CHAPTER-VI
CONCLUSION

Rabha is one of the nine Scheduled Tribes in the plains district of Assam. They are widely scattered but mostly concentrated in the district of Goalpara, Kamrup and Darrang. Besides Assam, Rabhas are also distributed in the Meghalaya, West Bengal, Bangladesh and Nepal. As per 1991 census, the total population of the Rabhas are 2,36,931, where 1,20,139 is male and 1,16,792 is female and the literacy rate for male 47.36% and for female it has been recorded as 31.19%.

Most of the Rabhas are well conversant with Assamese and Bengali. By and large they use the Assamese script. According to Hondson Rabha constitute a major segment of the Bodo linguistic group, who belonged to the Mongoloid stock.

According to Rev. Endle this tribe has seven ‘Sub-Tribes’ such as ‘Rangdaniya’, ‘Maitoriya’, ‘Pati’, ‘Koch’, ‘Bitiya’, ‘Dahuriya’ and ‘Sangha’. Of the Seven Sub-Tribes, the Rangdaniya, Pati and the Maitoriya were described to be the dominant ones.

Social Life and Institution:

The basic structure of the Rabha tribe is governed by the ethnological ideas contained in the customary laws. These customary
laws have been framed by the village people on the basis of customs, usages, traditions and religious beliefs, covering such subjects like judicial power of the society, mode of inheritance, succession to office of socio-religious nature, type of marriage etc.

**Movement for Ethnic Autonomy in Assam**

The discord among groups defined by their ethnicity or race claiming redrawing the politico-administrative map has become a very prominent and sensitive issue in today’s Assam. When demands are made with racial and ethnic ties for Autonomy the dilemmas of democratic governance are posed most starkly. It is more true in Assam because of its social and cultural diversities. In Assam, excluding the Autonomous districts, there are nine Scheduled Tribes-

Barmasi in Cachar: Boro, Boro-Kachari; Deori; Hojai, Kachari Sonowal: Lalung (Tiwa); Mech; Miri (Mishing); and Rabha. In the Autonomous districts of Assam there are fourteen main scheduled Tribes and sixteen main Scheduled castes.

The Boro, Tiwa, Mishing, Rabha Hasong etc. of plains districts of Assam launched Movement and involved actively in the process of Collective Bargaining for Autonomy resulting signing of Accords and passing of legislation by the Governments towards that end.
The end of Freedom movement in India from foreign bondage ushered a new era to country but it could not put an end to the process of ethnic assertion in North East India particularly in Assam. In the Constituent Assembly series of debates took place amongst the members for identifying a best way to solve the problems of hill people of the state. Beginning with the creation of Autonomous District Council for administration of hill areas of North east India under Sixth Schedule to the Constitution till date Assam politics is conditioned by this problem of Autonomy for Ethnic Groups. Today it has come down from hills to the plains districts of the state.

The scheduled tribes constitute a notable part of the population of Assam and is a basic factor for politico-Administrative changes in the state. During the British rule the hill districts of Assam were administered as Excluded and Partially Excluded Areas. The administration was more or less of patriarchial in nature and was vested in the Deputy Commissioner under the control of the Governor. After the Government of India Act 1935 was passed, the Jawai Sub-division and some other areas of the Khasi and Jaintia hills districts known as British Sirdarship together with the Garo hills and the Mikir hills tracts or Nogaon and Sibsagar districts were constituted into what
were known as partially Excluded Areas enabling them to send five
elected representatives to the provincial legislature.

While framing the Constitution of India a Sub-Committee of the
Constituent Assembly under the Chairperson of Gopinath Bordoloi
was formed to examine the position of the hill areas of Assam. The
Sub-Committee recommended the constitution of District Councils in
all the hill districts of the state. The recommendations of the Bordoloi
Committee were incorporated in the Sixth Schedule to the Constitution
of India. The philosophy behind Sixth Schedule was to safeguard and
conservate their way of life and to make it possible for them to
participate in the political life and administrative of the state.

