It cannot give a firm basis for Panchayati Raj, which has been weakened due to neglect and unscrupulous politicking in various states. The Committee advocated constitutional recognition to strengthen Panchayati Raj, which became the basis for the 64\textsuperscript{th} Constitutional Amendment Bill.\textsuperscript{19}

In 1988, a Sub-committee of the Parliamentary Consultative Committee attached to the Ministry of Personnel, Public Grievances and Pensions was set up under the Chairmanship of P. K. Thoungon. The Committee felt the need for constitutional recognition of PRIs. It also recommended a three-tier structure for Panchayati Raj with District Panchayat at the top, Mandal Panchayat in the middle and Village Panchayat at the bottom level. The
Sub-committee suggested to form a Planning and Coordination Committee at the state level under the Chairmanship of the Planning Minister and Presidents of the Zilla Parishad would be members of the Committee. It recommended that the term of Panchayat Raj bodies should be for a period of five years and the suitable constitutional provision must be made to ensure timely and regular elections. In addition to this, the Sub-committee also recommended to appoint a separate Panchayat Raj Judicial Tribunal to adjudicate controversies. It suggested the system of reservation for all the three tiers of Panchayati Raj bodies as per population. Along with this not less than two women should be members of Panchayat Raj bodies at each level. But bodies having membership up to five there would be only one place reserved for a woman member. As regard the finance, the Sub-committee recommended to constitute Finance Commission to lay down the criteria and guidelines whereby resources would be allocated to the districts. It is seen that unlike in the past this Sub Committee made some path breaking suggestions.

The echo of these suggestions could be heard the following years and ideas of according constitutional recognition to the PRIs, reservation of seats for special categories of persons gained momentum. Addressing the National Conference on Panchayat Raj and Scheduled Castes (1989), the Prime Minister indicated to make constitutional provision for the reservation of seats for scheduled castes and scheduled tribes in PRIs. In the same year, the Prime Minister in the Conference of Panchayati Raj and Women (1989) indicated that thirty per cent reservation in all PRIs and other elected bodies will be given to women. He made it a point that for providing greater participation, the Constitution would be amended. Finally, in the Chief Ministers’ Conference on May 5, 1989 at New Delhi the draft bill on Panchayati Raj was given the final shape.
Thus in the above backdrop the **Sixty-fourth Constitution Amendment Bill 1989** was introduced in the Lok Sabha (16th May 1989). The amendment was proposed for making it mandatory for all states to establish a three-tier structure panchayat at village, intermediate and district levels. Along with this the Bill has given due importance to other aspects of Panchayati Raj covering reservation for SC, ST and Women; periodical elections; powers and responsibilities of Panchayats, allocation of resources and audit of accounts of Panchayats. The proposed Bill excluded certain states and areas like Nagaland, Meghalaya and Mizoram, the tribal areas in the states of Tripura and Assam, the hill areas in the state of Manipur and Darjeeling in the State of West Bengal, for which District Council and Hill Council exist.

But the Bill gave rise to nationwide controversy. The Bill was criticised as a brainchild of the ruling Congress Party for immediate electoral gains. It was also alleged that while drafting the Bill the ruling party did not consult other major political parties. It might also affect the basic federal fabric of the nation. However, the Bill with all allegations passed in the Lok Sabha but fell in the Rajya Sabha. It was only after the general election of 1991 that the new Congress Government under the leadership of P. V. Narashima Rao again initiated the process. In consultation with all major political parties the Government introduced Seventy third Constitution Amendment Bill 1991. The Bill was passed by the Parliament in December 1992 and became an Act on April 24, 1993.

The Seventy Third Amendment (inserted in Part IX of the Constitution) Act provided for a stronger and wider democratic decentralisation by reforming and enlarging the structures and functions of the PRIs. The Amendment sought to provide the following framework of Panchayat Raj as the obligatory guidelines for necessary legislation by states:21
i) A three-tier system consisting of Panchayats at the village, intermediate and district levels.

ii) Direct election of members from the territorial constituencies in the Panchayat area.

iii) Provision for reservation of seats for schedule castes and schedule tribes in Panchayats in proportion to their populations at each level. Reservation on one-third of the seats for women in both general and reserved categories. Similar reservation for the SC, ST and women in respect of offices of Chairpersons of the Panchayat bodies.

iv) A five year term for the Panchayat bodies. In case of dissolution, elections shall be held within six months of the date of dissolution.

v) Disqualification of a person for membership of the Panchayats if the concerned person is declared disqualified for membership of State legislative under any law.

vi) Constitution of Finance Commission (Article 343-1) every fifth year to review the financial position of the Panchayats. It has to make recommendations regarding the scope of distribution of funds between the state and the Panchayats.

vii) Powers to Panchayats to impose taxes, duties and tolls and fees and responsibility of the State Governments for making grants-in-aid to the Panchayats from the Consolidated Fund of the State.

viii) Panchayats are entrusted with – (a) preparing plans and implementing schemes for economic development and social justice, (b) matters listed in the eleventh Schedule.
ix) Constitution of State Election Commission to ensure free and fair elections to the Panchayats.

x) Provision for Gram Sabha in each village, which will consist of all persons registered as voters in the Panchayat area.

Thus, the Seventy Third (73rd) Amendment Act has made an attempt to prescribe certain uniform principles in developing local self-government bodies in rural India. To execute the spirit of the Seventy Third (73rd) Amendment Act almost all the states of India has passed their respective Panchayat Acts and thereby PRIS has now become a reality. The present status of PR across the country is presented below in a tabular form.

**Table B1: State-wise details of Panchayats**

<table>
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<tr>
<th>States</th>
<th>Enforcement of 73rd C.A.A</th>
<th>Nomenclature of Panchayats</th>
<th>Constitution of DPCs</th>
<th>Panchayat Election</th>
<th>Status of SFC</th>
<th>No. of Panchayats</th>
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<td>Janpad Panchayat</td>
<td>Zilla Panchayata</td>
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<td>2005 – Ist</td>
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Source: Data generated by Researcher
Along with the Seventy Third (73rd) Constitution Amendment Act, the formation of a separate Ministry of Panchayati Raj (MoPR) in May 2004 at the Centre was another major step to carry forward the process of democratic decentralisation. The Ministry was set up primarily to oversee the implementation of Part IX of the Constitution inserted by the Seventy-third Amendment Act 1992, the Panchayats Extension to the Scheduled Areas (PESA) Act 1996, and Article 243ZD of Part IX-A relating to DPC. Although the Panchayats have historically been an integral part of rural life in India, these Acts have institutionalised the PRIs at the village, intermediate and district levels as the third tier of government. The organization chart of the MoPR is given below to understand the position of the office bearers in making PR a reality.

CHART: 1

ORGANIZATION CHART OF THE MINISTRY OF PANCHAYATI RAJ

Source: Annual Report 2009-2010, Ministry of Panchayati Raj, Government of India
2.2 Development of Panchayats in Assam

In the early 13th century, the Ahoms settled down in the Brahmaputra Valley as migrants from Upper Burma and established their kingdom in Upper Assam. With their growing political and economic influence, the Ahom established a strong state covering almost the entire Brahmaputra valley by the end of the 17th century. The social formation and the politico-administrative arrangement of Assam during the Ahom rule fostered certain local institutions such as Mels, Khels etc. which also had some judicial functions. The Mels were, in fact, the estates conferred on the sons, brothers, wives and other close relations of the reigning monarch, and the chief of a Mel, was empowered to settle the minor disputes. The Khles were essentially occupational and territorial panchayats constituted primarily by the Paiks (adult male manual workers), who were arranged in khels with regular gradation of officers, and the officer in charge of a Khel had the power to settle minor disputes among the members of his Khel.23

In addition to Mel and Khel, an institution known as Namghar has been in existence in Assam since the beginning of the sixteenth century. Initially, the Namghars were set up for panchayat functions of Neo-Vaisnavism, but with the passage of time, this religious institution had become the nerve centre of the village community. B. K. Boruah in his ‘Sankaradeva: Vaisnava Saint of Assam’ said “the Namghars which were set up as central religious institutions of the village worked to a large extent towards spread of intellectual and cultural activities in the village, and in course of time being nerve-centres of the village came to co-ordinate all the aspects of social, economical and political life of the Assamese people... the Namghar further
serve as panchayat hall, where villagers gather to discuss and solve many of their day-to-day problems. These community centres are been formed even to play political and judicial role.”

Thus, the Mels, the Khels and the Namghars were some of the very important social institutions of local character during the Ahom period. But in true sense of the term these are not regarded as local self-government institutions. It was only under the colonial rule that local self-government institutions were gradually introduced in Assam.

As regard to local self-government in South Assam, there was also the existence of khels (lowest self-governing agricultural unit headed by a Mukhtar) or voluntary organisations for carrying on a specific responsibility. With the British ascendancy, Panchayat and Village Chaukidari system made its way into Cachar. The Bengal Village Chowkidari Act provided that the District Magistrate might constitute a Panchayat in any village consisting of more than sixty houses. In case of lesser number of houses, two or more villages might be grouped into a Panchayat. Cachar, like Sylhet and Goalpara, was a Bengal district and all the Bengal Regulations were in force in the district but its operation was not satisfactory in various aspects. The Panchayat under this Act was not at all popularly constituted and in that sense, it was hardly an experiment in local self-government. Likewise, Lord Ripon’s Resolution also had a little impact on local self-government in the province.

The history of local self-government in Assam truly began with the Assam Local Self Government Act 1915, which was enacted following the recommendations of the Royal Commission on Decentralisation. The Act empowered the Chief Commissioner to constitute a Village Authority in
each village. The members to these Village Authorities could be wholly appointed or elected or partly appointed and elected for a period of three years. As per the provisions of the Act, the Chef Commissioner was authorised to fix the number of elected or appointed member. The Act further provided both for the election and nomination of the President and enlarged the functions of the Village Authorities. As such Village Authorities were established in Assam. In 1918, seventy Village Authorities were established and by 1919 it was increased to eighty, out of which sixty had non-official elected chairman. But the Panchayat scheme established under the Act of 1915 was ultimately a failure as it did not responsive to the needs of the people.

Meanwhile, the Government of India Act 1919 transferred the subject of local self-government to the Provincial Government. Diarchy brought about some important changes in the system of local self government in the country and in keeping this spirit of diarchy, the Assam Legislative Council passed the Rural Self Government Act 1926. The Act was introduced with a view to create machinery through which the villagers might undertake the management of their own affair and develop capacity for self help. As such the Act provided that every village should have a Village Authority composed of not more than nine members elected on the basis of adult manhood franchise for a term of three years. It also provided for election of President from among the members. However, the Village Authorities failed to bring about any significant change mainly due to the inadequate financial support from the Colonial Government. The Village Authorities, therefore, had only nominal existence. Subsequently, the passing of the Government of India Act 1935, which conferred so-called ‘Provincial
Autonomy’ also helped to accelerate the development of the Panchayats in the Province.

However, with the dawn of independence the history of local self-government in Assam witnessed a remarkable change. The spirit of the legislations passed during the British period reached into their fuller expression only after the independence of India through the Assam Rural Panchayat Bill, which was introduced in the Legislative Assembly on 11 March 1948 in order to develop the rural areas. After a threadbare discussion the Bill was referred to a Select Committee. The Committee submitted its report to the Assembly with certain amendments in the same month. Subsequently, the Assam Rural Panchayat Act, 1948 was passed by the Legislative Assembly and it received the assent of the Governor General in November, 1948.28

2.2.1 The Assam Rural Panchayat Act 1948:

The Act of 1948 for the first time introduced two-tier system of PRIs – the Primary Panchayat and the Rural Panchayat. Under the Act the Government was empowered to declare any area to be rural panchayat area composed of as many Primary Panchayat (not more than fifteen) as deemed necessary by the Deputy Commissioner or the Sub-Divisional Officer.

The Primary Panchayat would consist of all the resident adults of the area. It has an Executive Committee elected by the adults of the area, consisting of not more than eleven and not less than five including the President and a Vice-President for three years. Every Primary Panchayat was required to elect one representative for every five hundred of its members (population) and an additional one if the fraction thereof is a figure between two hundred and fifty (250) and four hundred and ninety one (491) to the Rural
Panchayat provided that the total number of members shall not exceed five. A Rural Panchayat thus constituted had to elect a President and a Vice-president from among the members for a period of three years. The President had the power to constitute his cabinet by selecting five to nine members representing diverse interests. The Act covered a long list of thirty-four (34) functions covering all aspects of rural life.

The Act operated for a decade resulting into the gradual growth of Panchayat from 29 at the end of 1950-51 to 422 in 1959 comprising 2657 Primary Panchayats covering the plain districts of the State. However, to review the working of the Panchayat system in the state, the Government of Assam in July 1953 appointed a Panchayat Enquiry Committee under the Chairmanship of Hitendra Chandra Chakraborty (ex-Minster). The Committee suggested for continuation of government subsidy for development works till the panchayats became financially stable through taxation. Along with this the Committee recommended to reduce the area of the Rural Panchayat. It also recommended that the term of the Panchayats should be raised from three to five years. Accordingly an Amendment Bill incorporating the recommendations was prepared but the Bill was failed in the Assembly.

By this time the Government of India in order to develop rural areas and to organise rural people introduced an alternative institutions called Community Development Programme whereby a new unit of governance called Community Development Block under the supervision of Block Development Officer was set up. This was followed by National Extension Service (1953) to make the rural people aware of their problems. However,
the fact is that though both the programmes were initiated with lot of expectations, they actually failed to achieve the desired objective.

