Chapter XVII.

THE COMMISSION ON THE HILL AREAS OF ASSAM

The opposition to the Nehru Plan in the plains of Assam was not very much vigorous, but the Prime Minister waited for the decision of the APHLC on this question. As soon as the APHLC decided to give a "fair trial" to it, Pandit Nehru began to think about the appointment of a Commission. Pandit Nehru was of the strong conviction that a one-man commission assisted by two able and competent officers would be able to do its business as quickly and as quietly as possible without attracting public attention or without provoking demonstrations than a Commission of three or five members. But the Governor of Assam, Vishnu Sahay and Chaliha were of the opinion that a three-man Commission would be better. They suggested that two members of the Commission should be non-officials. Eventually, Pandit Nehru had to agree that the Commission should consist of three members.

Again, there was a difference of opinion regarding the question of the choice of the Chairman of the Commission. The Prime Minister suggested that C.P.N. Singh, the former Governor of Punjab should be the Chairman. But Chaliha did not agree with the Prime Minister. When the Prime Minister insisted on the appointment of C.P.N. Singh, Chaliha suggested that H.V. Pataskar should be the Chairman. But the APHLC remained silent on this question. It appears that Chaliha was guided by the motive that since Pataskar was a Congressman and pliable, he would be able to scuttle the Hill State Plan. In this controversy also, Chaliha was successful in getting the Prime Minister agree to the appointment of H.V. Pataskar as the Chairman of the Commission.
Pandit Nehru died on 27th May 1964 before he could finalise the appointment of a Commission. The appointment of a Commission was delayed for many months. Hence the APHLC had to send a delegation to meet Prime Minister Lal Bahadur Shastri to discuss about the matter. The APHLC delegation met the Prime Minister in New Delhi on 11th December 1964. The delegation requested the Prime Minister to take immediate steps for the appointment of the Commission to implement the assurances given to the APHLC by Prime Minister Nehru. The delegation also enquired about the probable date of the appointment of the Commission. The Prime Minister said that he hoped to be able to appoint the Commission probably by January 1965. He further said that the appointment of H.V. Pataskar as Chairman was being considered after his retirement from the post that he was holding. The APHLC delegation did not say anything whether they agreed or disagreed with the appointment of Pataskar as the Chairman. On the other hand, the delegation suggested that the Members of the Commission should be those who were sympathetic to the Hill people. The Prime Minister replied that the Members should be those who would be completely objective. The delegation also agreed that while they would certainly be objective, they should also be those who knew something of the background and who could approach the problem with imaginative sympathy.

The Commission was not appointed in January 1965. It was only on 16th March 1965 that the Commission was appointed with H.V. Pataskar as Chairman and with C.S. Venkatachar and C.S. Rau as members. However, C.S. Venkatachar declined to serve as a member of the Commission on grounds of health. Hence on 12th April 1965 Shankar Prasad was appointed in his place. The terms of reference required that the Commission should recommend a detailed scheme for reorganizing the administrative set-up of the hill areas having
regard to the main objectives of conferring full autonomy on the hill areas, subject to the preservation of the unity of the State of Assam. Further, the Commission should bear in mind that certain common institutions should be continued: a common legislature, a common Cabinet based on the principle of collective responsibility to the State Assembly, a common High Court, a common Governor, and a common civil service. Otherwise, the Commission was free to recommend "the administrative, financial and legal measures necessary for giving effect to" the proposed reorganization. The Commission should also consider whether it was necessary to recommend changes in the powers and functions of the District and Regional Councils constituted under the Sixth Schedule of the Constitution, whether it was necessary to increase the number of representatives from the Hill areas to the State Assembly and to Parliament as was assured by the Prime Minister, and if so, to recommend the manner in which such representation would have to be worked out.

The members of the Commission assumed their respective offices between 8th April and 28th April 1965. By the last week of April, letters had been sent out to the Government of Assam, to the District and Regional Councils, to the members of Parliament from Assam, to the members of the Assam Legislative Assembly, and to some local organizations requesting them to send memoranda of their views and suggestions on this matter. By 25th May 1965, the Commission received 75 memoranda in all, the Commission visited Assam on 29th May 1965

and spent 19 days in the State. In all, the Commission held 27 sittings. It visited all the hill districts and held discussions with the representatives and officers of the State Government, representatives of the District and Regional Councils, political parties, local organisations and individuals. But the Mizo District Council and the Mizo Union which controlled the District Council informed the Commission that they wanted to discuss with it only the question of the creation of a separate State of Mizoram. But the Commission informed them that the question raised by them was outside the scope of the enquiry. Hence, when the members of the Commission visited Aizawl, the offices of the District Council, Mizo Hills were closed.