The Autonomous District councils started functioning in the
erstwhile United Khasi and Jaintia Hills, the Mizo Hills, the Garo Hills
and the United Mikir and North Cachar Hills except the Naga Hills.
The Naga Leaders boycotted not only the elections to the district
councils under the Sixth Schedule but also the general elections of
1952 to Assam Legislative Assembly and Parliament. This was the
turning point of the political history of the state and sowed the seed of
ethnic assertion creating the chain of dissensions amongst different
ethnic groups affecting seriously the unity and integrity of the nation,
constraining very heavily the political process of the State and women in
the State. However, the factors like the process of development, world's socio-political scenario, dysfunctions of the socializing agencies' impact of science and technology etc. can never be denied for such a situation in the State.

The Sixth Schedule of the Constitution of India recognizes certain areas of the Country as "Tribal Area" and provides for constitution of Autonomous District Council and Autonomous Regional Council.

No Autonomous Regional Council has so far been created although the provision exists in the Sixth Schedule.

The Autonomous Councils under Sixth Schedule have legislative power in the fields of land, forest, shifting cultivation, irrigation, town and village administration and social customs like marriage and divorces, inheritance of property etc.

The Autonomous Councils have executed powers in the following subjects:

- Primary education, dispensaries, markets, roads, cattle pounds, ferries, fisheries, road transport and waterways.
- Assessment and collection of land revenue.
- Levy and collection of some other taxes like those relating to profession, trades, vehicle, as well as tolls.
- Taxes for maintenance of schools, dispensaries, roads
- Share of royalties accruing from license and lease of minerals.
- Regulation and control of money lending and trading

Being notified Tribal area, all the MLA & MP constituencies in these Autonomous Council areas are reserved for ST. But, in the case of Autonomous Council, there is no such reservation of seats.

However, the Sixth Schedule has been considerably amended in case of ETC to protect the rights and interests of the non-tribals there. Some of the amendments made to Sixth Schedule for creation of BTC area as follows –

- Safeguard for the settlement rights, transfer and inheritance of property etc. of non-tribal
- In council area, language and medium of instruction in educational institutions will not be changed without approval of the State Government.
- Power to assess and collect land revenue and impose taxes shall be applicable to council.
- In the event, Panchayat Raj system ceases to be in force in the Council area, the powers of the Panchayati Raj Institutions in such matters shall be vested with the Council.
The amendments to the Sixth Schedule shall include provisions in such a manner that non-tribals are not disadvantaged for council and their rights and privileges including land rights are fully protected.

The Sixth Schedule provides for creation of Autonomous District Council and Autonomous Regional Council. But the concept of Autonomous Regional Council has not been applied to any tribe or tribal area. The scope remains open for experimentation and exploration. Further, the Bhuria Committee examined the possibility of providing Autonomous Council at Sub-District level and made the following recommendation:

- "We know of certain districts which are not tribal majority districts, in the sense that schedule tribal population do not constitute more than 50% of the total population of the district. But the STs are concentrated in a part or parts of the district, say in some blocks or a sub-division or sub-divisions. If the tribal population in these units is substantial in absolute terms, there is no reason why analogous arrangement should not be ushered in such areas. Councils to be formed for such areas could be termed as autonomous Sub District Councils (ASDC)."
There is growing popularity for the Sixth Schedule form of Autonomy in other parts of India too as indicated in the report of the Bhuria Committee: “Following from the rationale of the two constitutional amendments and drawing sustenance from the Fifth Schedule, a general view has emerged among the tribal leaders, representatives and experts that even for the vast Central Indian tribal heartland, with certain changes, the overall design of the Sixth Schedule could serve as a relevant reference frame...”.

A Constitutional Impasse and its Solution

The Bodoland Autonomous Council came into existence in 1993 as a result of Bodoland Autonomous Council Act 1993. The other three Councils have been constituted in 1995 consequent on the passage of Rabha Fasong Autonomous Council Act 1995, the Lalung (Tiwa) autonomous Council Act 1995 and the Mishing Autonomous Council Act 1993, all the four Councils have interim nominated Council members. Elections to these bodies have yet to take place. In the meantime, as a result of the passage of Seventy-third Constitutional Amendment Act 1992 elected panchyats have come into being even in tribal areas in Assam and their jurisdiction has been notified. The Gaon Panchayts have been functioning and have been collecting taxes.
etc. The States four legislations, mentioned above confer on the Councils powers similar to those exercisable by the Panchayats under the Assam Panchayat Act 1992. Thus, an anomalous and plaquant situation has emerged on account of self-management duality on the ground.