Thus to review the situation the Planning Commission appointed a Study Team in January 1957 with Balwant Rai Mehta as Chairman. The Mehta Committee submitted its report to the National Development Council with a number of recommendations (mentioned in Section I of Chapter II) and in pursuance to the recommendations the Assam Legislative Assembly enacted the Assam Panchayat Act, 1959. With this a sincere attempt was made to make Panchayati Raj a healthy, active and productive system of rural local self-government involving the rural people in the process of all round development through self-governance.

2.2.2 The Assam Panchayat Act 1959

This Act brought into existence a three-tier structure of panchayati raj – the Gaon Panchayat at the Village level, the Anchalik Panchayat at the Block level and the Mahkuma Parishad at the Sub-divisional level. It has thus democratised the constitution of Panchayati Raj units. The Act provided for the Gaon Sabha at the bottom of the village Panchayat, consisted of all adults in the area, whose names were included in the electoral roll and had a minimum population of 2,500. The Gaon Panchayat was the executive body of the Gaon Sabha. Under this Act the Gaon Panchayat would consist of eleven members including the President and the Vice-President, elected directly by the members of the Gaon Sabha. The Act also made provision for co-opting one woman if no woman was elected and one each from the Schedule Caste (SC) and Schedule Tribe (ST) if they constituted at least five per cent of the total population of the area. The Act fixed the term of Gaon
Panchayat to three years. It also empowered the Gaon Panchayat to appoint its own Secretary.\textsuperscript{32}

As regards the constitution of Anchalik Panchayat is concerned, the new Act provided that every Gaon Sabha would elect one representative to the Anchalik Panchayat falling within its jurisdiction. Though the Act did not provide any provision for co-option of women but it provided for co-option of two members, one each from the SC and ST communities. As per the Act, the President and the Vice-President of the Anchalik Panchayat were elected by the members from among themselves. Besides, the Act authorised the State Government to appoint members to the Anchalik Panchayat without the right to vote.\textsuperscript{33}

The Act of 1959 also outlined the constitution of Mohkuma Parishad, which consisted of – (a) Presidents of all the Anchalik Panchayats falling within its jurisdiction, (b) all the members of the Legislative Assembly and the Member of Parliament representing the area, (c) Chairman of the Municipalities, Town Committees and School Boards falling within the Sub-division as ex-officio members and (d) officers appointed by the government as ex-officio members. The Act also provided for co-option of one member from the SC and ST communities if there was no representation from these categories. But there was no provision for co-option of any woman member. Under the Act, the President and the Vice-President of the Mohkuma Parishad were elected by the members from among themselves.\textsuperscript{34}

But the Act of 1959 failed to work satisfactorily. As such the Government of Assam appointed a Study Team to suggest modifications required for satisfactory functioning of the PRIs in Assam. Following the
recommendations of the Study Team, the Legislative Assembly enacted the Assam Panchayat (Amendment) Act, 1964 and some important changes were made such as abolition of the provision of direct election of the President and the Vice-President of the Gaon Panchayat; abolition of the provision for appointment of a Secretary by the Gaon Panchayat; extension of the term of Gaon Panchayat from three to four years; introduction of secret ballot in lieu of open voting; increased the number of co-opted women members from one to two if no woman was elected and one if one was elected. At the level of Anchalik Panchayat, the Act abolished direct election of members and provided that one-third of the total number of Presidents of the Gaon Panchayats or at least three, which ever was greater, were to be elected from among the members of the Gaon Sabha by an electoral college consisting of all the members of the Gaon Panchayats falling within the jurisdiction of the Anchalik Panchayat. It authorised the State Government to nominate some members representing the forest villages and the tea gardens falling within the area; provided for co-option of two women members if no one was a member and one if one was elected. With regard to Mohkuma Parishad, the Act increased the number of members by including the Chairman of Cooperative Central Bank, the Deputy Commissioner and the Sun-divisional Officer. It also provided for co-option of two women members if no woman was a member and one if one was a member.35

Subsequently, the Government of Assam constituted the Estimate Committee (1970) to review the working of the Panchayati Raj in the state. The Committee submitted its report in January 1972 and pin-pointed certain difficulties like- a) lengthy procedure of election at all levels; b) absence of strong executive policy; c) shortage of financial resources; d) no
financial co-ordination; e) smallness of area. to overcome these the Committee suggested to expand the areas of Gaon Panchayats (population of 30,000 or more), abolition of Anchalik Panchayats, establishment of an advisory and co-ordinating body (Block Development Board) at the Block level.\textsuperscript{36}

Thus following the recommendations of the Estimate Committee the Assam Legislative Assembly enacted the Assam Panchayati Raj Act, 1972.

\textit{2.2.3 The Assam Panchayati Raj Act, 1972:}

The Act replaced three-tier panchayat system by a two-tier system – Gaon Panchayat at the Village level and Mohkuma Parishad at the Sub-divisional level. Most of the functions of Anchalik Panchayats were transferred to Mohkuma Parishad. The Act extended the areas of Gaon Panchayat (population of not less than 15,000 and not more than 20,000) and fixed its strength up to fifteen elected members. It authorised the State Government to appoint any officer as an ex-officio member to the Gaon Panchayat. In addition, the Councillor of the Parishad representing the area of the Gaon Panchayat was an ex-officio member of the Gaon Panchayat. Under the Act, there was provision for direct election of the President, while the Vice-President was elected by the member of the Panchayat from among themselves. The Secretary of the Gaon Panchayat was appointed by the Mohkuma Parishad.\textsuperscript{37}

As regard the constitution of Mohkuma Parishad, the Act stated that – a) one Councillor elected by each of the Gaon Panchayat within its areas; b) one representative each, not being a member of the State Legislature or Parliament, from the Municipality, Town Committee, Regional Board of Elementary Education and the Central Co-operative Bank as ex-officio
Councillors; c) Such other Government officers as ex-officio Councillors as the State Government may appoint from time to time; and d) two Councillors nominated by the State Government from tea gardens falling within the jurisdiction of the Parishad. Besides, the Chairman and the Chief Executive Councillor of the Mohkuma Parishad were elected by the Councillors from among themselves. The Act fixed the term of the Panchayat Raj bodies to four years$^{38}$.

However, the Act of 1972 was in operation only for fourteen years and then it was replaced by the Assam Panchayati Raj Act 1986, which came into effect from September, 1990.

2.2.4 The Assam Panchayati Raj Act 1986

The Act brought back the three-tier system – Gaon Panchayat, Anchalik Panchayat and Mohkuma Parishad – and fixed the term of each level at five years. The Act brought about certain significant changes. It provided that Gaon Panchayat would consist of an area having population of six to ten thousand. The tea gardens were included within its jurisdiction. Under the Act there was provision for thirty per cent reservation of seats for the women both in Gaon Panchayat and Anchalik Panchayat. The Act provided for ten (10) elected members in every Gaon Panchayat and direct election for its President. As per the Act the Anchalik Panchayat was formed by the Presidents of the Gaon Panchayats. The MLAs and the MPs were ex-officio members and the Government could nominate such officers (without right to vote) as deemed necessary to it. The Mohkuma Parishad under the Act would consist of all the Presidents of the Anchalik Panchayats falling within its jurisdiction; the Deputy Commissioner and Sub-divisional Officer; MLAs and MPs representing the area of the Mohkuma Parishad;
and the district heads of different department nominated by the State Government. The President and the Vice-President of the Parishad were elected by the members from among themselves. However, the Act of 1986 came under certain criticisms as it had substantially enhanced the powers of the State Government and the bureaucracy. Panchayats lost the power of appointment of their own staff and they could retain only such staff as was prescribed by the State Government and appointed by the Director of Panchayats. Subsequently, the provision of this Act went through changes by way of amendments.

The Seventy-third Constitution Amendment Act 1992, which came into force with effect from 24th April, 1993 sought to bring some uniformity of PRIs throughout India by providing guidelines and directives. In conformity with this development, Assam Panchayat Act 1994 was passed with features outlined in the new provisions of the Indian Constitution with regard to Panchayati Raj. The Assam Panchayat Act 1994 (provisions are discussed under Section IV of this chapter) became received the assent of the Governor on April 22, 1994 and election was held in October 1996, for establishing a three-tier Panchayati Raj System in the State at the village, intermediate and district level. To look after and control the activities as well as function of the PR, the Directorate of Panchayat and Rural Development was created. Recently, P&RD has been upgraded to Commissionerate. At present the Principal Secretary is supported by Commissioner for running the state functions in P&RD. The P&RD team of Joint Secretaries, Under Secretaries, Directors and Joint Directors with other functionaries operate out of Secretariat in Dispur and Commissionerate Office in Panjabari, Guwahati. The organization structure of P&RD, Assam is presented below:
SECTION - III

2.3 Development of Panchayats in Arunachal Pradesh

Like Assam, Arunachal Pradesh had also a long tradition of local self-government at the grass root level in the form of Village Councils. These Councils existed from time immemorial, where they enjoyed some kind of sovereign status, controlling and regulating all aspects of individual and community life as well as activity in the village. It is very difficult to say when and at what point of time in history these councils emerged. But it is true that these centuries old popular forms of Village Councils were evolved as an administrative mechanism for fulfilling purely local needs. These Councils which enjoyed almost sovereign status played the vital role of village government since its inception.
A typical Village Council generally consisted of Village Chief, the Local Priest and elderly, mature, respected and influential persons of the village. All the villagers (adult members) of the community would join and participate in deliberations. However, many tribes including Adis did not allow their women to take part in the deliberations of their Councils. However, in recent times, women were allowed to take part in the activities of the Councils. In the Council everyone got the liberty to express his opinion even though the final say is the prerogative of the Village Council and its leaders.41

The jurisdiction of the Village Council is confined to the village only. The Council performs three types of functions – Judicial, Administrative and Developmental. The Council is democratic in the sense that all vital problems of village are freely and publically discussed. The Village Councils, which still exist and continue to function side by side with statutory panchayats, are known as Kebang among Adis; Tra-tungdes among Singphos; Khapong, Khapa among the Tangsas; Wangso-Wamgsa among Wanchos; Ngothem among the Nocted; Mockchup among Khamptis; Pharai among Kaman Mishmi; Raiz among Akas; Jung mong Sherdukpens; and Buliang among Apatanis and Mangjombana among Monpas. Some Village Councils like Adis, Akas, Monpas, Tangsas are well organised while others are least organised.42

These Councils of the tribes existed for long and remained free from any external influence. Though Ahom Kings of Assam had some type of control over the tribes of Arunachal Pradesh, their main concern was to ensure that the tribal people remained contained within their hills and the people of plains were protected from the raids of tribals. The British also pursued almost a similar policy till the end of nineteenth century. Thus for centuries
together the tribal life remained undisturbed. Even at the end of the nineteenth century when British administration was extended into the area, their interference was least in the internal affairs of tribal society, except for maintaining law and order.

To regulate relations with the tribal people the British at the very beginning realised that the tribesmen are extremely zealous of their independence and possession of their land. They also understood that territories under tribal occupations have their specific problems which needed special administrative approach. Depriving them from their rights and privileges that were enjoyed by the tribes under the Ahom Kings and enforcement of alien laws were not only unsuited to their primitive conditions but these were also contrary to the spirit of their custom and religion. Keeping this in mind and to facilitate administration, the British laid down a restrictive line what came to be known as ‘Inner Line’ in 1874. Later on the British Government extended the Assam Frontier Tracts Regulation (AFTR) 1880 to the hills inhabited by Abors, Miris, Mishmis, Singphos, Nagas, Khemtis, Bhutias, Akas, Daflas and other tribes in the year 1914. The result was that the hills inhabited by the tribes were separated from Darrang and Lakhimpur districts of Assam and constituted into the North Eastern Frontier Tract (NEFT).

With the rapid expansion of administration in the interior of the Frontier Tracts spatial interaction at the intra and inter regional levels increased manifolds. Moreover, it was realised that efficient administrative machinery is a must for executing various developmental programmes. Accordingly, momentous reorganisation took place in the year 1954. The promulgation of the North East Frontier (Administration) Regulation, 1954, inaugurated a full scale and integrated administrative structures for the entire area under the name of North East Frontier Agency (NEFA) and it continued to be known as NEFA till 1972.
The NEFT was administered by the Governor of Assam till independence. During this period some regulations were made to institute the village headman and to empower them with civil and criminal administration but the local courts continued to function unaffected. That is to say, Village Councils were performing their functions without much intervention of the state government.

These Village Councils were for the first time recognised under the Assam Frontier (Administration of Justice) Regulation 1945. The Regulation declared a new policy of the British Government and operative administrative set up for the areas. These areas were placed under the overall control of the Governor of Assam. Political officers were appointed and authorized with a number of powers including the most important one to appoint such person or persons as he considers desirable to be the members of a village authority for such village as he may specify and may modify or cancel any such order of appointment and may dismiss any persons so appointed by the Governor of Assam for frontier tracts. At the grass root level, village authorities were created in the areas through the village councils only; the worthy and fit democratic institution of self government functioning at village level in the areas under the prevailing social, cultural, political and economic circumstances. Under the Regulation, traditional village councils were transformed into village authorities and wide powers were given to them for village administration. The Regulation had initiated three kinds of village officials/authorities, viz., i) Goanbura / Gam, ii) Political Interpreters and iii) Political Jamadars.45

The Goanbura was assigned three roles: a) representative of administration for the maintenance of law and order in the village with the help of village council; b) headman of the village to ventilate the grievances of villagers to
the administration; and c) chairman of the village council with final
decision making power on any matter that comes for council decision. 
Although Political Interpreters and Political Jamadars known locally as “Katakis” had been in existence even in the earlier centuries as an aid to remove the problems of communications between administration, village authorities and the villagers having varieties of dialects. Their role continued under the new Regulation also. Thus, these three kinds of village authorities were important institutions in the development of NEFA administration, because the political officers seating far away from the field used to work through them and even when the area was an un-administered land under British.  