Proposals of the Government of Assam: The Government of Assam in its memorandum submitted to the Pataskar Commission suggested a number of changes in the original proposals offered by Pandit Nehru. First, the Government of Assam agreed that the M.L.A.s. of the Autonomous Districts including an M.L.A. representing the Shillong constituency should form the Regional Committee with powers to initiate legislative proposals. But when the Assam Assembly would refer any legislations affecting the Hill areas, it should have only advisory powers. In case of a disagreement between the Regional Committee and the State Legislature, the decision of the latter should be final. Difference of views should not be referred to another authority outside the State Legislature for adjudication. The Government of Assam pointed out that if reference of any difference to a third party as suggested by the Prime Minister be accepted, then it would only pave the way for disruptive and fissiparous tendencies. It would diminish the competence of the State Assembly and it would go against the very concept of a common legislature for the whole State.
Secondly, insofar as the choice of a Cabinet Minister, a Minister of State and Deputy Ministers for the Hill areas was concerned, the Government of Assam was of the strong opinion that the Chief Minister should have complete discretion. He might take into account the views of the Hill M.L.As, but he should have complete freedom in the choice of such members of the Ministry.

Thirdly, the Government of Assam dismissed the idea of creating a separate Hill Wing in the Secretariat. Instead, the State Government suggested that there should be a department for the Hill Areas to be placed in charge of a Cabinet Minister. This department would have the power to deal with matters relating to the District and Regional Councils and with all development programmes of the Hill Areas. It should be responsible for the overall control and supervision over all development programmes in the Hill Areas. Further, all schemes and proposals for the development of the hill areas would be finalised in consultation with the Minister in charge of the Hill Areas. In other words, the Government of Assam was in favour of a little expansion of the works done so far by the existing Tribal Areas Department.

Fourthly the Government of Assam agreed with the original proposal of Pandit Nehru that there should be an "Area Budget" for the hill areas which should show all income and expenditure of the hill areas including expenditure for development programmes separately. The State Government also agreed that the hill Areas Department should have its own Financial Adviser to examine and sanction schemes to be executed in the hill areas.

Fifthly, it should be the responsibility of the heads of departments to initiate proposals for the hill areas on subjects with which they were concerned, and these proposals should be
submitted to the Hill Areas Department. These proposals would be finalised with the approval of the Minister for the Hill Areas. Further, for accelerating the progress of development in the hill areas, each department should be strengthened with the addition of joint and additional directors.

Sixthly, the Government of Assam also suggested that the District and Regional Councils might be entrusted with more functions such as agriculture including minor irrigation, soil conservation, animal husbandry, dairy farming, fisheries, development, co-operation, small scale and cottage industries, rural water supply, sericulture and weaving, community projects, medical, and management of unclassed forests. The State Government also suggested that the Secretary of the Executive Committee should be an experienced officer to be given on lien by the State Government.

Seventhly, the State Government rebutted some of the accusations made against it. It was alleged that the Tribal people were not associated with the preparation of the plans and administration. The State Government in its reply said that the representatives of the hill people were always associated with the administration in a number of ways. The schemes were always finalised in consultation with these representatives in order to meet the needs and aspirations of the hill people. Even at the sub-divisional and district levels, the tribal leaders were consulted in the preparation of the development programmes.

Further, the Government of Assam pointed out that in 1958, the Government constituted an Advisory Council which could initiate development schemes. This council consisted of members of the State Legislature and M.Ps. from the Hill Areas, the Chief Executive Members of the District and Regional Councils, the Development Commissioner, the Commissioner of the Hills Division and the
Secretary of the Tribal Areas Department. The Minister for Tribal Areas Department was its Chairman whereas the Vice-Chairman was elected by the members from among M.L.As. representing the autonomous Hill districts. This council advised the Government on all matters pertaining to the Tribal Areas. It had the power to assess the requirements of the Scheduled Tribes in the autonomous districts, it could formulate the welfare schemes for the development of the autonomous districts. It had the power to review the execution of the schemes sanctioned from time to time and to advise the Government on the working of the autonomous district councils.

