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**National Commission for Scheduled Tribes**

**Tour Report of visit of Shri Nirupam Chakma, Hon'ble  
Member, National Commission for Scheduled Tribes  
(NCST), New Delhi to the Karbi Anglong Autonomous  
Council of Assam State on 19th July 2024**

## **Tour Report of visit of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes (NCST), New Delhi to the Karbi Anglong Autonomous Council of Assam State on 19<sup>th</sup> July 2024.**

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The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the Constitution of India to investigate and monitor all matter relating to protection, welfare and socio-economic development of Scheduled Tribes in the country. As per constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy of decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President of India reports upon working of those safeguards and all such reports are to be laid before each House of Parliament along with Memorandum explaining the Action Taken or propose to be taken on the recommendations relating to the Union and the reasons for non- acceptance, if any, of any of such recommendations.

In pursuance of the above constitutional mandate, the Commission decided to Review the implementation of Constitutional Safeguards, led by Shri Nirupam Chakma, Hon'ble Member and Smt. Alka Tiwari, Secretary, NCST and other officials. The NCST team was welcomed by the Hon'ble Speaker, KAAC with Other Executive Members, Principal Secretary to Karbi Anglong Autonomous Council (KAAC), Deputy Commissioner, Karbi Anglong, Superintendent of Police, Karbi Anglong and other officials from Karbi Anglong.

### **Background**

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The Sixth Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states. This special provision is provided under Article 244(2) and Article 275(1) of the Constitution. It aims to safeguard the rights and autonomy of tribal populations through the formation of Autonomous District Councils (ADC). The 2<sup>nd</sup>, 3<sup>rd</sup> and 6<sup>th</sup> paragraph under the Sixth Schedule is important with regard to this report, whose provisions are elaborated as follows-

**“2. Constitution of District Councils and Regional Councils.** - [(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.]

(2) There shall be a separate Regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule.

(3) Each District Council and each Regional Council shall be a body corporate by the name respectively of “the District Council of (*name of district*)” and “the Regional Council of (*name of region*)”, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

(5) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned, and such rules shall provide for—

- a) the composition of the District Councils and Regional Councils and the allocation of seats therein;
- b) the delimitation of territorial constituencies for the purpose of elections to those Councils;
- c) the qualifications for voting at such elections and the preparation of electoral rolls therefor;
- d) the qualifications for being elected at such elections as members of such Councils;
- e) the term of office of members of [Regional Councils];
- f) any other matter relating to or connected with elections or nominations to such Councils;
- g) the procedure and the conduct of business [(including the power to act notwithstanding any vacancy)] in the District and Regional Councils;

h) the appointment of officers and staff of the District and Regional Councils.

[(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor:

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a Proclamation of Emergency is in operation not extending beyond a period of six months after the Proclamation has ceased to operate:

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces.]

(7) The District or the Regional Council may after its first constitution make rules [with the approval of the Governor] with regard to the matters specified in sub-paragraph (6) of this paragraph and may also make rules [with like approval] regulating—

- a) the formation of subordinate local Councils or Boards and their procedure and the conduct of their business; and
- b) generally, all matters relating to the transaction of business pertaining to the administration of the district or region, as the case maybe:

Provided that until rules are made by the District or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (6) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council.

**3. Powers of the District Councils and Regional Councils to make laws.** — (1) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

- a) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes [by the Government of the State concerned] in accordance with the law for the time being in force authorising such acquisition;

- b) the management of any forest not being a reserved forest;
- c) the use of any canal or water-course for the purpose of agriculture;
- d) the regulation of the practice of jhum or other forms of shifting cultivation;
- e) the establishment of village or town committees or councils and their powers;
- f) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- g) the appointment or succession of Chiefs or Headmen;
- h) the inheritance of property;  
[(i)marriage and divorce;]
- j) social customs.

(2) In this paragraph, a “reserved forest” means any area which is a reserved forest under the Assam Forest Regulation, 1891, or under any other law for the time being in force in the area in question.

(3) All laws made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

#### **[6. Powers of the District Council to establish primary schools, etc.—**

(1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, [cattle pounds], ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(2) The Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State \* \* \* extends.]”

### **Meeting with representatives from the ST association, including students, employees, and community members**

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During the meeting with representatives from the Scheduled Tribe (ST) association, including students, employees, and community members, the Commission assessed the implementation of various welfare and development schemes in several villages. The discussions highlighted several issues, including the need for improved infrastructure, as well as persistent water scarcity and poor telecom connectivity, which significantly impact digital services delivery and Aadhaar enrollment. Additionally, inadequate transportation exacerbates the challenges faced by the community in accessing essential services.

The representatives also pointed out a significant backlog of 18,000 vacancies within the state, which hampers the efficiency of public services and overall administration. Furthermore, Commission received multiple petitions from Public Service Commission (PSC) aspirants for exemptions from appearing in regional languages such as Assamese and Hindi, with request for the inclusion of English as a medium of instruction in the State PCS exams.