However, in the post-independence era, NEFA (now Arunachal Pradesh) witnessed a remarkable progress in realising the spirit of local self-government. In conformity with the Community Development Programme as introduced in other parts of India, NEFA also, for the first time, established an Agricultural research Institute at Pasighat in 1950. The first Community Development Project was also introduced in the Pasighat area of the Siang Frontier Division in 1952 and the first National Extension Block was set up in Namsang area of Tirap Frontier Division in the same year. By the end of 1956 there were six Community Blocks in each division covering 206 villages with a total population of a little over 60,000. This trend continued and by 1966 the number of Community Blocks rose to 41 which actually brought the entire region within the compass of the Community Development Programme. Thus the Community Blocks in Arunachal Pradesh, like any other part of India, were made coterminous with the administrative centres and the Circle Officers served in the capacity of Block Development Officers.
Subsequently, to consider the expansion and development of local self-government in NEFA the Governor of Assam constituted a four member Committee popularly known as Ering Committee on April 11, 1964. The main terms of reference of the Committee were to study the system under which authority was being exercised by different indigenous tribal institutions and make its recommendations for adoption of Panchayati Raj System through legislation. The Committee had its first meeting at Shillong which was also attended by the then Governor of Assam. It started its work in May 1964 and finally submitted its report on January 4, 1965. In its Report the Committee suggested some drastic changes in existing administrative structure and in traditional Village Councils. It also recommended that non-external and indigenous system should be retained and that elections to the Councils should be conducted according to tribal customs. The major recommendations of the Committee were as follows:

a) Constitution of four bodies - Gram Panchayat at Village level, Anchal Samiti at Circle level, Zilla Parishad at District level and Agency Council at Territory level.

b) Recommendations as regard to Village Council -

to make the villages geographically compact the Committee recommended that the scattered houses should be recognised keeping in view the factors of geography, demography and contiguity. For the purpose, a minimum population of hundred (100), corresponding to about twenty (20) families was prescribed. The Village Councils should be composed of all the tribal classes inhabiting within its territory.

In the matter of election to the Village Councils the Committee suggested to follow the customary laws. Election/selection of
the Head of village should also be according to the prevailing tribal customs, which in official capacity would be called Sarpanch. The Committee suggested that the Government should appoint only those persons as the official village headmen who were approved by tribal customs.

The Committee recognised three types of functions of the Village Councils – judicial, developmental and general. Besides, there was provision for appointment of a paid secretary to maintain the records meetings of the Council for future reference.

Thus the Committee nowhere recommended the replacement of the traditional Village Councils. Actually it suggested some changes in the composition and the way of functioning of the Councils.

c) Recommendations as regard to Anchal Samiti -

at the Block/Circle level, the Committee recommended for the creation of Anchal Samiti (Regional Council). The representative of this body should be from the Village Councils and representation of other tribes should be adequately provided. Each Village Council should send its headman as their representative or any other member nominated by it. On an average, Anchal Samiti should consist of approximately 20 members, but in special cases it may go up to 30/35 members.

This body should not have any judicial functions to perform except for adjudication of inter-village disputes referred to it. Its major function should be in the developmental sphere i.e.,
formulation and execution of schemes of local interest. The Officer-in-charge of the Subdivision should be the ex-officio Chairman of the Anchal Samities. The Committee suggested that the Council should meet at least four times a year.

d) Recommendations as regard to Zilla Parishad -

at the district level, the Ering Committee recommended for Zilla Parishad in lieu of District Development Committee. The Committee initiated the process to make an effective district level body of representative character similar to that of the Adi Progressive Body called the Bogum Bokang Kebang. It was suggested that the district level body should consist of 24 to 30 persons depending upon the number of circles in each district. The ZP would be an advisory body and should be consulted in administrative and developmental activities taken up at the preliminary stages. The Committee also proposed that some funds should be placed at the disposal of the Deputy Commissioner, who was to be the chairman of the ZP, for developmental programmes. The ZP would meet only on the occasion of national holidays like Independence Day, Republic Day etc. to explain the governmental programmes.

e) Recommendations as regard to Agency Advisory Council -

at the territory level, the Committee recommended that there should be an Agency Advisory Council representing four elected members from each of the five councils existed at that point of time. The Member of Parliament from NEFA would be its ex-officio member. The Agency Council would meet once or twice a year either at Shillong (the then administrative
headquarter of NEFA) or any other suitable place as selected from time to time. The Council would discuss in detail the Five Year Plans for NEFA, the annual budget, tax proposals and the allocation of funds.

f) The Committee recommended for the creation of a body like Municipal Committee for new townships. The body should represent all the groups of people residing in the town area.

g) Appointment of paid Secretaries to the Village Council in place of the political interpreters was also suggested by the Committee.

h) The Committee further recommended for the change of nomenclature of officers like the Political Officer, Additional Political Officer and Assistant Political Officer to the Deputy Commissioner, Additional Deputy Commissioner and Sub-divisional Officer or Assistant Commissioners in conformity with the usage prevailing in Assam and adjacent states. It was also proposed that in lieu of calling the five areas of NEFA as Division, they should be called as Districts.

Interestingly, nowhere in its Report the Ering Committee used the term Panchayati Raj but the bodies and their structure suggested by it were on all India pattern of Panchayati Raj. The recommendation for the creation of Agency Council was a remarkable step as the Council was designed to function more or less as a legislature though named as Panchayat Raj body. The changes suggested by the Committee were actually in the line of democratic decentralisation on national pattern.

The recommendations of the Ering Committee ushered an era of all round development in the state. These recommendations (with minor
modifications) were accepted by the Union Government and thus under Article 240 of the Constitution the President of India promulgated the North East Frontier Agency Panchayat Raj Regulation in 1967. The Governor of Assam formally inaugurated the Panchayti Raj in NEFA on October 2, 1968. The Regulation aims at establishing panchayat system and investing the various bodies constituted under the provisions of the Regulation with such powers and authority as may be necessary to enable them to function as units of self-government. As per provision in this Act, the Agency Council was formed at the highest level followed by Zilla Parishad at district level, Anchal Samiti at block level. Under the Regulation, the NEFA Village Councils are accorded the status of Gram Panchayats. It is thus a major shift in the administration of villages took place in Arunachal Pradesh.

**North East Frontier Agency Panchayat Raj Regulation 1967 Agency Council**

Chapter IV, Section 57 of the NEFA Panchayati Raj Regulation 1 of 1967 envisaged an Agency Council as an advisory body for the entire NEFA area to be constituted by notification by the Governor. The Council was composed of the Governor, the Member of Parliament of NEFA, the Vice-President of the Zilla Parishad and three representatives from each of the Zilla Parishad to be elected by its members from amongst themselves and the Advisor to the Governor as ex-officio member.

The Council is consulted by the Governor in matters of - administration involving general questions of policy relating to the NEFA, the five year plans and the annual plan proposals for the development of the NEFA, the estimated receipts and expenditure relating to the NEFA, proposals for
undertaking legislation with respect to any of the matters included in the State List under the Seventh Schedule of the Constitution.

As per the Regulation, the Agency Council shall meet as often as necessary but not more than one year shall elapse between one meeting and another. The meeting of the Council is presided over by the Governor.

**Zilla Parishad (ZP)**

According to Chapter III of the Regulation 3 of 1967 the ZP is the highest unit of local self-government at the district level. It is the supreme body in finalising the plans and programmes of district. The ZP consists of the Vice-Presidents of all the Anchal Samities in the district as ex-officio members and one representative of every Anchal Samiti in the district who is elected by the members from amongst themselves. Besides, there is a provision for nomination of not more than six persons by the Governor on the recommendation of the Deputy Commissioner out of the tribes which have not secured any representation to the ZP. The Deputy Commissioner acts as the ex-officio President of the ZP and the Vice-President is elected by the members from amongst themselves on the first day of the meeting and remains in office for three years. In absence of the President, the Vice-President is to conduct the proceedings of the meetings on the assistance of the Secretary of the ZP, who is the Block Development Officer or the Officer-in-charge of the Development Branch of the district administration.

Being an advisory body, the ZP advises the Governor on all matters concerning the activities of the Gram Panchayats and Anchal Samities within the district. It recommends the Governor in respect of – the budget estimates of the Anchal Samities; the distribution and allocation of funds and grants to the Anchal Samities; consolidation of the plan proposed by
the Anchal Samities and drawing up of the district plan; coordination of the work of the Gram Panchayat and Anchal Samities; land settlement and raising of revenue for the Anchal Samities; reviewing the working of the Anchal Samities and the like.

The ZP meets as often as necessary to transact business of its own jurisdiction but the gap between two meetings should not be more than six months. All decisions are taken by majority of votes of the members and in case of tie, the matter is decided by the casting vote of the President of the meeting. But the subsequent Arunachal Panchayati Raj Amendment Act 1987 states that the presiding officer shall have no right to cast his vote in case of a tie. In the event of a tie, there shall be re-election and if again there is a tie, then it shall be decided by toss.53

**Anchal Samiti (AS)**54

Chapter II of the Regulation 3 of 1967 states that an AS is constituted by notification of the Governor declaring adjacent areas in a district as he deems fit to be a block. The area under AS is coterminous with that of a community development block. An AS consists of – one representative elected by the members of each Gram Panchayat, falling within its jurisdiction in a block; one representative from the Co-operative societies within the blocks as ex-officio member; five persons nominated by the Deputy Commissioner from the members of the unrepresented tribal communities; the Sub-divisional Officer of the Sub-division in which the block situated as ex-officio member. If necessary, the Deputy Commissioner may appoint such officers as ex-officio member without the right to vote.

The Sub-divisional Officer acts as a President of the AS. Other Junior Officers, not below the rank of Circle Officers, preferably BDO, is appointed
as Executive Officer. He acts as Secretary of AS. The Vice-President is elected by the members from amongst themselves in its first meeting. The members of an AS hold office for a term of three years. The body meets to discuss about the problems on development and forward the resolution to Government for appropriate action. It also meets while preparing the development plan which is at the later stage being incorporated in annual plans passed by the Samities are discussed in the ZP meetings and then incorporated in the District Annual Operating Plan of the AS. No resolution of AS can be modified, amended, varied or cancelled within a period of three months from the date of its passing except by a resolution passed by two-third of the total members of AS.

As regard the responsibility the Anchal Samities can create their own assets through remunerative schemes using grant-in-aid from the Government. The Samities are empowered to acquire vehicles, build shops, mini cottages, rice mills etc. with the grant and collect revenue in the form of rent or charges for use of the facilities. They can earmark certain forest areas of their jurisdiction as anchal revenue and earn revenue from the sale of forest produce. The AS also coordinates the activities of Gram Panchayat.

**Gram Panchayat (GP)**

GP – the lowest body – serves as an electoral college to the Anchal Samities. The Regulation separated GP from village authorities and indigenous governing institutions. GP is constituted for a village or group of villages having a population of not less than three hundred (300). In exceptional cases the Administrator’s approval is required to constitute GP having a population of less than three hundred (300). As per the Regulation there shall be a GP member for every hundred (100) persons to be elected through secret ballot. However, in case of more than one hundred fifty (150)
population in a particular village, two members are elected (as per the Amendment of 1987). Besides the elected members, some village level government functionaries are also made ex-officio member, although with no voting rights. The Regulation provided that all persons who are adults and are ordinarily resident in the area of GP are eligible to enlist as voters and can contest the election. The Deputy Commissioner is required to prepare the list of all the eligible adults of each village.

Regarding the function, the GP has got hardly any role to play except helping the executive from time to time in development activities in respect of their constituencies and mobilising the people for such purposes.

It is here worthwhile to note that the newly introduced election system under the Regulation of 1967 in the village panchayats has ended the era of Chief’s hereditary leadership as well as declined the importance of village authorities.

However, the Regulation actually deviated from the Ering Committee recommendations on certain important issues. Although the Gram Panchayats were made an elective body, it was not given any specific function except electing the members of AS. The Regulation also did not link the tribal Village Councils statutorily with the GP. Thus while such traditional institutions continued to function alongside the GPs, yet they even included the elected Panchayat members in their leadership structure to strengthen themselves. It was because the GPs did not have any assigned functions which prevented any major conflict of interests that would have otherwise arisen. In spite of these deviations it is noticeable that on the basis of the Regulation of 1967 elections to the Panchayat bodies were held regularly for seven times since 1968 to 1992 through secret ballot system, except the GP elections which were held according to the traditional tribal
custom. However, the operation of PRIs actually started influencing the traditional political process of Arunachal Pradesh in the long run as is evident from the statement of the then Chief Commissioner of Arunachal Pradesh, Col. K. A. A. Raj. He observed:

“So far each tribe and community thought and worked for itself. The outlook was tribal in the sense that it did not rise above the tribe. The association of the people in administration was linked to that horizon, for policies were formulated at the agency level and implementation only as cut out for each community of locality or smallest administrative unit was the field of popular participation. The channels of association were local links not joined into a chain. The agency was one single unit at the level of administration only. And that administration was physically and psychologically distant from the people. A higher level of association only could foster a larger and wider consciousness. This came with the Panchayati Raj. It introduced a graded series by which village leadership could mount up through Anchal and District to the Agency levels, of association in policy making and planning. At the top the local leadership had to view the entire territory as one, though it was directly concerned with its own district. The indirect election promoting leaders from the lowest and smallest to the higher level trained them to get over their limitations of localised interest and develop at least a district perspective. In the Agency Council each district had to take cognizance of the others and so think in terms of the Agency as a whole. It is at this stage it will be noticed that tribes and communities are receiving less and less mention and districts are coming into prominence in planning and deliberations and with it the realisation of the Agency as a integrated unit and not a mere package of assorted communities.”