The views of the APHLC: The APHLC and its constituent units like the Eastern India Tribal Union, the Garo National Council, the United KarBi Council, the Kalia National Council, the Jaintia Durbar and other units based their arguments on the preamble of Prime Minister Nehru's assurances that "The objective to be kept in view is full autonomy for the Hill Districts subject to the preservation of the unity of the State of Assam". The APHLC pointed out that "the preservation of the unity of the State of Assam can be achieved only if the details of the administrative set-up to be worked out help, as observed by the Prime Minister himself, the removal of controversy between the people of Assam Valley and the Hill Areas and provide full opportunity to the hill people to run their own administration without being directly or indirectly dominated by others".

The APHLC argued that it had decided to give a "fair trial" to the Nehru Plan on the understanding that the Hill people should get full internal autonomy. The contention of the APHLC was that, according to the Prime Minister, preservation of the unity of Assam was equated with the institutions of a 'common Governor, a common
High Court and a common Assembly. The concept of autonomy therefore was that subject to the maintenance of such common institutions, the hill people should have complete authority to run their own administration separately without being directly or indirectly dominated by others. But the Commission observed: "It accordingly proposed a scheme which implied a virtual creation of a separate State, for the Hill Areas with only a notional super-structure remaining common with the rest of Assam". However, the Commission failed to realise the fact that the APHLC accepted the Nehru Plan as an alternative to a separate Hill State on the basis of the assurances given by the Prime Minister that the hill people should be given ninety-nine percent internal autonomy. The only one percent would mean such a super-structure at the top.

The APHLC agreed that the Hill M.L.As. should constitute a Regional Committee in the State Legislature. The APHLC urged that in case of disagreements between the State Legislature and the Regional Committee, the will of the Regional Committee should prevail. This contention would virtually mean the creation of a separate Assembly within a bigger Assembly.

Regarding the appointment of the Hill Ministers, the APHLC argued that according to the scheme proposed to them, the Chief Minister was required to accept the recommendation of the members of the Regional Committee. The APHLC suggested that these recommendations should be conveyed to the Chief Minister in the form of a resolution passed by a majority of the members of the Regional Committee. Besides sharing with their Cabinet Colleagues joint and collective responsibility to the State Assembly, the hill Ministers should be responsible to the Regional Committee as well. This would mean the creation of another small Cabinet within a State Cabinet.

Insofar as the division of subjects and the working of the
Hill Wing of the Secretariat were concerned, the APHLC made the following suggestions:

First, the Hill Areas Administration should be given full charge of the subjects enumerated in List II and List III of the Seventh Schedule to the Constitution.

Secondly, Secretariat assistance to the administration should be provided by a separate wing of the Assam Secretariat with full complement of Secretaries and other staff.

Thirdly, one of the Secretaries should be nominated by the Hill Minister to co-ordinate the works of the different departments.

These suggestions imply the creation of a parallel Secretariat for the hill administration in-charge of all subjects in the State and concurrent lists of the Seventh Schedule to the Constitution.

Further, the APHLC proposed that the Hill Administration should prepare its own budget which should be approved by the Regional Committee before being placed before the State Assembly. The Hill Administration should exercise full control over expenditure with the help of its own Financial Adviser.

Lastly, the APHLC suggested suitable amendments to the Sixth Schedule in order to increase the powers and functions of the District Councils as well as to remove a number of inadequacies.

The APHLC both in its first memorandum and in its supplementary memoranda submitted to the Pataskar Commission narrated the misdeeds of the Government of Assam thus:

First, practically no development programme was undertaken in the hill Districts by the State Government under the General sector of the plan during the period of the first two Plans; whatever development schemes were undertaken were out of grants received
from the Government of India under Article 275 of the Constitution.

Secondly, the State Government used funds under Article 275 not to supplement development programmes but to replace funds which they would have normally spent on the development of the hill areas.