To deal with the matter, the Govt. of Assam had constituted a Committee of its officers which submitted its report in August 1995. It recommended that the Govt. of India be requested to exempt the operation of Part X of the Constitution in Bodoland Autonomous Council area and, for the purpose, the Constitution should be amended. The recommendation was made on the analogy of exemption of the Gorkhaland Autonomous Council in West Bengal from the purview of part IX. as per Article 243 (3) of the Constitution.

Article 243 rules out automatic application of provisions of Part IX of the Constitution (brought into effect by the Seventy-third Constitutional Amendment Act 1992) to the Scheduled Areas (areas under the Fifth Schedule) and Tribal Areas (of the Sixth Schedule). Article 243M(4)(b) provides that for the Schedule Areas and Tribal Areas, Parliament may extend the provisions of Article 243 A to Article 243 L with such Exceptions and modifications that it feels necessary and any such law shall not be deemed to be an amendment
of the Constitution in terms of the provisions of Article 368 of the Constitution. The Government of India appointed a Committee of M.Ps and Experts to make recommendations on law concerning extension of the provisions of the Constitution (Seventy-third Amendment) Act 1992 to Scheduled Areas. This Committee called the Bhuria Committee, made its recommendations in a report which was submitted to the prime Minister in February 1995. The sole member of the present Committee was a member of that Committee and was largely responsible for drafting its report. A copy thereof is available of Annexure IX. The report to be processed by the Government for placing before the parliament draft legislation for Scheduled Areas and Tribal Areas in accordance with Article 243(M) (b). The four Councils areas have been scheduled neither under the Fifth nor under the Sixth Schedule. As such, any law passed by the Parliament under Article 243 M (4) (b) will not, ipso facto, become applicable to the four councils areas.

Under the circumstances, the first requirement is to get the four Council areas (and, if necessary, other tribal areas in Assam) scheduled under the Fifth Schedule of the Constitution. This does not require amendment of the Constitution. The Government of India in the Ministry of Welfare can process the case for the purpose. The
Committee addressed the Govt. of India in the Ministry of Welfare as to whether its understanding of the situation as set out is correct in the discussion between the committee on the application of third amendment at Welfare Ministry of Welfare after they have confirmed that any area in the country can be scheduled under the Fifth Schedule of the Constitution through issue of a notification in the name of the President after following the prescribed procedure. This would imply that the State Government will have to make proposals with complete area and demographic details to the Ministry of Welfare on the basis of which the latter may might process the matter for issue of the requisite notification. Once the four Council areas have been Scheduled, they will attract the provisions of Article 243(M) (b) and, as such, the law specifically passed by the parliament will apply to them.

A persistent question was raised as to the prosperity and even feasibility of co-existence of Gaon Panchayats, Village Councils and Apex Councils. The Councillors wanted abolition of Gaon Panchayats. As has been observed elsewhere, there is considerable overlap in the statutory functions assigned to the Gaon Panchayats on the one hand and the other two types of Councils on the other. The overlap surfaces prominently in the matter of power conferred on these institutions for collection of taxes, tools, fees etc. For instance, should the Gaon
Panchayats proceed under the Assam Panchayat Act 1992 and the Village Councils proceed under the four Council Acts 1995-1992 to make collection of taxes etc. simultaneously, conflict situation will be inevitable. It is a different matter that neither institution is not keen to do so and this prevents ugly situations. In fact the two coexist, carrying on in the same manner as other component plans. They can use funds of each other as component contribution to different development department and get work done. The present five-year life of Gaon Panchayats in Assam would expire in 1997 when fresh elections to these bodies will become due. It is urgently necessary to take all necessary steps to ensure that before the expiry of the Gaon Panchayats tenure, the Village Councils and the General Councils become operative and effective. In addition thereto, it will have to be ensured that the notifications for scheduling of Councils areas issue and these areas are covered by the law passed by the parliament under Article 243M(4-(B).