The observation makes it clear that the
changes which are brought in actually lessen the role of traditional 
grassroot units.

Subsequently, Arunachal Pradesh has undergone constitutional changes in 
itself evolution to attain statehood. The then NEFA came into being as a Union 
Territory from 20th January 1972 in pursuance of the North East Frontier 
Areas (Reorganisation) Act of 1971. The elevation to the Union Territory 
status formalised the constitutional separation of NEFA from Assam. 
Consequently, the Agency Council, which had been at the apex of the 
Panchayati Raj System in the Territory, was replaced by a Pradesh Council in 1972, which in turn was converted into a Provincial Legislative Assembly 
in 1975. A Council of Ministers was sworn in on 15th August 1975 and the 
Administrator of Union Territory, until designated as Chief Commissioner, 
was redesignated as the Lieutenant Governor. The first general election to 
thirty (30) members Assembly was held in 1978. Finally, on 20th February 
1987 the Union Territory of Arunachal Pradesh attained the status of a full-fledged state.

After being separated from Assam, Arunachal Pradesh started to take 
initiative in order to fortify the Panchayati Raj Institutions which succeeded 
in bringing a uniform pattern village level institution throughout the length 
and breadth of the state, including a gradual change in constitution and 
mode of functioning of traditional Village Councils. The State also created a 
greater awareness among the people regarding modern political processes 
and creating a set of grass root leadership as recruiting ground for higher 
level leadership. Regular elections to Panchayat bodies were also held to 
accelerate the representation. To strengthen it further the Government of 
Arunachal Pradesh in consonance with the Seventy-third Amendment Act 
1992, issued the Arunachal Pradesh Panchayat Raj Ordinance on August 5
1994. But the Bill failed to receive the assent as it made certain major deviations from the Seventy-third Amendment Act\textsuperscript{60} –

\begin{itemize}
\item[a)] The Bill did not provide for reservation of Scheduled Castes population;
\item[b)] It did not provide for a Gram Sabha at the bottom level;
\item[c)] The Government could dissolve a panchayat but no time limit was prescribed;
\item[d)] The Bill did not provide for direct elections at all levels.
\end{itemize}

Subsequently, with due modifications, Arunachal Pradesh Panchayati Raj Act 1997 was passed dissolving the earlier NEFA Panchayat Raj System. Arunachal Pradesh was among the last states to pass the compliance legislation in line with Part IX of the Constitution. The delay occurred because it became necessary to amend the Constitution and seek deletion of the mandatory reservation in favour of Scheduled Castes in Arunachal Pradesh. As such The Ministry introduced the Constitution Amendment Bill (1999) in Parliament for amending Article 243-M of the Constitution to exempt Arunachal Pradesh from the requirement of providing for Scheduled Castes reservation. This bill was enacted as the Constitutions (Eighty Third) Amendment Act, 2000 which came in to force on 08.09.2000, introducing an exception to the law of article 243D of the Constitution of India (Clause 3A was introduced), on the matter of schedule caste seat reservation, shall not apply in case of Arunachal Pradesh, which has taken effect with retrospective effect from 24\textsuperscript{th} April, 1994. This way the said Bill “The Arunachal Panchayati Raj Bill, 1997” (provisions are analysed in Section IV of this chapter) turned into law and came in force with effect from 14\textsuperscript{th} November, 2001and “North East Frontier Agency Panchayat Raj Regulation, 1967 (Regulation 3 of 1967)” stands repealed.\textsuperscript{61}
To make the institutions of self government a reality the State Panchayati Raj Department also started to take initiative. It plans to make the PRIs accountable and provide necessary amendments in infrastructure and policies to provide efficient and transparent governance. However, the organization structure of the PR Department is not large like that of Assam. The Arunachal Pradesh State PR Department is headed by the Commissioner and Secretary-PR and assisted by the Director, Assistant Director and other Ministrial Staff.

**CHART: III**
Organization Structure of Arunachal Pradesh PR Department

![Diagram of organization structure]

Source: ePRI Project, Ministry of Panchayati Raj

**SECTION-IV**

2.4 The Assam Panchayati Raj Act (APRA), 1994 and the Arunachal Pradesh Panchayati Raj Act (APPRA), 1997: A Comparative Analysis

The Indian States of Assam and Arunachal Pradesh provide a vital context for understanding the ways in which democratic decentralisation influences
the processes of accountability and participation of the rural people. Both states were reasonably fast to ratify the 73rd Constitutional Amendment, which mandates the decision making powers and resources in rural areas to local democratic bodies known as Panchayats. Both states have tried to faithfully incorporate the features of 73rd Constitution Amendment Act. Thus, the Panchayat Acts of Assam (1994) and Arunachal Pradesh (1997) have a structural similarity as well as a number of common points. They also have their special features and differences. All the relevant facts as noted in their respective Panchayat Acts are analysed in a comparative framework under the following heads:

2.4.1. Gaon Sabha / Gram Sabha (GS)

The Panchayat Acts of both Assam (1994) and Arunachal Pradesh (1997) for the first time provides for the constitution of GS (known as Gaon Sabha in Assam and Gram Sabha in Arunachal Pradesh), which is a body consisting of persons registered in the electoral rolls relating to a village which is located within the area of GP (known as Gaon Panchayat in Assam and Gram Panchayat in Arunachal Pradesh).

Under the APRA (1994), the GS meets from time to time but a period of three (3) months shall not intervene between any two meetings. The GS considers the report in respect of development programme of the GP relating to the preceding year and development programme propose to be undertaken during the current year. The meeting of the GS is convened by the Secretary of the GP with due approval of the President of the GP and in consultation with the BDO. Wide publicity is given fifteen (15) days ahead of the date for holding the GS meeting. However, if Anchalik Panchayat (AP) directs then the Secretary also convenes the GS meeting within twenty (20) days time from the date of such direction.
However, the APPRA provides that as per the orders of the Government, the GS meets from time to time but there should not be a gap of six (6) months or more between the two meetings of GS. Primarily, the agenda for discussion in the GS is approved by the GP. Mostly, the agenda includes the annual statement of accounts of the GP as well as the report in respect of the GP relating to the developmental programmes proposed for the current year.

As regard the functions of the GS are concerned, both APRA and APPRA deal in a similar manner. That is, the GS has to consider the matter relating to the promotion of unity and harmony among all sections of people in the villages, mobilizing voluntary labour and contributions in kind or cash or both for the community welfare programmes, rendering assistance as well as identification of beneficiaries for the implementation of developmental schemes pertaining to villages. However, it is provided in APPRA that if the GS fails to identify the beneficiaries within a reasonable time the GP can identify the beneficiaries. But in such type of situation in Assam, the Secretary of the GP in consultation with the President of the GP and BDO will identify the beneficiaries including the beneficiaries under IRDP. If the Secretary fails to convene the GS in time for selection of beneficiaries for rural development programme, the BDO convenes the GS for such specific purpose.

The APRA stated that the quorum for a meeting of the GS is one-tenth (1/10th) of the total members or one hundred (100) numbers of the voters of the village(s), whichever is less. But under the APPRA it is simply one-tenth (1/10th) of the total number of members. If quorum is not present, the APRA lays down that the presiding authority - President of the concerned GP and in his absence by the Vice-President or any other person selected by
the majority of the GS member - has to wait for thirty (30) minutes and even then if quorum is not available, the presiding authority has to adjourn the meeting to the same day of the following week or any other date/time which is not less than twenty four (24) hours and more than seven (7) days. However, the adjourn meeting need not require quorum.

Comparing to this, the APPRA states that in case of no quorum, the Presiding authority – Chairperson of the concerned GP and in his absence by a member of the GP selected amongst the members of the Panchayat – also wait for thirty (30) minutes and if within such period, there is no quorum, the authority adjourns the meeting to the same time on the same day in the following week. Similarly, he shall after waiting for thirty minutes, adjourn the meeting if at any time after it has begun; attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the GP. The business which could not be considered at the meeting so postponed for want of quorum shall be brought before and disposed of at the meeting so fixed at any subsequent adjourned meeting at which there is a quorum.

2.4.2 Gaon Panchayat / Gram Panchayat (GP)

As per the APRA, the State Government by notification, declare any local area comprising a revenue village or a group of revenue villages or a forest village or tea garden area or hamlets forming part of revenue village of forest village or tea garden area or other such administrative unit or part thereof to be a GP having population not less than 6000 and not more than 10000. In consultation with the established GP, the State Government may include within or exclude any area from it.
While according to APPRA, the DC (subject to the general / special order of the Government) has the power to declare any area comprising a village or group of villages having population of not less than 300 to be a Panchayat area. However, the DC can declare any area as Panchayat area having even less than 300 populations as a special case. Besides, the DC can increase or diminish or alter any area / name of any GP.

Thus, it appears that the population size of each GP of Assam is greater than Arunachal Pradesh and hence there are structural differences between the two, which are analysed under the following heads:

**Composition**

GP in Assam consists of 10 members who are directly elected by the voters of the territorial constituencies of the GP area. For the convenience of election, the whole GP is divided into ten (10) territorial constituencies and one seat is allotted for each GP constituency. The President of the GP is elected directly by the people. So altogether the strength of each GP is eleven (11) including the President. Once the constitution of GP is over, the DC convenes the first meeting for election of a Vice-President from amongst the members.

Compared with Assam, GPs in Arunachal Pradesh are very smaller in structure. It consists of such number of members at the rate of one (1) member for every hundred (100) population. In case the population of a village is less than hundred (100) and more than fifty (50) than one (1) member can be elected to represent that particular village. Simultaneously if the population is more than one hundred fifty (150) but less than three hundred (300) in a particular village (s), the number may be increase to two (2) members. In Arunachal Pradesh, the strength of GPs is not same. Some
GPs have three (3) members, while some have four (4), five (5), six (6) and even twelve (12) members. Besides, unlike Assam, the Chairperson (nomenclature is President in Assam) of the GPs in Arunachal Pradesh are not directly elected by the people. He is elected by the directly elected members of the GP in its very first meeting. Again, under the APPRA there is no provision for the election of the Vice-Chairman (Vice-President in Assam) of the GP by the members from among themselves.

Meeting

According to APRA, the GP meets at least once in two (2) months at the office of the GP for the transaction of the business. The President can call a special meeting upon a request of at least one-third (1/3rd) of the members of the GP. The Secretary of the GP gives seven (7) clear days’ notice of an ordinary meeting and three (3) clear days notice of a meeting specifying the place, date and time of such meeting and the business to be transacted therein. He fixes the notice on the notice board. The Officers who are invited to attend the meeting are not entitled to vote. If the President fails to call a special meeting then the Vice-President or in his absence one-third (1/3rd) of the total number of members may call such a meeting on a day not more than fifteen (15) days thereafter and require the Secretary of the GP to issue notice to the members to convene the meeting. At every meeting of the GP, the President or in his absence the Vice-President presides over. The voting in any meeting can be done by raising hands. But the meeting dealing with no confidence motion is decided by means of secret ballot. It is stated in the Act that all questions have to be decided by a majority votes of the members present. The President or Vice-President presiding the meeting has to give his vote before deciding the number of votes for and against a question. But in case of a tie, he may give his casting
vote. If the question is one in which a member/presiding officer has any pecuniary interest, he is not entitled to participate / preside in the meeting.

Likewise, under the APPRA, the GP also meets for the transaction of business at least once in two (2) months at the office of the GP. The Chairperson may call a special meeting of the GP within fifteen (15) days from the date of request by not less than one-third \((1/3^{rd})\) of its members. He gives seven (7) clear days’ notice of an ordinary meeting and three (3) clear days notice of a special meeting specifying the place, date, time and agenda of such meeting and affix the notice on the notice board of the GP. He also circulates the notices to other Government Officers having jurisdiction over the Panchayat area to attend the meeting. But they are not entitled to cast vote in the meeting. Moreover, the APPRA also provided that if the Chairperson fails to call a special meeting, any member so chosen by one-third \((1/3^{rd})\) of total number of members may call such a meeting for a day within fifteen (15) days after such written request so received from such one-third \((1/3^{rd})\) of the total number of members of the GP and to take such action as may be necessary to convene the meeting. As per the Act, every meeting of GP is presided over by the Chairperson and in his absence, the members present chooses one from amongst them to preside over the meeting. Each question and item in the meeting is decided by majority of votes. The presiding authority casts his/her vote at the end of the each item of discussion. But in case of a tie, the Presiding authority has a casting vote. The Act also lays down that if a member or presiding authority has any pecuniary interest over any matter under discussion, he/she is not allowed to participate / preside at the meeting.
Quorum

As per the APRA, the quorum of a meeting of the GP is one-third \((1/3^{rd})\) of the total number of members. If at the time appointed for the meeting a quorum is not present, the Presiding Authority has to wait for thirty (30) minutes, and if within such period there is no quorum, he/she adjourns the meeting for such time on the following day or such future date as he/she may fix but not beyond fifteen (15) days from the date of the adjourned meeting. However, it is stated in the Act that the subsequent adjourned meeting requires no quorum.

In the similar way, the APPRA also provides that the quorum for a meeting of the GP is one-third \((1/3^{rd})\) of the total number of members. If the required quorum is not available the Presiding Authority has to wait for thirty (30) minutes and even if the required quorum is not present, the meeting is declared adjourned to such time in the following days by the Presiding Authority. But the Act did not fix the time frame within which the adjourned meeting to be held. Similarly, he shall after waiting for thirty minutes, adjourn the meeting if at any time after it has begun; attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the GP. The business which could not be considered at the meeting so postponed for want of quorum shall be brought before and disposed of at the meeting so fixed at any subsequent adjourned meeting at which there is a quorum.