Thirdly, funds earmarked for the Hill Areas were sometimes used for the benefit of the plains, and even grants given by the Central Government under Article 275 were often diverted for other purposes; three specific instances were cited: (i) the construction of the Kamakhya temple road, (ii) the construction of a lake in the Gauhati University Campus, and (iii) setting up of a shellac factory at Chaparmuk.

Fourthly, the Government of Assam was trying to impose the Assamese language and culture on the Hill people.

Lastly, there was no progress in the social condition of the people of the Hill areas.

Let us now examine the correctness or otherwise of the accusations labelled by the AFHLC against the Government of Assam. First of all let us make a comparative study of the revenue and expenditure position of the Hills and plains during the financial year 1964-65. On the revenue side the Hills contributed only 1.59 percent whereas the plains contributed 98.41 percent of the general fund of the State. The per capita expenditure of the plains was Rs.39.06. On the expenditure side, the Government spent 85.73 percent for the plains and 14.27 percent for the Hill areas. The per capita expenditure was Rs.55.59 in the plains and 64.69 in the Hills. Thus the accusation made by the AFHLC that no allotment was made from the State funds for development schemes in the Hill Areas was not wholly correct.

The Government of Assam pointed out that members of the
Scheduled Tribes were given preferential treatment in matters of contracts, leasing of forests etc. But, in regular practice, works were settled to non-tribals. Even in case of tribals being given such works, they were generally those people who were expected to fight against hill State, and such settlements were merely benami transactions.

On the other hand, it was true that agriculture made a little headway during the two five year plan periods. But such improvement was made through centrally sponsored schemes. It was also true that the Hill areas had made little headway in the field of cottage industries, sericulture and weaving.

The accusation made by the APHLC that the Government of Assam constructed the Kamakhya Temple Road and the lake in the Gauhati University campus out of the funds allotted under Article 275 was baseless. But the Government of Assam admitted that the shellac factory at Chaparmuk was built out of the Article 275 funds.

The Government of Assam depicted a rosy picture of the progress of education in the Hill areas. It was stated that the number of scholarships was increased considerably from the first Five Year Plan period to the second Five Year Plan, the number of all categories of schools were multiplied by leaps and bounds, that the number of school going children was also multiplying. But the Government of Assam forgot the fact that scholarships for students belonging to Scheduled Tribes were given by the Central Government. It forgot the fact that the increase in the number of schools was mainly due to the self-efforts of the villagers, the churches and missions. It remained silent on the number of Government M.E.Schools and High Schools because the number was insignificant compared to the number of private schools. It did not say anything that in the Hill areas
There was no Government college, no professional college and no University.

In the field of Health, the Government of Assam admitted that the increase in the number of hospitals and dispensaries was due to the availability of funds under Article 275. So was the case with water supply schemes.

It was true that some brilliant tribal students who could not qualify in the State services examination were successful in the Central services examinations, yet it was also true that the Government of Assam reserved 12½ percent of the vacancies for members of the Scheduled Tribes.

It must be observed here that the State Government had not made any sincere effort to restore the economy of many Hill districts which had suffered terrible shock after the partition of the country in 1947. There was no serious effort to improve the means of communication so as to enable the people living in the border areas to find alternative markets for their perishable produces in some other parts of the country.

It is also to be noted that the grants given to the Hill districts of Assam under Article 275 of the Constitution were less than those given to the neighbouring Hill areas. The average per capita expenditure out of the grants received under Article 275 from the year 1960-61 to 1964-65 was Rs.76.81 for Tripura, Rs.65.46 for Manipur, Rs.141.00 for Nagaland, Rs.360.70 for NEFA and Rs.54.87 for the Hill District of Assam. The Hill people of Assam, therefore, had reason to blame the attitude of the State Government that it was indifferent towards the needs of the Hill people.

Lastly, the Hill people had a strong ground to plead for separation of the Hills from Assam and that was the language issue.

Despite the fact that the District Councils were at liberty to
determine the language for the district, there was no answer that the hill people would not suffer at the State level.

Proposals of other organisations: It is not necessary to examine the proposals of the other political parties, organisations and individuals because the points raised by them were covered either by the proposals of the Government of Assam or by the proposals of the APHLC. But there were some points which were advanced by them which needed to be pin-pointed.

First, the Garos living in the districts of Kamrup and Goalpara demanded that their areas should be included in the Garo Hills Districts since those areas were geographically contiguous to the Garo Hills.