There has been a widespread demand that if the Council’s concept has to work properly, the Gaon Panchayats should be abolished in the Councils area and should be replaced by village councils as envisaged in four Acts. It has been indicated the Gaon Panchayats have constitutional mandate in Article 243, though created
under a state law, the Assam Panchayat Act 1991. On the other hand, the four councils have been created under four state law. Further, only interim councils have been consisted and the full procedure for constitution of the four councils has yet to be followed. As such, abolition of the Gaon Panchayats at this stage is neither legal nor a practical proposition. The way out suggested in the foregoing may be more feasible.

Another demand related to abolition of ITDPs. The Councilors felt that the functions of ITDPs should be transferred to the General Councils and the ITDPs in the concerned area should be wound up. This is a matter which, prima facie, appears equipped in every respect- legally, financially, administratively, organizationally—the time is not ripe as yet for them to take over the responsibilities of the ITDPs. But, in course of time, when the four Councils acquire strength in different spheres, the proposition should be considered in all its ramifications.

The delivery system for tribal development in the state of Assam has become complex and over-grown over the years.

The demand was made at the meeting held at the Gogamukh that the ethnic councils should be patterned on the model of the Sixth Schedule. The basis of the demand was not clear. However, it seems that the Councillor who raised the demand desired that the ethnic
councils should be endowed with powers and functions as large and extensive as the Autonomous District. Councils of the Sixth Schedule. It needs to be understood that the ethnic councils can not be compared with the ADCs which are coterminus with a population and an area as big as a District such as Karbi Anglong and North Cachar Hills. Particularly, the Lalung and Rabha Councils are of much smaller size and extent. Further, the four Councils have yet to take full shape and grow. In course of time, the questions of their power and functions could be reviewed.

Keeping in view the tradition ad modern desiderata, it is conceived by a committee constituted by the Govt. of Assam under the Chairmanship of Bhumidhar Barman of a three tier politico-administrative structure for both West-Central and eastern sectors of the north plain. At the bottom, we envisage a Village Council, known as Gami Jothum in the Bodo west-central areas and Dolung Kebang in the Mising eastern sector. Above these village bodies, we propose Regional councils, which may be called the Bodo Gudhi Jothum and the Misirg Banke Kebang respectively in the two sectors. At the apex should be the Gojou Jothum and Banke Kebang.

For demarcating regional bodies, there should be three criteria in view: (a) a region with normative population between 20,000 to
40,000 b) to the extent possible, retention of the existing administrative boundaries, say the revenue circle, sub-divisions and districts and (c) physiographic features."

The procedure for dissolution of the Apex Council should be democratic in the sense that the decision should be arrived at by the Council of Ministers and be approved of by the State legislature, including the legislative Council. The process of reelection and reconstitution should be completed within a period of six months from the date of dissolution.

For carrying out the purpose of legislative, executive and judicial functions, suitable administrative machinery is necessary. The higher echelon of this machinery may be contributed from the state cadres controlled by the state Government. During their tenure of service with the new set up in the north plain, they should be recognized as sub-cadres and be under the full control of Apex Councils including matters of discipline.

Fund allotted by the state Govt. and Central Govt. to the Apex Council should be in the form of grants-in-aid implying non-lapse-ability. Further, funds allotted by the state Govt. to the Apex Council's should own in the state budget as a lump-sum under one
separate of accounts; their sector wise utilization should strictly be in accordance with the manner decided by the Apex Councils.

After Bodoland Territorial Area District has been brought under Sixth Schedule of the constitution, the demand for autonomy by other plains tribes communities of Assam has been renewed. The Misings, the Lalungs (Tiwa) and the Rabhas have already been granted Autonomous Councils by the state Government under respective Acts as was the case earlier with Bodos. After the BTAD has been granted Sixth Schedule status, there is perhaps no justification for not giving the same status to the other three Autonomous Councils.

Under the above circumstances, the Govt. of Assam agreed, on principle that the Rabha Hasong Autonomous council should be included in the Sixth Schedule of the constitution.