### **Interaction with Speaker, Executive Members and other officials of Karbi Anglong Autonomous Council of Assam State**

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A presentation was made before the Commission, which briefly narrated the structure, working and jurisdiction of Karbi Anglong Autonomous Council. The Karbi Anglong Autonomous Council, established under the Sixth Schedule of the Constitution of India, governs the Karbi Anglong district, including the newly created West Karbi Anglong district.

*The list of participants is annexed to Annexure I.*

The Council is composed of 26 directly elected members and 4 nominated Members. Karbi Anglong and West Karbi Anglong districts together cover a total geographical area of 10,434 sq. km, with Karbi Anglong accounting for 7,366 sq. km and West Karbi Anglong for 3,068 sq. km. According to the 2011 Census, the combined population of these districts is

9,56,313, with 4,90,167 males and 4,66,146 females. The region is divided into 11 development blocks, with Karbi Anglong having 7 blocks and West Karbi Anglong having 4. There are 809 revenue villages across the two regions. Major rivers flowing through the region include the Dhansiri, Koliyani, Karbi Langpi, Amtereng, Sinani, Umtang Nambor, and Deopani, among others, with a total of 17 rivers between the two districts.



*Figure 1: Interactive meeting with Hon'ble Speaker & Members, KAAC*

Karbi Anglong and West Karbi Anglong districts together have a total of 20 police stations, with Karbi Anglong hosting 16 and West Karbi Anglong 4. There are 26 Village Development Committees (VDCs) across the region, with 17 in Karbi Anglong and 9 in West Karbi Anglong. The districts collectively have 2,088 schools, including 1,715 primary, 242 upper primary, 110 secondary, and 21 higher secondary schools. Additionally, there are 6 colleges, with 5 in Karbi Anglong and 1 in West Karbi Anglong. The healthcare infrastructure includes 220 health institutions, 150 in Karbi Anglong and 70 in West Karbi Anglong. This autonomous structure is intended to provide a degree of self-governance to the tribal population in the region.

The detailed summary of the PowerPoint presentation on the Karbi Anglong Autonomous Council (KAAC):

### **1. Genesis and Historical Background:**

- The United Mikir and North Cachar Hills districts were established on November 17, 1951, from parts of Nagaon and Sivasagar districts.
- In 1970, the United Mikir Hills and North Cachar Hills were bifurcated into two separate districts. The Mikir Hills District was renamed Karbi Anglong in 1976.
- In 2016, Karbi Anglong was further divided into Karbi Anglong and West Karbi Anglong districts.

## **2. Constitutional and Legal Provisions:**

- The Karbi Anglong District Council was constituted on June 23, 1952, under the Sixth Schedule of the Indian Constitution.
- The Council has the power to make laws on various subjects including agriculture, forest management, health, sanitation, education, and more. Additional powers were granted through the MoU of 1995 and the Memorandum of Settlement in 2011.

## **3. Operational Framework and Administrative Structure**

The Karbi Anglong Autonomous Council adheres to the Standard Operating Procedures (SOPs) established by the Government of India, and it implements various state schemes within its jurisdiction. However, certain administrative functions related to powers and transport, have not been fully transferred from the District Commissioner's office to the Council.

Village development committees, which are pivotal in local governance and development, are not elected but are instead nominated by the executive members of the Autonomous Council.

## **4. Geographical and Administrative Data:**

- Karbi Anglong covers an area of 7,366 sq. km with a population of 660,955, while West Karbi Anglong covers 3,068 sq. km with a population of 295,358.
- The districts are divided into several blocks and revenue villages, with major rivers flowing through them.
- The administrative structure includes various departments and missions focusing on agriculture, education, health, and more.

## **5. Funding and Departments:**

- Funding sources include central schemes, state-owned priority development funds, the Ministry of DoNER for projects under NLCPR, NEC, NISEDS initiatives and revenue from taxation and forest royalties.
- The KAAC oversees 31 departments such as agriculture, animal husbandry, education, health, and public health engineering, among others.

**Attendance Sheet: Members of Karbi Anglong Autonomous Council**

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**I. National Commission for Scheduled Tribes**

- 1 Smt. Alka Tiwari, Secretary
- 2 Shri K. Touthang, Joint Secretary
- 3 Shri R.S. Misra, Research Officer
- 4 Shri Manish Raj, Sr. Investigator

**II. Autonomous Council of Karbi Anglong**

- 1 S. Rongphan, EM
- 2 Mangal Sing Eims, EM
- 3 Richard Tokbi, EM
- 4 B. Khakhlang
- 5 T. Hasmu, MAC
- 6 Madhu Ram Lercthe
- 7 K. Allury
- 8 H. Rongphar, MAC
- 9 Shri Ajit Kumar Dey, Deputy Chairman, KAAC
- 10 S.K. Tecoogn, MAC, KAAC
- 11 Shri Raju Tisco
- 12 P. Rangma, MAC, KAAC
- 13 Shri Johny Timung
- 14 Shri P. C. Jaro, E.M. KAAC