President / Chairperson and Vice-President: Duties, Responsibilities and Removal

According to APRA, the President of a GP convenes and presides over the meetings of the GS as well the GP. He is responsible for the maintenance of
the records and carrying out the resolutions of the GP. He runs the general responsibility for financial and executive administration of the GP. He also supervises and controls the staff of the GP. He also receives the resignation letters of the members of the GP. In his absence, the Vice-President exercises all the powers and responsibilities as President. He also performs such other functions and discharge duties prescribed by the GP or the Government.

The President may resign by writing under his hand addressed to the DC and Vice-President may resign his office by writing under his hand addressed to the President of the GP. However, they are also subject to no-confidence motion. Every President and Vice-President is removed when a resolution expressing want of confidence is passed by a majority of two-thirds (2/3rd) of the total number of members of the GP. To do this, a meeting is specially convened by the Secretary with approval of the President of the GP. Such meeting is presided over by the President if the motion is against the Vice-President and vice-versa. In case such a meeting is not convened within a period of fifteen (15) days from the date of receipt of notice, the Secretary of the GP has to refer the matter within three days to the President of the GP, who then convenes the meeting within seven days from the date of receipt of the information from the Secretary. Further, the President or the Vice-President of the GP has to vacate his office in case he ceases to be a member of the GP or earns a disqualification.

Under APPRA, the Chairperson of the GP is also responsible for convening/arranging/conducting and presiding over the meeting of the GS as well as the GP. He is responsible for the maintenance of the record of the GP. He has the responsibility for the financial and executive administration of the GP. He exercises administrative supervision and control over the
work of the staff of the GP and the officers and employees whose services also comes under the GP (like primary school, primary health centre, field assistants of line departments like horticulture agriculture, aganwadi etc.).

Like Assam, the Chairperson of the GPs in Arunachal Pradesh is also subject to removal. The Government may by an order remove the Chairperson or any other member of the GP. Besides, the Act also lays down that a motion of no-confidence may be moved by one-third (1/3rd) of the total number of directly elected member of a GP against its Chairperson after giving at least seven days notice in writing to the Member Secretary or any other prescribed authority of their intention to move such a motion. If the motion is passed by a majority of not less than two-third (2/3rd) of the total number of directly elected members, the Chairperson is then removed from his office. He is not entitled to preside at a meeting in which a motion of no-confidence against him is under discussion. But he has the right to speak in the proceedings of such meeting.

Reservation of Seats

According to APRA, in every GP, seats are reserved for SCs and STs in proportion to their population. It is stated in the Act that not less than one-third (1/3rd) of total seats of a GP are reserved for women. Such reserved seats are allotted by rotation to different constituencies in the GP. In addition, the office of the Presidents in the GP is also reserved for the SC, ST and Women in such manner as may be prescribed in the Panchayat Act (same provision for AP and ZP also).

Unlike Assam, the APPRA has no provision for reservation of seats for SCs as the State has very negligible number of SC population. The Eighty Third (83rd) Constitutional Amendment Act has derecorganised the SC population.
in the state for the purpose of reservation. However, the APPRA has stated that one-third (1/3rd) of the total number of seats in the GPs are kept reserved for women on rotation basis. In addition, not less than one-third (1/3rd) of the total number of offices of Chairperson are also reserved for women by rotation to different GP constituencies of the district (Same provision for AS and ZP also).

**Budget**

Under the APRA, every GP prepares in each year a budget of its estimated receipts and disbursement for the following year and submit it to its upper body (AP), which either approves or return the budget to the GP for modifications. No expenditure can be incurred unless the budget is approved by the AP. If it fails to convey its approval within the stipulated time, the budget is deemed to have been approved by the AP. The Secretary of the GP is responsible for maintaining the accounts of the Panchayat properly. But he cannot incur any expenditure without the approval of the President of the GP. As prescribed by the Government the audit of the GP is carried out and a copy of the audit report is forwarded to the GP within one month of the completion of the audit. On receiving the report, the GP removes the defects/irregularities which have been pointed out in the report and then within a period of three months send it to the AP and the Director of the Panchayat and Rural Development.

As regard the budget of GP in Arunachal Pradesh is concerned, the APPRA authorises the Chairperson of every GP to prepare in each year a budget of its estimated income and expenditure for the following year. He has to place the budget in the meeting of the GP convened for the purpose and after being passed he placed it before the AS, which may either approve or return the budget to the GP for modifications. Once modifications are
made, the budget is resubmitted and if the approval of the AS is not received by the GP within two (2) months or by the last date of the year, whichever is earlier, the budget is treated as approved by the AS. No expenditure is incurred unless the budget is approved by the AS. A supplementary estimate is also prepared by each GP and submits it to the AS for approval. Every GP keeps accounts of its income and expenditure and to do this the role of the Chairperson of the GP is very significant.

**Property and Fund of the GP**

Under the APRA, GP has the power to acquire, hold and dispose of property and to enter into contract provided that in all cases of acquisition and disposal of immovable property by the GP, it must obtain the approval of Government. GP also has the power of direction, management and control of the properties that fall within its jurisdiction – (a) all common properties; (b) all public streets including the soil, stones, drains, bridge, culverts, trees and other things; (c) all public channels, water courses, springs, tanks, ghats, reservoirs, wells, pipes, pumps and other water works whether maid, laid or erected at the cost of the GP; (d) all sewage, rubbish and offensive matter deposited on street or collected by the GP; (e) all public lamps, lamp posts and apparatus; (f) all buildings erected by the GP and all lands and buildings or the property transferred to the GP by the Central or the State Government or acquired by gift, purchase or otherwise for local public purposes.

In the similar way, the APPRA also lays down that GP has the power to acquire, hold and dispose of property and to enter into contracts provided that in all cases of acquisition and disposal of immovable property, the GP must obtain the prior approval of the State Government. The Act authorises each GP to direct, manage and control the properties that situated within its
local limits – (a) all public buildings constructed and maintained out of the funds of the GP, (b) all public roads which have been constructed and maintained out of the funds of the GP and other related materials, (c) all lands and other properties movable or immovable transferred to the GP by the state government, which may also allocate to a GP any public property situated within its local jurisdiction. However, the state government may by notification exclude any street, bridge or drain from the operation of this Act if it is not done out of the GP fund. The APPRA also adds that if a GP requires land for carrying out any of the purposes of this Act, it may make an application to the Deputy Commissioner and being satisfied the Deputy Commissioner take steps to acquire the land and vest it on the GP.

In addition to these, both APRA and APPRA in a similar tune lay down that for every GP there is a Gaon Panchayat Fund (GPF) bearing the name of the GP. All the incomes that the GP receives from its resources have to be deposited in this Fund and only after that the money can be spent on various spheres. The GP is entitled to receive the following funds - (a) contribution and grants made by the Central or the State Government including grants-in-aid from the Consolidated Fund of the State based on the recommendation of the State Finance Commission, (b) contributions and grants made by the ZP, AP/AS or any other local authority, (c) loans granted by the Central or State Government, (d) income from taxes, rates, duties, tolls and fees levied by it, (e) receipts in respect of any schools, hospitals, dispensaries, buildings, institutions etc. which are under the control and management of the GP, (f) fines and penalties imposed and realised as per the Act, (g) any other income received by the GP from any other sources.
As per the Acts of both the states every GP is entitled to meet the cost of its own administration (payment of wages, provident fund, gratuity, purchases of furniture etc.) out of the GP Fund. All orders for payment from the Fund must be signed by the Secretary of the GP. However, as regard the expenditure on establishment / administration is concerned, there is a difference between the two Acts. As per APRA the total expenditure on establishment should not exceed one-third of the total annual income of a GP, while APPRA is silent in this regard.

**Taxation**

Under the provisions of the APRA, every GP within the local limits of its jurisdiction is authorised to impose yearly tax on houses, structures and trades. It can also levy – (a) a duty in the shape of an additional stamp duty on all payments for admission to any entertainments, (b) a fee for providing sanitary arrangement at such places of worship or pilgrimage, festivals and melas within the Panchayat area, (c) a water rate for supply of drinking water and irrigation within the Panchayat area, (d) a lighting rate for making arrangement for lighting of public streets and public places, (e) a conservancy rate for making arrangement for cleaning of private latrine, urinals etc. within the Panchayat area. A GP can also impose tax on sale of firewood and thatch, godowns and slaughter houses; private huts and fisheries; shop, pharmacies, tailoring, laundry, hair cutting saloon, carpentry works and automobile workshops, all kinds of repairing shops; cultivate land. It can impose a cess of fee on registration of cattle sold within the local area; license for starting tea stall, hotel, sweet, meat stall, restaurants and also on cart, carriages, bicycles, boats and rickshaws of any kind.
In case of any grievance against the imposition of any tax / fee, the concerned person may appeal to the AP and even if not satisfied may appeal before the ZP, whose decision in this regard is final. However, the State Government may suspend the levy or imposition of any tax / fee at any time.

On the other hand, as per the APPRA of 1997, a GP in Arunachal Pradesh can impose yearly tax on those lands and buildings within its jurisdiction which are used for purposes of profit and not having religious, educational and charitable purposes. With the prior approval of the Government, a GP may levy on all transfers of immovable property situated within its jurisdiction, a duty in the shape of an additional stamp duty on all payments for admission to any entertainment (exhibition, cinematograph, performance, amusement, games). Under the Act, a GP is also entitled to levy fees within the Panchayat area for providing sanitary arrangement at such places of worship or pilgrimage, fair and melas; water rate for the supply of drinking water and water for the purpose of irrigation; lighting rate for making arrangement for lighting of public streets and public places; conservancy rate for making arrangement for cleaning of private latrine, urinals etc.; license fee for running trade both wholesale and retail; tolls/registration fee on vehicles and animals; tolls in respect of any ferry service within the Panchayat area. However, a GP is not allowed to levy fees on any item which has already been made by any other local authority or by the State Government. Again, there is a provision that an appeal can be made against any imposition made by GP before the prescribed authority and the decision of the authority is final.
Powers and function

Both the APRA and APPRA provided a wide range of functions of GP covering 29 subjects listed in the 11th Schedule of the Constitution. Functions of GPs in both the states are similar in nature and these are listed in *appendix I*.

Contrary to APRA, the APPRA entrusted some special powers to GP, which in Assam enjoyed by a statutory body, viz., Development Authority. Under section 32 of APPRA, no person can erect any new structure or new building or make any addition to any structure or building in any area within the jurisdiction of GP without obtaining its permission. Every person seeking permission has to make an application in writing containing the particulars and on payment of such fee, not exceeding Rs.10 as may be prescribed. However, the Act provided that no permission is required for erection of any thatched structure, tin shed or tile shed without brick wall covering an area not exceeding 750 square feet. But the State Government may by order exempt any structure or building from the operation of the provisions of section 32.

Standing Committees

The Assam Panchayat Act 1994 made a detailed provision for the constitution of Standing Committees to assist the GP.

*Development Committee*, which performs functions relating to agriculture, animal husbandry, rural industries and poverty alleviation programmes.

*Social Justice Committee*, which carries out functions relating to promotion of educational, economic, social and cultural interests of SCs, STs and OBCs. It tries to protect them from social injustice and discrimination. It also tries to promote the welfare of women and children.
Social Welfare Committee, which performs functions in respect of education, public health, public works and others functions of GP.

The Act stated that each Standing Committee consists of not less than three or more than four members including the President and Vice-President. The President of GP is the ex-officio member and chairman of all the three standing committees. Further, for a Social Justice Committee it is essential that there should be one woman member and another member from SC and ST category. The GP is competent to co-opt to each committee the members from the bodies recognised by the Government by a resolution with majority support.

On the other hand, the APPRA has made no detailed provision for the constitution of standing committees to assist the GP. The Act entrusted all functions solely to the GP.

**Staff**

The APRA stated that for the smooth function and works of GP, the following staffs are required:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Secretary</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Tax Collector cum Road Moherar</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Peon cum Chowkidar</td>
<td>1</td>
</tr>
</tbody>
</table>

| Total   | 3 |

In respect of the provincialised employees, the Director of Panchayat and Rural Development has the appointing authority. The Secretary is in charge of the Office of the GP and performs and exercise all the powers and duties conferred upon him. The Secretary acts in all matters under the control of the President of the GP through whom he is responsible to the GP.
Similarly, the APPRA also provided for the post of the Member Secretary to assist the Chairperson for smooth conduct of the affairs of the GP. The Act states that the DC has the authority to appoint the Circle Officer or such other officer as the Member Secretary of the GP. As regard the other staff, if the resources of the GP permit then it may appoint them for its smooth functioning. However, the role of the Secretary of the GP is more prominent in Assam than that of Arunachal Pradesh. The structure of GP under APRA and APPRA is schematically represented below:

**CHART: IV**

**STRUCTURE OF GAON PANCHAYAT UNDER APRA**

![Diagram of Gaon Panchayat Structure]

- **Gaon Sabha**
  - Members
    - President (Directly elected)
    - Group Members (Directly elected)
    - Vice President (Elected among the members in the First Meeting)
  - President
    - Secretary
      - Peon
      - Tax Collector (Regular/Part-timer)
    - Gaon Panchayat Office
    - Members
      - Development Committee
      - Social Justice Committee
      - Social Welfare Committee
2.4.3 Anchalik Panchayat (AP) / Anchal Samiti (AS)

According to APRA, for each development block, there shall be an AP having jurisdiction over the entire development block excluding areas included in the Town Committee /Municipality / Municipal Corporation / Sanitary Board / Cantonment area. AP is a corporate body having the power to acquire and hold property both movable and immovable. It can sue others and can be sued by others.