The Chief Minister has also announced this at several places. Further, his stand of the Assam Govt. is recorded in the meeting between Chief Minister and representatives of BTAD and ABSU leadership held on March 10, 2005.

But as the area of the Autonomous Councils has not yet been concretely demarcated, as the matter requires amendment of the constitution (which is a lengthy process involving passing of a Bill in the parliament) and alteration of certain administrative boundaries, the
committee needs more time for detail study of the demand before making any final recommendation. The members wished to make a visit to Tripura and study the constitution and functioning of Tripura Tribal Areas Autonomous District Council (TTAADC) in detail. On the other hand developmental works can not remain suspended and the democratic process must continue. It is a matter of grave concern that the three Autonomous councils have been running on ad-hoc basis without elections being held since 1995.

Therefore, in the Interim Report of the Sub-committee constituted by the Govt. of Assam suggestion was made for establishment of democratically elected councils, provide more autonomy to accelerate development works and to protect interest of the tribal communities as well as non-tribals.

1. The area of the Rabha Hasong Autonomous Council should be notified immediately on the basis of core and Satellite Area. The core Area and satellite Area are to be defined as follows:

a. Core Area shall consist of compact and contiguous areas predominantly inhabited by Rabha people, as the case may be having more than 50%ST population as a whole in the area and not necessarily in individual villages.
b. Satellite Area or Areas shall consist of non-contiguous cluster of villages predominantly inhabited by Rabha people, as the case may be, having more than 50% ST population as a whole in the cluster and not necessarily in individual villages.

2. Determining of core Area and Satellite Areas: The list of villages submitted by Rabha organizations was sent to the Deputy Commissioner for verifications and then the Assam Institute for Research on Tribals & SCs was asked to examine population figures and carve out core Area and satellite Areas. The AIRTSC has submitted list of villages for three councils, which the Committee recommended that the Govt. of Assam should immediately notify. The population pattern of the proposed councils are as follows:

3. In case of RHAC, it recommends inclusion of Garo, Boro and Hajong Villages in to the RHAC. The Garos and Hajongs were not enumerated as ST in census-2001 as they have been enlisted as ST only in 2003. There population has been counted as per report of the Deputy commissioner.

There is no necessity of creating satellite areas as the RHAC will remain confined to only southern parts of Goalpara and Kamrup districts only.
While Development Blocks are the main unit for planning and execution of all rural development schemes. Revenue circle is the main unit for, and Revenue administration. Administration becomes easier if these two units are made co-terminus.

That the Development Blocks and Revenue circles should be reconstituted to make them co-terminus and so that an entire Block or circle falls within council area where it is feasible. Further, it will be necessary to reconstitute certain Gaon panchayat so that an entire Gaon panchayat falls within the council area.

Comments on Assam Autonomous Councils Acts 1995

Section 4(2) of the Acts is to the effect that each village council consist of approximately 6000 to 8000 population. The norm or 6000 to 8000 ha. been fixed on the basis of what is contained in the Assam Panchayat Act 1992. Needless to say, most tribal villages are scattered. It may invite further problems.

Section 6(1) of the Acts is to the effect that General Council shall consist of 30 members of which 26 shall be directly elected and four are to be nominated by the Government from amongst the group of communities residing in the Council area and not otherwise represented in the General Council. It has also been provided that out of 30 seats, 15 are reserved for the ethnic community i.e. for Mising in
MAC. for Lalungs in LAC and for Rabhas in RAC. In the context of this provision, two issues arise. First, since it has been patterned on the Sixth Schedule District Autonomous Councils, the experience in that Council is relevant. As far as could be ascertained, the Karbi Anglong Autonomous Councils would like the Council’s strength to be larger, say about 40. Secondly, the minority tribal, even non-tribal minorities, need to be given representation. The ethnic councils under consideration, barring the BAC, have smaller geographic and demographic jurisdiction and, such, larger councils may not be appropriate. But the other issue of giving representation to minority groups, both tribal and non-tribal, is relevant. The provision of four seats for unrepresented groups seems rather inadequate. It may be salutary to enable each sizeable group to be represented through one member within the existing framework, if necessary by curtailing the number of seats for the predominant group. The matter would need governments consideration.