Secondly, the Khasi Durbar which was formed on the eve of the visit of the Pataskar Commission and which disappeared immediately after the Commission left Shillong said that it accepted the Nehru Plan. It suggested certain reforms to maintain the rights and status of the Khasi Chiefs. It urged upon the Commission that the District Council should be abolished in the Khasi Hills and it should be substituted by a Corporate Body where the people of Jaintia Hills should be excluded. It suggested that the Corporate Body should be entrusted with enough powers and functions and that no law passed by the State Legislature could be enforced in the Khasi Hills without the consent of the Corporate Body. The Corporate Body might make any proposal for legislation to the State Assembly. In case of difference of opinion between the two, the matter should be referred to the Governor.

Thirdly, the Karbi-A Durbar made similar suggestions like the APHLC. But it suggested that there should be a Development
Council in each district with power to reappropriate the funds from one scheme to another. This council should have an Executive Committee consisting of the members of the Executive Committee of the District Council and the Deputy Commissioner for the implementation of the decisions made by the District Development Council. It also suggested that sales tax and commercial taxes collected by the Government should be handed over to the District Council. The Durbar assured that provisions should be made for the protection of other linguistic and cultural minorities.

Recommendations of the Commission: After studying the various views expressed before the Commission in its 32 internal meetings the Pataaskar Commission made the following recommendations:

1. In the appointment of a Minister for the Hill areas and such other Ministers of State and Deputy Ministers as might be necessary, the Chief Minister should have unfettered discretion. He might consult the M.L.As. from the Hill Areas. The Ministers for the Hill areas should be jointly and collectively responsible with the whole Ministry to the State Assembly but they should not be responsible to the Hill Areas Committee. The Hill Ministers would have a reorganised department of the Hill Areas which would deal with all matters concerning the District Councils, supervision over the developmental programmes and other allied matters. This Department would function as an integral part of the Secretariat of the State Government.

2. The Commission recommended that a Standing Committee consisting of the M.L.As. of the Hill Areas would be constituted to which all proposals for legislation concerning the hill areas would be referred to by the State Assembly. The Governor was authorised to issue a certificate whether a particular bill was
concerned with the Hill Areas or not. Normally, the State Assembly should accept the recommendation of the Committee. But in case there was a difference of opinion, the Speaker of the State Assembly should refer the matter to the Governor for his decision in his own discretion. The Governor should convey his decision in the form of message to the Assembly. On being reported to the House by the Speaker, the Governor's decision should be deemed to be the decision of the Assembly itself.

3. The Commission said that there was an urgent need for further improvement and that the Hill Areas should be given exceptional treatment. It suggested that there should be adequate provision for financing the development programmes in the Hill Areas and the Central Government should consider this question and that the total development expenditure in the Hill Areas of Assam should be at least of the same order as in the neighbouring Nagaland, Manipur or Tripura. It also suggested that a high powered body should be constituted which should be known as the Hill Areas Development Council with the Chief Minister of Assam as Chairman. The other members would be the hill areas minister, the finance Minister, all M.P.s and M.L.As. from the Hill Districts, all Chief Executive Members of the District Councils, and not more than three members representing special interests in the hill areas to be nominated by the Government. The main duty of the Council should be to advise the Government for the development of the hill areas with particular reference to the welfare and advancement of the tribal people.

4. The form of the State budget should suitably be modified so as to include a new "Area Budget " in order to show allocations for the hill Districts in respect of subjects transferred to the
Department of hill areas. In respect of "non-transferred subjects" also, the budget allocations for the hill districts should be shown separately. For the convenience of the Assembly, a supplement statement giving at one place the total receipt and expenditure on the hill districts in respect of both transferred and non-transferred subjects should be prepared and presented to the Assembly along with other Budget documents. The Commission further suggested that it was desirable to treat Article 275 grants as special allocations earmarked for the tribal areas. The Hill areas committee should be given an opportunity to express its views only on that part of the Budget which related to the Hill areas.

5. The Commission did not think it advisable to widen the legislative authority of the District Councils. It, however, recommended that the administrative and executive functions of the district councils should be widened so that they might be associated with the development programmes relating to the transferred subjects. The Commission also recommended that the administrative machinery of the District Councils should be strengthened.