Composition

As per APRA, every AP consists of –

a) One member from each GP to be directly elected from the territorial constituencies of the GP under the jurisdiction of the AP.

b) The President of GP falling within the jurisdiction of the AP.
c) The members of the House of the People and Legislative Assembly representing constituencies which comprises wholly or partly, the AP.

Every member has the right to vote whether or not chosen by direct election in the meeting of the AP.

In the similar way, under the APPRA, the Government may declare such areas in a district specifying certain Gram Panchayats as the Anchal Block. However, the areas included under Municipality, Town Committee or Cantonment is exempted from the Anchal Block. The Government has the power to constitute by a notification an Anchal Samiti (AS) for an Anchal Block. Ever AS is a corporate body having perpetual succession and a common seal with power to acquire hold and dispose of property and to enter into contracts and can sue others and can be sued by others.

As per the Act, every AS consists of –

a) One member directly elected from each GP under the jurisdiction of AS.

b) The Chairperson of all GPs within the jurisdiction of the AS (ex-officio).

c) The members of the Parliament and Legislative Assembly representing the constituencies under which the AS falls (ex-officio).

d) One Circle Officer or One Extra Assistant Commissioner of the Sub-division in which the AS is situated (ex-officio).

e) The DC may appoint such officers as ex-officio members of an AS as may be deemed necessary.
f) One representative elected by the Chairman of the Co-operative Societies situated within the Anchal Block from amongst themselves (ex-officio).

It is also provided in the Act that all the ex-officio members have the right to attend the meeting and take part in the proceedings but they are not entitled to vote and contest in the election of Chairperson of AS.

It may be noted here that in comparison to AP in Assam, composition of AS is extensive. The similarities and differences in other matters are stated under the following heads:

**Meeting and Quorum**

An AP holds a general meeting for the transaction of business at least once in two months. The date of first meeting of AP is fixed by the DC. However, special meeting can also be convened by the President of AP upon the written request of not less than one-third of the total number of members specifying the object for which the meeting is proposed. If the President fails to convene the meeting within fifteen days’ from the receipt of such request, the Vice-President or one-third of the total number of members may call the special meeting. Again, for an ordinary and a special meeting, ten (10) and seven (7) clear days’ notice specifying the time and the business to be transacted has to be sent to the members. The notice must also be pasted at the office notice board of the AP.

Every meeting of AP is presided over by the President or in his absence by the Vice-President. If both of them are absent, the members present elect one from themselves to preside over. Decisions are taken by a majority of votes of the members present and voting. The presiding authority has a casting vote also. However, the question under discussion has any direct
pecuniary interest involving any member / presiding authority then the concerned person cannot take part / preside over in the meeting. The Act also stated that no resolution of AP can be modified or cancelled within six months except by a resolution passed by not less than one-half of the total number of members at an ordinary or a special meeting.

As regard the quorum of the AP meeting is concerned, the Act stated that one-third of the total number of members of the AP form a quorum. If a quorum is not present in a meeting, the presiding authority has to wait for thirty minutes and even if quorum is not available, the authority can adjourn the meeting to such hour or same future date as he may fix. However, no quorum is required in the subsequent adjourned meetings (Same procedure for ZP also).

On the other hand, the APPRA has not elaborated the detailed procedure regarding meeting and the quorum of AS. It stated that all the meetings of AS including the time, place of meetings and quorum shall be as per the prescribed norms to be decided by the State Government. The Chairperson of the AS may convene a meeting of GPs to review the work and discuss the proposed works for the next year. All members of AS are authorised to question the Chairperson on any matter connected with administration of AS. However, as regard the resolution of AS is concerned, the APPRA made a difference with that of APRA. The Act stated that no resolution of an AS can be modified, amended, varied or cancelled by the AS within a period of three (3) months from the date of passing except by a resolution supported by two-third of the total number of members of the AS.
President / Chairperson and Vice-President of AP / AS: Duties, Responsibilities and Removal

Under the APRA, the directly elected members of AP elect from amongst themselves two members as President and Vice-President respectively in its very first meeting. The President convenes, presides over and conducts meetings of AP. He discharges all duties imposed and exercises all the powers conferred on him under the Panchayat Act. He supervises the works of Executive Officer for securing implementation of the resolutions or decisions of the AP and of the standing Committees. He also exercises overall supervision over the financial and executive administration of the AP. In his absence, all his functions are performed by the Vice-President. The President may resign his office at any time by writing to the DC of the concerned district and the Vice-President may resign by writing to the President of the AP or in his absence to the DC. They hold office so long as they are member of the AP. However, the Act provided for the no confidence motion against them. The members of the AP can remove them from office by passing a no confidence resolution by a two-third majority of the total membership of the AP. The State Government has also the authority to remove them from office.

On the contrary, under the APPRA, AS is headed by one member as Anchal Samiti Chairperson. Unlike Assam, there is no provision for the office of the Vice-President. The Chairperson of AS is selected by the directly elected members from among themselves on the day of its first meeting. Being elected he is responsible for presiding over the meetings of AS in the manner decided by the State Government. He maintains records of AS. He has the general responsibility over all the financial and administrative matters and staff of the AS. He discharges any function assigned to him by
the State Government. The Chairperson holds office so long as he is a member of the AS. However, a motion of no confidence may be moved by the one-third of the total number of directly elected members of the Samiti against the Chairperson after giving at least seven day notice in writing to the Member Secretary. If such motion is passed by a majority of not less than two-third of the total number of directly elected members present and voting, the Chairperson ceases to hold his office. In addition to this, the State Government may remove the Chairperson from his office.

**Budget**

Regarding budget both APRA and APPRA in a similar manner stated that every AP/AS has to prepare a budget of its estimated receipts and disbursements for the following year and submit the budget to the ZP, which either approve or return the budget to the AP/AS for modifications as it may direct. Once modifications are made, the budget is resubmitted within the time fixed by the ZP. The Acts further lay down that no expenditure can be made unless the budget is approved by the ZP. However, if the approval of the ZP is not received by the AP / AS by the last date of the year (or within two months, whichever is earlier, in case of Arunachal Pradesh), the budget is deemed to be approved by the ZP. The AP / AS is also entitled to prepare in each year a supplementary estimate providing for any modification of its budget and may submit to the ZP for its approval.

**Property and Fund of AP/AS**

An AP/AS under their respective Acts has the power to acquire, hold and dispose of property and to enter into contracts with the prior approval of the Government or ZP. The Acts stated that all roads, buildings or other
works constructed by an AP/AS with its own fund is vested in it. Besides, AP/AS can also write to the DC for acquisition of land. The State Government may also allocate to an AP/AS any public property situated within its jurisdiction.

As regard the AP/AS fund, the Panchayat Acts of both Assam and Arunachal Pradesh mentioned that every AP/AS must have an Anchalik Panchayat Fund / Anchal Samiti Fund in its own name. As per the Acts the Fund is raised from (a) contributions and grants from the Central or the State Government; (b) contributions and grants given by the ZP or other local bodies; (c) loans granted by the Central or the State Government or loans raised on security of its assets; (d) all receipts on account of taxes, rates, tolls and fees levied by it; (e) any receipt in respect of any schools, hospitals, dispensaries, buildings, institutions or work places under the control and management of the AP/AS; (f) all sums received as gifts or contributions and all income from any trust or endowment made in favour of AP (Assam); (g) such other sums as may be authorised by the Government to be received by AS (Arunachal Pradesh); (h) such fines or penalties imposed and realised under the provisions of the Acts.

Every AP/AS annually apply such amount as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. It is further stated in both the Acts that the total expenditure on establishment shall not exceed one-third of the total expenditure of the AP/AS. Every AP/AS has the power to spend the amount which it thinks fit for carrying out the purposes of the Act. All orders and cheques for payments from the Fund must be signed by the Executive Officer. Thus both the Acts in a similar
fashion made provision relating to constitution and operation of the Fund of AP/AS.

**Powers and functions**

Both the APRA and APPRA provided a good number of functions to AP/AS and they have the power to do all acts necessary for or incidental to the carrying out of the function entrusted or delegated to them. Functions of AP/AS are similar in nature and these are listed in *appendix II*

**Standing Committees**

Every AP under the Assam Panchayat Act, 1994 constitutes some committees which help it in the performance of its functions.

*General Standing Committee* performs functions relating to the establishment matters, communication, buildings, rural housing, relief against natural calamities, water supply and all miscellaneous residuary matters.

*Finance, Audit and Planning Committee* performs functions with regard to the finance of the AP, preparing budget, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statement, consideration of all proposals affecting the finance of the AP and general supervision of the revenue and expenditure of the AP and planning and consolidating the AP plans, co-operation, small saving schemes and any other function relating to the development of AP areas.

*Social Justice Committee* carries out functions relating to promotion of educational, economic, social, cultural and other interests of the SCs, STs and Backward classes; protecting them from social injustice and other forms of exploitations; amelioration of the SCs, STs and Backward classes;
securing social justice to SCs, STs, Women and other weaker sections of the society.

*Each Standing Committee* consists of the members not exceeding six (6) including the Chairman. Members of the Committees are chosen by the AP from amongst themselves. The President of the AP is the president of the first two Standing Committees and the Vice-President is that of the third i.e., Social Justice Committee. No member of the AP is eligible to serve in more than one Standing Committee and the term of the membership is one year at a time. The Executive Officer of the AP is also the ex-officio Secretary of every Standing Committee, who under instruction of the Committee issue notices and secure the attendance of the officer.

Unlike Assam, the APPRA has not made detailed provision regarding the constitution and operation of Standing Committees of AS. The Act stated that an AS is entitled to appoint among its members as many committees as it thinks fit to assist. The Chairperson of an AS is the Chairman of every Committee. Even AS may temporarily associate with any Committee persons who though not member of the AS but have special knowledge and experience of any subject dealt with by the Committee. Such associated person can take part in the discussion of the Committee but does not have the right to vote. Thus, unlike Assam, these Committees do not have specific functions to perform.

**Staff**

According to APRA each AP has an office, which is the place for holding meetings as well as carrying out the office works of the AP. As per the Act, the Government of Assam appoints an Executive Officer, who is the ex-
officio Secretary of the AP. The Government also appoints other staffs who work under the Executive Officer.

Likewise, according to APPRA each AS has an office to carry out the office works. The Government of Arunachal Pradesh appoints an Executive Officer for every AS, who acts as its Member Secretary. The AS can also provide for other officers and employees. The Executive Officer (AP/AS) in both Assam and Arunachal Pradesh performs related functions: (a) he exercises all powers specially imposed or conferred upon him by or under Panchayat Act or any other law for the time being in force; (b) he supervises the work of the officers holding office under the AP/AS in accordance with rules made by Government; (c) he supervises and controls the execution of all works of the AP/AS; (d) he takes necessary measures for the speedy implementation of all works and development schemes of AP/AS; (e) he has the custody of all papers and documents connected with the proceedings of the meetings of the AP/AS; (f) he draw and disburses money out of the AP/AS Fund; (g) he exercises such powers and discharges such other functions as may be prescribed.

The Executive Officer attends every meeting of the AP/AS and has the right to attend the meetings of the Committees and to take part in the discussion but no right to vote or moving any resolution. However, if he finds that any proposal is inconsistent with the provisions of the Act, it is his duty to bring the matter to the notice of the AP/AS.

The structure of AP and AS is schematically presented below:
CHART: VI
STRUCTURE OF ANCHALIK PANChAYAT UNDER APRA

Anchalik Panchayat

President of GPs

Members (Directly elected)

Vice-President
(Elected in the first meeting)

President
(Elected in the first meeting)

General Standing Committee

Finances, Audit & Planning Committee

Social Justice Committee

Members
President

CHART: VII
STRUCTURE OF ANCHAL SAMITI UNDER APPRA

Anchal Samiti

Chairperson of GPs

Circle Officer / EAC

Members (Directly elected)

Representative from Co-operatives Societies

MPs / MLAs

Chairperson
(Elected in the first meeting)
2.4.4 Zilla Parishad (ZP)

ZP is the third tier of Panchayati Raj in Assam. Under the Assam Panchayat Act, 1994, for every district there is a ZP having jurisdiction over the entire district excluding such portions of the district as are included in the Municipality / Municipal Corporation / Town Committee / Sanitary Board / Cantonment area or any notified area. The ZP consists of – (a) the members directly elected from territorial constituencies of the district; (b) the President of the AP; (c) the members of the House of the People representing a part or whole of the district whose constituencies lie within the district; (d) the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district.

In the similar way, ZP is the apex structure of the Panchayati Raj in Arunachal Pradesh. The APPRA lays down that for every district there is a ZP having jurisdiction over the entire district excluding such portion which fall under Municipality / Town Committee or Cantonment area. Every ZP under the Act consists of – (a) one member directly elected from each AS territorial constituency; (b) the Chairperson of all AS in the district; (c) the members of the Parliament and the members of the State Legislative Assembly representing a part or whole of the district whose constituencies lie within the district.

The structural similarities and differences between ZP of Assam and Arunachal Pradesh are stated under the following heads:

Meetings and Quorum

The Assam Panchayat Act, 1994 lays down that at least one meeting of the ZP in three months should be held. The President when received, in writing
by one-third of the members of the ZP to call a meeting, shall do so within ten days’, failing which the members may call a meeting after giving intimation to the Government and seven clear days’ notice to the President and other members of the ZP. Again, ten clear days’ notice of an Ordinary meeting and seven clear days’ notice of a Special meeting specifying the time and the business to be transacted has to be sent to the members and pasted up at the office notice board of the ZP. Every meeting of the ZP is presided over by the President and in his absence by the Vice-President. If both are absent, the members present elect one from among themselves to preside over. All questions coming before the ZP is decided by a majority of votes. The Presiding authority has a deciding vote also. No resolution of the ZP can be modified or cancelled within six months except by a resolution passed by not less than one-half of the total number of members at an Ordinary or Special meeting. The proceeding of every meeting is recorded in the minute book, which remains in the custody of the CEO. A copy of such resolution passed by the ZP at a meeting has to be forwarded to Government within days’ from the date of the meeting.