For women, at least three seats have been stipulated from among 15 ethnic reserved seats. This is a good provision in so far as it goes. The Seventy-third Constitutional Amendment Act 1992 provides for one-third seats for women out of the total in each Panchayat tier. It may be desirable to fall in line with the constitutional provision.
According to section 6(2), MPs and MLAs belonging to ST reserved constituencies of the Council Areas shall be ex-officio members of the General Council. During meetings held in Council areas, the question cropped up whether non-ST MPs and MLAs representing parts of Council areas could become members of the General Council. It was felt that since they are the representatives of the people and, in any case, are expected to project their viewpoints, it would be advantageous that they also are members of General Council.

Section 17(9) is to the effect that all officers and other staff in the Council area shall be accountable to the General Council for their performance. Further, that assessment of their work recorded by the Executive Council shall be incorporated in their annual confidential reports by the government. It needs to be appreciated that assessment of performance of an individual can be done by another individual and not by body like an Executive Council. The Act should specify the individual concerned in the hierarchy, say like the Chief Executive Member, recording the performance of senior officers in the Council.

As per section 18, 34 subjects have been assigned to the General Council. Two points may be considered in this context. Firstly, the subjects recommended for intermediate Panchayats and District Councils in the report of the Bhuria Committee dealing with Scheduled
Areas and Tribal Areas. Secondly, the question of allocation interest of subjects among Village Councils, General Councils and District Panchayats in Assam. These points come out in bold relief when the powers of the General Council and the Village Councils to impose, levy and collect taxes under sections 20 and 45 respectively are considered. It will be noticed that there is overlap. Which body will exercise what functions has to be demarcated.

As indicated in Article 243, a Gram Sabha is body at village level of all members of the villages. The Bhuria Committee in its 1995 dealing with Scheduled Areas and tribal Areas, suggested formation from among the Gram Sabha members of an executive body called village council. Section 31 of the four acts refers to “Village Council”. Does the phrase “Village Council” have identical meaning in the two contexts? In other words, does it connote and executive body in the Assam contexts. If so, in what manner is it to be constituted? If to be elected. What is its electoral college? These points need education.

Section 42 requires approval of government for determination of the lace where the office of the village council is to be located. It seems that this power could be entrusted to the concerned council.

In section 61 (6) Government has been sought to be restrained from diverting funds allocated to the General Council Fund and
Village Council Fund under the concerned sub-heads except in exigencies of unavoidable budget deficit. Once the government has allocated moneys to the two funds, why should there arise the question of diversion in not clear. It may happen only when government wishes to withdraw the moneys allocated and that should be extremely unusual practice. It may not be desirable or prudent to resort to such a practice.

Section 68 (1) referees to the power of the Governor for dissolution of general council, executive council and village council "on receipt of a report or otherwise and in consultation with the Judicial Department of the Government". The provision seems rather vague and the reference to the report will have to be made more specific.

The Acts do not provide for a contingency for dealing a situation in which a council has been dissolved and election for constituting a new council is unduly delayed by the state executive. In this context, Article 243, inserted in the Constitution through the Seventy-third Constitutional Amendment Act 1992, provides that elections to a Panchayat in such circumstances have to be held before the expiry of six months of date of dissolution. A similar provision in the matter of ethnic council may be considered by the state government.
Allocation of funds to the four ethnic councils and village council should be regulated by the State Finance Commission created under the Seventy-third Constitutional Amendment Act. This provision may be inserted in the Acts.

An important feature of constitution (73rd amendment) Act. 1992 through which Part IX comprising of article 243 to m2430 was inserted is that its provision does not apply automatically to Scheduled and Tribal areas. Specifically, article 243 M exempts from application of its provision the following:

1. The function and powers of Darjeeling Gorkha Hill Council
2. The State of Nagaland, Meghalaya and Mizoram each of whose legislature may extend the provisions in the stat concerned barring the tribal areas of article 242.
3. The hill areas in the state of Manipur for which district council exists under any law for the time being in force
4. The Scheduled areas of article 244 (1) notified as per Fifth Schedule and tribal areas of article 244 (2) notified as per the Sixth Schedule.