Further, the Commission recommended that the amount of grant-in-aid to the District Councils should be increased so that they might be able to spend more on development works. The Commission thought that increase in the powers of taxation of the district councils would not improve their finances.

The Commission strongly recommended the appointment of a Commissioner for the Hill Areas who would act as a link between the District Councils and the State Government. He would supervise and guide the working of the district councils and also the heads of the joint additional heads of the Development Departments.

Again, to ensure proper accounting of the financial transac-
tions of the District Councils, the Commission recommended that the accounts of the District Councils should be audited by the Accountant-General whose report should be placed before the State Legislature. The audited report should be examined by the Public Accounts Committee of the State Legislature. Such report should also be placed before the District Council concerned. The Hill Areas Department through the Commissioner of the Hill Areas should keep a close watch on the State of finances and accounts of the District Councils.

6. Besides the Hill Areas Development Council, the Commission recommended the establishment of the District Development Council in each autonomous district with the Deputy Commissioner as its Chairman and the Chief Executive Member as its Vice-Chairman and all MPs and MLAs from that district as members.

7. Since the Sixth Schedule did not fix the life of the district councils, the Commission recommended that the term of the District Councils should be fixed at five years. However, the Governor might extend the term of any district Council by six months at a time and not more than two years in all. The Commission recommended for the retention of nominated elements in the District Councils. It suggested that not more than four seats should be reserved for nomination in each district council. While nominating the members, the Governor need not be guided by the advice of the District Councils. Elections to the District Councils should be conducted by the Governor. For this purpose, the Governor should set up the District Councils Delimitation Committee which should be responsible for the delimitation of constituencies. Such a Committee should be headed by an Officer not below the rank of a district judge. Further, the Commission suggested that a non-tribal
who had resided in an autonomous District for two years should have the right to vote.

8. The Commission recommended that the administration of forests in the hill areas should vest in the Minister for Hill Areas who should be assisted by an Advisory Committee consisting of all the Chief Executive Members of the Autonomous District Councils.

9. The Commission also suggested the setting-up of subordinate village panchayats for the implementation of the development programmes.

10. The Commission suggested that Shillong and the adjoining areas of ten miles radius should be excluded from the Khasi Hills Autonomous District.

11. The Commission said that each district council was free to decide upon any language it wanted to adopt for official purposes.

12. The Commission recommended that the Regional Councils should be abolished and any provision for the setting up of regional committees should be deleted.

13. The Commission recommended that the Governor should have the power to annul or suspend any Act or Resolution of the District Council which would be prejudicial to public order. Further when the Governor was satisfied that a situation had arisen in which the administration of any district council could not be carried on in accordance with the provisions of the Sixth Schedule and the rules framed thereunder, he might assume upon himself all or any of the functions of such district council. The Governor should lay his order before the district council in session. Furthermore, the assent of the Governor should be obtained for all taxation laws passed by the District Councils.
14. The Commission suggested for the early framing of the regulation by the district council to control Jhum cultivation.

15. Lastly, the Commission suggested that regulations relating to money lending framed by the District Councils should be common to all, tribals and non-tribals without distinctions.

Observation on the Report of the Patakar Commission: A close examination of the Patakar Commission Report would lead any person to believe that the Commission made the recommendations with a prejudiced mind. On a number of points, it overlooked the assurances made by the Prime Minister to the APHLC. It did not consider all the points of discussion between the Prime Minister and the APHLC. On the other hand, it relied more on the basis of the Scottish Pattern Plan than on the principles of the Nehru Plan. Let us now examine the most controversial recommendations.

First, the main point of discussion between the APHLC and the Prime Minister was that in a highly important matter of development, the hill people should have full authority and complete control over expenditures. The Prime Minister assured that he would like the representatives of the Hill areas to discuss directly with the Planning Commission regarding the development plans. He also assured that he would welcome the representatives of the hill areas to attend the meetings of the National Development Council in Delhi. Unfortunately, the Patakar Commission did not consider this very important issue.