Likewise, the APPRA also states that the ZP shall hold its meeting once in every three months. The Chairperson when required in writing by one-fifth of the members of a ZP to call a meeting shall do so within fifteen days’, failing which the members may call a meeting within thirty days’ after giving intimation to the prescribed authority and seven days’ notice to the Chairperson and other members of the ZP. Special observer is appointed by the prescribed authority for such meeting, who submit a report on the proceeding to the prescribed authority within three days’ of the meeting. The Chairperson presides over the meeting and in his absence members present choose one from among themselves to preside over the meetings.
All questions coming before the ZP is decided by a majority of votes, and in case of equality of votes, the Chairperson has a casting vote. The Act lays down that seven clear days’ notice for both Ordinary and Special meeting specifying the time and business to be transacted has to be sent to the members and pasted at the Office of the ZP. In case of a situation for which an emergent meeting of the ZP is required, the Chairperson may call such meeting after giving three days notice to the members.

As regard the quorum of a meeting of ZP, the Panchayat Acts of both Assam and Arunachal Pradesh provide that one-third of the total number of members of ZP constitute the quorum. However, it is provided in both the Acts that no quorum is required for an adjourned meeting.

**ZP Fund**

Under the APRA every ZP has a Fund called the ZP Fund for making all duly sanctioned expenditures for performing its functions. Each ZP Fund in Assam receives the following contributions:

a) the amounts transferred by the Assam Government out of the Consolidated Fund of the state;

b) all grants, assignments, loans and contributions made by the government;

c) all fees and penalties paid to or levied by it;

d) all rents from land or other properties of it;

e) all interest, profits and other money acquired by gifts, grants, assignments or transfers from private individual/institutions;

f) income from sale of property, land and securities.
The ZP Fund can be spent only on the basis of the budget of the ZP. It is stated in the Act that not less than twenty per cent of the Fund meant for welfare activities shall be utilised for the welfare of the SC and ST.

In a similar way, the APPRA also lays down that for every ZP a Fund shall be constituted bearing the name of the concerned ZP. The Fund of the ZP shall be raised from the following sources of income:

a) contributions and grants made by the Centre or the State governments;

b) contributions and grants made by the AS or any other local body;

c) loan either sanctioned by the state or the central government or the loans raised by the ZP itself on the security of its assets;

d) sums on account of taxes, rates, duties, tolls and fees levied are received with the approval of the government;

e) any receipt as may be authorised by the government in respect of any schools, hospitals, dispensaries, buildings, institutions or workers vested in or placed under the control of ZP;

f) such fines and penalties imposed and realised under the provisions of the Act;

g) such other amounts as may be authorised by the government to be received by ZP.

All the expenses incurred by the ZP for its working are to be met from a portion of the Fund earmarked for this purpose. The authority which shall keep the Fund will be decided by the State Government from time to time.
The Act stated that all orders and cheques for payment from the ZP Fund shall be signed by the Member Secretary.

**Budget**

Both the APRA as well as the APPRA stated that every ZP shall prepare in each year a budget of its estimated receipt and disbursements for the following year and submit it to the Government, which may either approve or return the budget to the ZP for modifications. Once modifications are made, the budget is re-submitted for approval of the Government. No expenditure can be incurred unless it is approved by the Government. If approval is not received within thirty days’ (for Assam) and two months (for Arunachal Pradesh) the budget shall be deemed to be approved by the Government. The ZP in both the states may prepare in each year a supplementary estimate providing for any modification of its budget to the Government for approval.

**Standing Committees**

Under the APRA, ZP carries out its function with the help of four Standing Committees:

*General Standing Committee,* which performs functions relating to the establishment matters, communications, rural housing, buildings, village extension, relief against natural calamities, rural development programmes of Government of India and allied matters and all miscellaneous residuary matters.

*Finance and Audit Standing Committee,* performs functions relating to the finance of the ZP, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts of expenditure, consideration of proposals
effecting the finance of the ZP and the general supervision of the revenue and expenditure of the ZP, review of planning programmes, evaluation of important programmes, small saving schemes and allocation of outlays to developments.

*Social Justice Committee,* looks after – i) promotion of social, economic, social, cultural and other interests of the SCs, STs and OBCs, ii) protecting them from social injustice and all others forms of exploitation; iii) amelioration of the SCs, STs and OBCs; and iv) securing social justice to the SCs, STs, Women and Other weaker sections of the society.

*Planning and Development Committee,* carries out the educational activities of ZP. It collects facts about the educational activity in the district, survey and evaluates these and suggests plans for expansion. It also looks after health services, hospitals, water supply, welfare, agricultural production, animal husbandry cooperation, cottage industries and other related matters.

The term of the Standing Committee is one year and no member of the ZP is eligible to serve in more than one Standing Committee at a time. The President of the ZP is the Chairman of the General Standing Committee and Finance and Audit Committee. The other two Standing Committees elect the Chairman from among themselves. The CEO is the ex-officio Secretary to the General Standing Committee and the Finance and Audit Committee. He nominates one of the Deputy Secretaries as ex-officio Secretary for each of the remaining Standing Committees. The CEO is entitled to attend the meeting of all the Standing Committees.

On the other hand, the APPRA has not made any detailed provision for the constitution of Standing Committees of the ZP.
Staff of ZP

Under the APRA, the Office of the ZP works under the overall control of the President of ZP. However, ZP carries out its work under the direct charge of the CEO. The Government of Assam appoints an officer not below the rank of the ADC of a district as CEO of the ZP. Along with him, the Government also appoints a CAO, a CPO as well as several other officers who work in the Office of the ZP. The CEO is the Secretary of the ZP. He is responsible for carrying out the policies, decisions of the ZP and performs all such functions as may be given to him by the ZP. He supervises the work of all other officials working in the ZP. All records and papers are kept in his custody. He draws and disburses money out of the District Rural Development Fund. In short, he plays a key role in the administration and activities of the ZP.

The APPRA, on the other hand, also provides for the Office of the Member Secretary of the ZP. As per the Act, the Government of Arunachal Pradesh appoints the ADC of the district as the Member Secretary of the ZP. He is in charge of maintenance of all the records of the ZP. He carries out the work of the ZP and also assists the Chairperson. As regard the other officers of the ZP, the Act did not provide for any detail structure.

The structure of ZP under both APRA and APRA is schematically presented below:
CHART: VIII
STRUCTURE OF ZILLA PARISHAD UNDER APRA

Zilla Parishad

- President of APs
- Members (Directly elected)
  - Vice-President (Elected in the first meeting)
  - President (Elected in the first meeting)

CHAIRMAN

- MPs / MLAs
  - Social Justice Committee
  - Planning & Development Committee
  - General Standing Committee
  - Finance & Audit Committee

Members
President /Chairman

CHART: IX
STRUCTURE OF ZILLA PARISHAD UNDER APPRA

Zilla Parishad

- Chairperson of APs
- Members (Directly elected)
- Chairperson (Elected in the first meeting)

CHAIRPERSON
- MPs / MLAs
2.4.5 Audit and Accounting

Accounts of income and expenditure of every GP / AP / ZP shall be kept in such form and manner as may be prescribed in the Assam Panchayat Act. The Secretary of the GP, EO of the AP and CEO of the ZP is responsible for maintaining the accounts of their respective tier. The Audit of the Accounts of the GP / AP / ZP is carried out by the authority as prescribed by the Government and a copy of the audit report is forwarded to the GP / AP / ZP within one month of the completion of the audit. On receipt of the audit report each tier tries to remedy the defects or irregularities which are pointed out in the report and then send to – i) the AP and the Director of the Panchayat and Rural Development by the GP, ii) the ZP and the Director of the Panchayat and Rural Development by the AP, iii) the Government by the ZP, within three months.

On the other hand, as regard the Audit and Accounts of PRIs in Arunachal Pradesh is concerned, the APPRA provides that the State Government may appoint an officer and such other officers who have the authority to check or inspect any work or property of the GP or AS or ZP. The Act stipulated DC, ADC or EAC to inspect Panchayats when duly authorised by the State Government. The audit of the accounts of the funds of a GP or an AS or a ZP is carried out by the authority and a copy of the Audit report – a) on the GP, is forwarded to the AS by the GP, b) on the AS, is forwarded to the ZP by the AS and c) on the ZP, is forwarded to the State Government by the ZP for rectification of defects and for concerned action.

2.4.6 Dissolution and Reconstitution of Panchayats

The Panchayat Acts of both Assam and Arunachal Pradesh provide that the State Government has the power to dissolve any tier of the PRIs if the
concerned tower exceeds its power or fails to perform as per the Act or disobeys the orders. With the dissolution all the members of GP, AP/AS and ZP have to vacate their office as member. However, the Acts provide for reconstitution of each tier. It is stated in the respective Acts that the dissolved tier shall be reconstituted through proper elections within six months from the date of dissolution. The reconstituted tier continues only for the remaining period. Further, if the remainder of the period is less than six months, it is not necessary to hold an election.

2.4.7 Disqualification of Members

As per APRA, a person shall be disqualified to be a Member or Vice-president or President of any of the three tiers of the PRIs if he/she – (i) has been convicted of an offence involving moral turpitude unless a period of four years has elapsed since his release; or (ii) has been dismissed from government service for commission of an act involving moral turpitude unless a period of five years has elapsed since his dismissal; or (iii) applies to be declared as an uncertified bankrupt or undischarged insolvent; or (iv) holds any other office of profit; or (v) during the four years immediately preceding the date of election convicted of an offence punishable under Section  of the Representation of the People’s Act, 1951 or has been found by the competent authority to have resorted to corrupt practice resulting in setting aside of his election to any local body or to any legislature in India; or (vi) defaulter of payment of any rate, tax, cess or fee imposed under the provisions of Panchayat Act; (vii) less than 21 years of age (substituted by Assam Act no. X of 1997).

On the other hand, under the APPRA a person shall be disqualified to be a member of the GP, AS and ZP if he / she – (i) is not a citizen of India; or (ii) is not 21 years of age; or (iii) has been dismissed from the services of Central
or any State Government or GP, AS and ZP or any other local authority for misconduct, unless a period of five years has elapsed from such dismissal; or (iv) holds any office of profit; or (v) is an undischarged insolvent; or (vi) is of unsound mind and stands so declared by a competent court; or (vii) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release.

Thus, both the Acts have specifically outlined the disqualification of the members of the PRIs. Most of the provisions are similar while some fundamental differences are also noticed, i.e., to be a member of PRIs in Assam a person must have 18 years of age and in case of Arunachal Pradesh a person must have 21 years of age. Another important point of difference is that the APPRA did not include under disqualification an important provision that defaulter of payment of any rate, tax, cess or fee under the provisions of Panchayat Act is liable to be dismissed.

2.4.8 District Planning Committee (DPC)

This Committee is a co-ordinating agency to consolidate the plans prepared by Zilla Parishad, Anchalik Panchayats, Gaon Panchayats, Town Committees, Municipalities and Municipal Corporations and prepare a draft development plan for the district as a whole. The DPC shall consist of both ex-officio and indirect elected members. The President of the Zilla Parishad, Chairpersons of urban local self government bodies in the district, local Member of Parliament and local member of Legislative Assembly are the ex-officio members. Not less than four-fifth of the total members of the body shall be elected from the members of Zilla Parishad and urban self-government bodies on rotation annually and in proportion to the ratio between rural and urban population in the district. The Deputy
Commissioner shall be a permanent invitee, the President of the Zilla Parishad shall be the ex-officio Chairperson and the Chief Executive Officer of the Zilla Parishad shall be the ex-officio Secretary of the DPC.

Surprisingly, the APPRA initially did not make any provision for the constitution of District Planning Committee (DPC) for implementation of decentralized planning in all the districts of the State. Subsequently realising the importance of the planning, the Governor of Arunachal Pradesh has constituted DPC on 4th December 2006 in the districts of Arunachal Pradesh for both urban and rural bodies. The DPC consists of Chairman of ZP as Chairperson, Member of Parliament of the area, Member of Legislative Assemblies of the District, All ZP members, All Heads of the Departments and Project Director of District Rural Development Agency (DRDA). The constitution of the DPC has further been amended on 17th April, 2007 as suggested by the Government of India. The Anchal Samiti Chairpersons are now regular members of the Committee. The Deputy Commissioner has also been made a member of the DPC.

2.4.9. State Finance Commission (SFC)

As per the APRA the Government of Assam has the power to constitute SFC to look into the financial aspects of the PRIs and sharing of taxes, duties, tolls and fees which may be assigned to and appropriated by the PRIs at different levels. The Commission also looks into grants-in-aid to panchayats from the Consolidated Fund of the State. The SFC consists of a Chairman and two other members appointed by the Governor. The Chairman or a member may resign from office by writing under his hand and addressed to the Chief Secretary to the Government of Assam, but he continues in his office until his resignation is accepted by the Government. The Governor of the State causes every recommendation of the SFC
together with an explanatory memorandum as to the action taken to be laid before the House of the State Legislature.