It has to be appreciated that the bulk of tribal population live in scheduled areas and tribal area. In so far schedule areas and tribal areas are concerned article 243 M (4) (b) makes the provision that
Parliament may, by law, extend the provisions of the Act subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment to the constitution. This shows clearly that the schedule areas, the tribal areas and the other three category areas indicated above have been treated on a different footing as compared to the rest of the country.

Apart from the views expressed above some important issues which were raised by the members of the Bhuria Committee

a) The has to be substantial and meaningful decentralization.

The Constitution envisages divisions of functions between the Centre and the States. But democratic decentralization from the state to the districts and down to the village level, which has been talked of since the past four decade, needs now to be made real. The most significant devolution should occur from the state to the district level and from the district to the grass-root tier. The Panchayat Constitutional Amendment Act has laid guidelines for such devolutions for areas other than Scheduled Areas and tribal Areas. We should evolve appropriate paradigms for Scheduled Areas an Tribal areas, as per article 243(4)(b).
b) At the Grass-root, we should think of an entity which has had in tribal history, live organic functioning. Rough and hilly topography and thinly populated scattered villages characterizes tribal areas. A Gram Sabha represents such an entity at village or hamlet level. Over and above it, a group of villages or hamlets various “Paraganas” or “Anchal” or “Parha” are found. In the greater part of central India, the two have been live homogenous units/conglomerates of socio-politico administration. Such administrative arrangement enabled the tribal communities to manage their affairs all through the ages. The traditional organizational set-up based, inter-alia, on physiographic etc should be taken as the basis of build-up under consideration.

c) It has also to be recognized that the demographic lay-out in tribal areas is diverse, varying considerably from region to region. North-east region represents typically its own pattern.

d) In Central India, at the bottom is Gaon Sabha or Gram Sabha at the hamlet or village level. A group of hamlet/village may have a Gram Panchayat or Anchal
Panchayat or Paragana panchayat or a Patha Panchayat. Between the second tier or district tier, their could be a tier corresponding to a development block. The Panchayat at this intermediate level could be called an Intermediate Council or Janpad sabha or Taluka panchayat or panchayat Samiti. Finally would come the district tier and the organization at this level could be called the District Council or Zila Parishad or District Panchayat. But, it has to be emphasized that there is no hard and fast rule about the number of tiers, which has to decided in the light of conditions prevalent. For instance, the Constitution (seventy third amendment) Act, 1992 prescribes that in the state having a population not exceeding 20 lakhs, the intermediate tier may not be constituted. States in the North-East are characterized by a different set of conditions and they could order their own systems.

e) Notwithstanding the rhetoric of past four decades, on account of absence of effective decentralization to even district levels, demands and agitations for separate states in the country have taken root in Jharkhand, Bodoland, Uttarkhand etc. Iniquitous policies and actions and
economic imbalance have led to resentment among deprived regions. Assertion on the basis of region, ethnicity, language etc. basis have been made. They have come to feel that without political power of a state, they are not able to claim their rightful due. Further, the feeling has grown that state formation ceased with culturally and economically more powerful segments, while weaker segments have been left out in the cold. Real democratic decentralization may offer to the people some degree of satisfaction. Hence, we should move with urgency in the matter.

f) A point was made that while there may be force in acceptance and continuance of elements of traditionally blending them with the modern, caution will have to be observed. It will have to be ensured that feudal culture is not encouraged. This point was well taken: steps need to be taken to allow permeation of the spirit of democracy all over. But, another caution was sounded to the effect that in the name of democracy, the hitherto unified polity of a tribal community should not be allowed to be divided and riven, particularly on party lines. A liberal provision for
allowing a tribal community to adopt its own tradition, procedure, norms, ethos etc. would be salutary in this regard.

g) The essence various discussions was that it has to be recognized that in tribal areas society act like one unit. Unlike in the non-tribal area, the society is used to prevail over individual view. Hence, in dealing with tribal societies, this sociological fact has be kept constantly in view.