Secondly, the Commission said that in case of difference of opinion between the Regional Committee and the State Assembly, the decision of the Governor thereon would be deemed to be the decision of the Assembly. This recommendation would naturally take away the sovereignty of the State Legislature. In fact, there were some other
alternative arrangements that the Commission might propose. It would have been better if the Commission had recommended that in such an event, the Speaker might refer the matter to a joint Committee composing of equal number of representatives from the Regional Committee and the State Assembly for resolving the differences. If the Joint Committee should fail to resolve the differences of opinion, either the matter should be submitted to the State Assembly for reconsideration or it might be referred to the Governor who, as Pandit Nehru wanted, would decide in his discretion after ascertaining the views of the President.

Again, the Prime Minister wanted that the basic idea of partnership between the hills and the plains should be guided by conventions. The Commission did not touch the question of the role of convention in parliamentary democracy. The Commission should have recommended that when the Chief Minister came from the plains, the Deputy Chief Minister should come from the Hills and vice versa. The Commission should not have specified the number of Ministers to be appointed for the hill areas. It is obvious that the number of subjects involved and the areas to be covered were extensive enough that there was justification for the appointment of more than one cabinet Ministers for the Hill areas.

In fact, the Commission had also overlooked the fact that it would be desirable to have a Cabinet Committee for the hill areas. Again, the Commission did not realise the necessity of establishing a sound convention regarding the choice of Ministers from the Hill areas. In fact, due to the fundamental differences that existed among the different hill district, it was necessary to have one Cabinet Minister from each autonomous districts. Even the APHLC would have welcomed such proposal because it would fall
in line with its concept of the formation of the Cabinet in the proposed Hill State which it had fought for so long.

Thirdly, the list of subjects proposed to be transferred was not satisfactory. The subjects mentioned were based on the offer of the Prime Minister of the so-called Scottish Pattern Plan and not based on the outlines of the Nehru Plan. Electricity schemes not executed by the State Electricity Board, roads, public undertaking, and transport not run by the State Transport Corporation should have been transferred to the Hill Areas Department. It appears that both the Assam Government and the Commission were not in favour that subjects like Home, political and law and order should ever be handled by any Hill Minister. This suspicious attitude made the hill people feel insulted. In fact, in such subjects, a convention might be created that when a Hill Minister from the Hill Areas was in charge of such subjects, he would be assisted by a junior Minister from the plains and vice versa. Such convention might have brought about a feeling of brotherhood, mutual respect and confidence between the people of the hill areas and the people of the plains.

Again, the Commission should have made a recommendation that the Commissioner of the Hill areas should also be a Development Commissioner for the Hill Areas as well as a Divisional Commissioner. But the Commission did not say so.

Furthermore, the Commission remained silent as to who should be the Secretary of the Hill Development Council. The Commission should have recommended that the Secretary of the Hill Areas Department should be a senior officer who should also function as the Secretary of the Planning Board as well as the Development Council of the Hill Areas.
The concept of autonomy for the Hill Areas was also falsified by the recommendation of the Commission that the Chief Minister of Assam should be the Chairman of the Hill Area Development Council. The Hill people would have become more satisfied if the Commission would have recommended that the Minister for the Hill areas should be the Chairman of the Council. The Commission should also have recommended that the Planning Board for the Hill Areas might include the Chief Minister, the Deputy Chief Minister, the Members of the Cabinet from the Hill Areas and the Chief Executive Members of the District Councils.

The most damaging recommendation which offended the Hill people especially the APHLC leaders was the proposal that Shillong and its Suburbs should be excluded from the autonomous district of Khasi Hills.

Lastly, the recommendation which suggested the abolition of Regional Councils also went against the whole root of separate identity of the different Hill tribes.

The Government of Assam and the Assam Pradesh Congress Committee accepted the major portions of the recommendations of the Pataskar Commission.

On the other hand, the APHLC in its 14th Session held at Tura from 19th to 21st May 1966 decided to reject the recommendations of the Pataskar Commission outright. The APHLC stated that the Commission adopted a partisan attitude in favour of the State Government's proposals; that most of the recommendations fell short of the plan of full autonomy outlined by Pandit Nehru, that the Commission based
its arguments merely on the information supplied by the State Government and so on. The 14th session of the AFHLC, therefore, demanded the creation of the North-Eastern Frontier State as outlined by the Haflong Conference. It felt that the Nehru Plan was no longer adequate to meet the situation that had taken place in the Hill areas. Finally, it directed the Council of Action to take necessary steps for the immediate launching of a non-violent direct action not later than the end of June 1966.