The APPRA also provides for the constitution of SFC to review the financial position of the Zilla Parishads, the Anchal Samitis and the Gram Panchayats and sharing of taxes, duties, tolls and fees which may be assigned to and appropriated by the PRIs at different levels. The Commission also looks into grants-in-aid to panchayats from the Consolidated Fund of the State. The SFC consists of one or more members of whom one shall be the Chairman. The Chairman or a member may resign from office by writing under his hand and addressed to the Governor of the State.

2.4.10 State Election Commission (SEC)

The APRA of 1994 provided for the constitution of SEC. The Commission is vested with the power of superintendence, direction and control of the preparation of electoral roll for, and the conduct of all election to the panchayats under the provisions of sub section (1) of Section 114 of the APRA, 1994. On the request of the State Election Commissioner the Government make available to him such staff as may be necessary for the discharge of the functions conferred on the SPEC under this Act. However, the State Legislature may by law make provision with respect to all matters relating to, or in connection with election to the panchayats.

The APPRA of 1997 also provides for the constitution of SEC by the Governor for superintendence, direction and control of the preparation of Electoral rolls and for the conduct of all elections to the panchayat bodies in the state. The SEC consists of a State Election Commissioner appointed by the Governor. The State Government on the request of the State Election
Commissioner make available to him such staff as required for the discharge of the functions conferred on him under the Act. In AP, the SEC was constituted on 18th June 2002 with the State Election Commissioner and the first Panchayat election in Arunachal Pradesh under the APPRA, 1997 were conducted in April 2003 except for Tirap district.

2.4.11 Election Tribunal (ET)

The APRA provided that the Government may constitute Panchayat Election Tribunals, if necessary, on the recommendation of the High Court to dispose of all direct election petitions challenging elections under this Act. The Government in consultation with the High Court has to decide the jurisdiction, powers and functions and the headquarters of the Tribunal.

The APPRA provided that the Government may constitute Election Tribunal to dispose of all election petitions challenging to a panchayat; matters relating to disqualification of a member of the panchayat; and any other election matter, in such manner as may be prescribed.

2.4.12 Legislative provisions which are in contravention to the 73rd Constitutional Amendment Act

Along with the above mentioned features of both APRA and APPRA, it is also imperative to point out those legislative provisions which are in contravention to the 73rd Constitutional Amendment Act.

Assam

General Powers of Government: The officers as are empowered by the Government in this behalf shall have general powers of inspection, supervision over the performance of the administrative duties of a ZP, AP or GP.
Inquiry into the affairs of the Panchayats by the Government: The Government may at any time for reason to be recorded, cause an enquiry to be made against any of its officers in regard to any GP, AP or ZP on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

Dissolution of Panchayats: If in the opinion of the Government, a GP or AP or ZP exceeds or abuses its powers or is not competent to perform or make persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, by an order published in the official Gazette dissolve such GP or AP or the ZP as the case may be.

Arunachal Pradesh

Directions from Government: Notwithstanding anything contained in this Ordinance it shall be lawful for the Government to issue directions to any GP, AS and ZP, in matters relating to the state and national policies, and such directions shall be binding on the GP, AS and ZP.

Powers to DC to call for record relating to tax or fee and make suggestions: The DC may, at any time call for the records of a GP or an AS or ZP relating to taxes or fees levied within its area and may make suggestions for alternation, addition or modification of any tax or fee so levied or the rate thereof.

Dissolution of Panchayats: If in the opinion of the Government, a GP or AS or ZP- (a) exceeds or abuses its powers; or (b) is incompetent to perform, or makes wilful and persistent default in the discharge of the functions imposed on it or under this Ordinance or any other law for the time being
in force; or (c) persistently disobeys the order of the DC or the officer under Sub section (i) of Section 131.

2.5 Panchayati Raj in Assam and Arunachal Pradesh: Present Status

It is thus the Panchayat Acts of both Assam and Arunachal Pradesh made detailed provision each tier in conformity with the 73rd Constitutional Amendment Act 1992, As envisaged under Part IX of the Constitution, both the State Governments constituted Panchayats at the District, Block and Gram levels and entrusted them with duties and responsibilities with a view to enabling them to function as institutions of self-government. The steps so far taken by the Government of Assam and Arunachal Pradesh for empowerment of Panchayats at the Gram, Block and District levels include the following:

- The District Planning Committees have been constituted in both the States. In Assam, a Cabinet Sub-committee has already been constituted with Principal Secretary, Planning and Development as its Member Secretary, for finalizing the modalities in regard to the composition and strengthening the functioning of DPCs. The draft guidelines are being prepa

- Both the State Governments have made it mandatory on the part of the Gram Panchayat for convening periodic meetings of the Gram Sabha on a quarterly basis.

- The various provisions of the Panchayat Acts and the rules enacted under the Acts facilitate the imposing of taxes by the Panchayats. Presently Gaon/Gram Panchayats are having share in land revenue, local rates, fisheries, House taxes, fines, penalties etc.
• The State Government has urged the Zilla Panchayats to frame bye-laws under the provisions of the Assam Panchayat Act, 1994 for effective levying of taxes. The Zilla Parishads of Nagaon and Jorhat have already framed the bye-laws and submitted the same for the approval of the State Government. Assam is taking immediate steps in this regard, while Arunachal Pradesh is lagging behind.

• Both the State Governments have appointed State Election Commission to look into the matters related to preparation of Electoral Rolls, Delimitation of Constituencies, rotation of seats, qualification of candidates, conduct of elections and adjudication of electoral disputes. Thus, it is under the supervision of respective SEC that the Panchayat elections in Assam took place in 2001 and 2007 and in Arunachal Pradesh in 2003 and 2008 respectively.

It has been reported in the Status of Panchayat Report that in Assam the electoral roll of the legislative assembly is adopted for Panchayat election. There are also provisions for disclosure of election expenses and for filling annual property statements for elected Panchayat representatives. However, in Arunachal Pradesh electoral rolls used for Panchayats are not same as that of assembly and parliamentary elections. Panchayat wards are not considered as building blocks for elected rolls for other levels of elections. There is no model code for elections to Panchayats in the State and also there is no provision for disclosure of election expenses and for filling of annual property statements by elected representatives.
• In pursuance to the provisions of the Acts, both the State Government has already constituted State Finance Commission to review the financial position of the ZPs, APs / ASs and GPs.

• With regard to the Activity Mapping in Assam, the Government has prepared the Activity Mapping and notified the same vide notification no. PDA 336/2001/Pt-III/32 dated 25th June, 2007 for devolution of functions, functionaries and funds to Zila Parishads, Anchalik Panchayats and Gaon Panchayats. Activity mapping has been prepared meticulously for 23 subjects demarcating responsibilities of each tier of Panchayats. Functions have been distributed among three tiers according to the capacity of each level of Panchayat. Panchayati Raj Institutions will be in the position to know about their specific powers and responsibilities. Development of a sector has a sequence with responsibilities distributed among three tiers at different levels. Every sector has different functions. Each function has various activities which can be conveniently and realistically discharged at the appropriate level. On the other hand, in Arunachal Pradesh, Activity Mapping Order was issued on 25th October, 2007 and the Executive Order for devolution of 29 subjects of Activity Mapping was issued on 21 February, 2008. It includes 29 subjects covering 20 line departments. The following tables summarize the status of the devolution of the subject enlisted in the Activity Mapping:
<table>
<thead>
<tr>
<th>Subject</th>
<th>Activity Mapping (Yes/No)</th>
<th>Funds (Yes/No)</th>
<th>Functionaries (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture including agriculture extension</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Land improvement and soil Conservation</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minor irrigation, water management and watershed development</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Animal husbandry, dairy &amp; poultry</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fisheries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Social forestry &amp; farm forestry</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minor forest produce</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fuel and fodder</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Drinking water</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Poverty alleviation programme</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Public distribution system</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Education including primary and secondary schools</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Adult and non formal education</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cultural activities, sports</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Social welfare including welfare for handicapped and mentally retarded</td>
<td>Yes</td>
<td>Fund for ICDS Scheme is being jointly controlled by GP</td>
<td>No</td>
</tr>
<tr>
<td>Women and child development</td>
<td>Yes</td>
<td>Fund for ICDS Scheme is being jointly controlled by GP President</td>
<td>No</td>
</tr>
<tr>
<td>Health and sanitation, hospitals, primary health centres, dispensaries</td>
<td>Yes</td>
<td>Fund for TSC is jointly controlled by GP President</td>
<td>No</td>
</tr>
<tr>
<td>Family welfare</td>
<td>Yes</td>
<td>Fund for ICDS Scheme is being jointly controlled by GP</td>
<td>No</td>
</tr>
<tr>
<td>Roads, culverts, bridges, ferries, waterways and other means of</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>communication</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Khadi, village and cottage industries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Small scale industries, food processing industries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Rural electrification, distribution of electricity</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Maintenance of community assets</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Rural housing</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Libraries</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Welfare of weaker sections SC &amp; ST</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Non conventional energy</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Markets and fairs</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Technical training, vocational education</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table B3: Subjects covered in Activity Mapping Document of Arunachal Pradesh

<table>
<thead>
<tr>
<th>Subject</th>
<th>Activity Mapping (Yes/No)</th>
<th>Funds (Yes/No)</th>
<th>Functionaries (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and Horticulture</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Land reforms and soil Conservation</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minor irrigation, water management and watershed development</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Animal husbandry &amp; Veterinary dairying &amp; poultry</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fisheries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Social &amp; farming forestry</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Minir forest produces</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Small scale industries including food processing industries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Khadi village and cottage industries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Rural housing</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Drinking water</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fuel and fodder</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Roads, culverts, bridges, ferries, waterways and other means of communication</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Rural electrification and distribution of electricity</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Non convention energy sources</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Poverty alleviation programmes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Education – primary and secondary</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Technical and vocational education</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Adult and non formal education</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Libraries and cultural activities</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Markets and fairs</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Health and sanitation including hospitals, primary health centres and dispensaries</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Family welfare</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Women and child development</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Social welfare including welfare of handicapped and mentally retarded</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Welfare of weaker sections in particular of scheduled castes and scheduled tribes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Public distribution system</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Maintenance of community assets</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>


The tables B1 and B2 highlight the status of Activity Mapping in the states of Arunachal Pradesh and Assam. It also reveals that the Governments of both the States have not taken any steps to provide funds and functionaries
to PRIs. It may be noted that the Activity Mapping does not imply that the subjects are devolved completely. The subjects need to be unbundled and assigned to the different levels of Government on the basis of clear principles of public finance and public accountability, and above all, the governance principles of subsidiarity, democratic decentralisation and citizen-centricity. The result of good Activity Mapping would be to clearly identify where competence, authority and accountability lie. The fact is that good Activity Mapping permits higher levels of Government to concentrate more on policy making, legislation, system building, and addressing issues of equity and regional imbalance and in more effectively discharging oversight responsibilities. Along with this Activity Mapping, it is also essential for the PRIs to be financially capable to perform the functions assigned to them effectively.

It is in this backdrop in the next Chapter a detailed analysis has been made on the profile of the sampled districts as well as the respondents on the basis of an interview schedule, which has been framed in considering the various provisions of the Panchayat Acts of both Assam and Arunachal Pradesh.

**Notes and References**


8. Ibid.


18. Ibid., pp. 32-34.


28. Ibid.


30. Ibid, p. 46.


33. *Ibid*.

34. *Ibid*.

35. Dutta, *op cit*, p. 54.


38. *Ibid*.


40. Status of Panchayati Raj: State Profile – Assam, Website: http://pnrdassam.nic.in/state_profile_modified.pdf


42. *Ibid*, p. 2.4


46. *Ibid*, p.14

47. *Ibid*, p.15

48. Ering Committee was headed by Dr. Dying Ering (the then Parliamentary Secretary), B. D. Pandey (the then Additional Secretary, Ministry of Finance), Brigadier D. M. Sen (former Legal Advisor), and L. Thang (the then Development Commissioner in NEFA).


50. Bogum Bokang Kebang acted as the apex body of the Adi tribes having jurisdiction over almost the whole district. The representatives of all the Adi Villages of the district or the subdivision as the case may be, used to sit in the Bogum Bokang. It enacted the laws of society, formulated policies for Adi community, and discussed matters regarding war, peace, culture, religion, language and development. Sometimes even resolutions were passed and forwarded to the Government for implementation or necessary action. It actually gained importance only after independence. In absence of any popular body, the Government encouraged the Bogum Bokang to meet frequently and to discuss issues concerning the whole tribe, so that the deliberations of the Bogum Bokang may be used by the administration as some sort of a feedback.

51. *North East Frontier Agency Panchayat Raj Regulation 1967*. 

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52. Ibid
53. S. Dubey, op cit, p. 4.24
54. North East Frontier Agency Panchayat Raj Regulation 1967
55. Ibid.
58. **Pradesh Council** – The Pradesh Council replaced the old Agency Council constituted under the NEFA Panchayati Raj Regulation of 1967. The Pradesh Council consisted of the (a) Vice-Presidents of the Zilla Parishads (b) three representatives from each of the Zilla Parishads elected by the members from amongst themselves (c) three members nominated by the Chief Commissioner to represent such tribal communities as have not obtained any representative in the Council (d) two Members of Parliament from Arunachal Pradesh and the Chief Commissioner as ex-officio member of the Council. Its total strength was 26. The Council discussed and made recommendations to the Chief Commissioner on:
   i) Matters of administration relating to Arunachal Pradesh involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.
   ii) The Five Year Plan proposals for the development of the Territory.
   iii) The estimated receipts and expenditure relating to the state to be credited to, and to be met from, the Consolidated Fund of India.
   iv) Proposals for undertaking legislation for the territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.
   v) Any other matter which the Chief Commissioner might refer to the Council for consideration and advice.
59. R. K. Das Choudhury, op cit., p.34.