MEGHALAYA STATE VISION DOCUMENT- 2020

Views and Comments- KHADC

I. INTRODUCTION:

The Khasi Hills Autonomous District Council was constituted under the Sixth Schedule to the Constitution of India with Executive, Legislative and Judicial powers. Its jurisdiction extends to the 3 (three) Districts of Meghalaya State namely (i) East Khasi Hills, (ii) West Khasi Hills, (iii) Ri Bhoi. In the Autonomous District of Khasi Hills there are 53 administrative units (Traditional Institutions) known as Elakas and thousand of Villages having their own administrative and judicial functions. These units are more or less the parallel of the Panchayati Raj System prevailing in other parts of the country. The only difference is that they are deprived of direct funding and participation in the planning and developmental process.

The fact that Meghalaya has been intentionally exempted from the purview of the 73rd Amendment means that there is a clear perception in the Central Government of the distinct possibility and scope for further strengthening of the existing Traditional grass root Institutions of Meghalaya so as to make them qualify as Panchayats, in fact maybe even better than Panchayats.

These Traditional Institutions are expected to deliver local governance at the grass-root level. The fact however remains that we have failed to improve and endow these Traditional Institutions with the relevant legislation to empower them to act and perform as expected of them in the 21st Century.

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The K.H.A.D.C. recognizes the need for change within the working ethos of our Traditional Institutions so as to make them relevant or at par with Panchayats envisaged in the 73rd amendment. The KHADC is the ideal institutions for the evolution of a bottom-up participatory model in grass-root planning for development.

The Sixth Schedule thus provides a mechanism for the indigenous tribal of the region to legislate, adjudicate and regulate the social, cultural and economic development of their society in a manner which would be conducive to such tradition, customs, practices and convention. A participatory and decentralized local government system is an essential prerequisite of an efficient and result oriented democracy.

II. FOREST AND ENVIRONMENT :

As per Para 3(b) of The 6th Schedule to the Constitution of India, ADCs are empowered with the management of any forest not being a reserve forest. *The United Khasi – Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1958* was enacted by the K.H.A.D.C to look into this very aspect. Out of a total of 7178 sq km of forest areas in East, West and Ri-Bhoi district the KHADC controls 7022.14 sq km. Management profile of Khasi Hills Autonomous District Council forests has been largely regulatory with little scope for development inputs. This profile has projected an exploitative image of KHADC as far as private forest owners are concerned. There is little scope for mutual beneficial interaction between the two as long as this type of profile is encouraged.

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Forest management is narrowly focused on timber alone missing other non timber assets. Such assets range from Non-Timber Forest Produce to the unassesed value of the ecological services that such forests can provide. Due to paucity of funds, Khasi Hills Autonomous District Council management of the above forest lands as per provision of the 6th Schedule has not been entirely up to the mark and major areas of concern exists. If this trend continues KHADC forests will become non productive and non income generating once timber is gone.

(a) The KHADC thus recognizes the need for introduction of extension services in rejuvenation of secondary forests in fallows & involvement of communities in this exercise.

(b) Khasi Hills Autonomous District Council intends to have an in-situ inventory of its forest products by Aerial or cadastral survey maps to show its area as well as item inventory in its forests including sacred groves. (Law- Kyntang, Law-Adong, Law- Sumar etc.)

(c) Creation of awareness of the Income from Non-Timber Forest Produces and Ecological Service.

(d) The KHADC will come up with a participatory based management plan for forest under its control which will reflect robust community involvement in both replenishment and felling in accordance to agreed norms. Sustainability will be based on participatory process.

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(e) Capacity building & institution building strategy, a work synergy between community and Khasi Hills Autonomous District Council Forest staff will be initiated.

(f) Training towards facilitating role at both field and HQ. Profile of facilitator rather than police man to be encouraged.

(g) Reoriented staff will then help the community prepare a community resource map together with a working plan based on community vision of 50 years for its forest resources.

(h) Training in mapping, survey & monitoring through satellite imaging will be the cutting edge technology for such work plan formulation.

(i) Appropriate training courses for both community and staff will be identified, so as to enable both to fit in with above proposed revamping. Location of such training courses with in and outside the state will be also undertaken.

(j) Designing and implementing people-centric programmes based on harnessing the natural resources of the region. Conservation and revenue oriented management.

(k) Cataloguing of all endemic plant species.

(l) Raising of Plantations and Botanical Gardens/Parks.

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III. ALLOTMENT, OCCUPATION OR USE OR SETTING APART OF LAND:

Paragraph 3 (1) (a) of the Sixth Schedule to The Constitution of India empowers the ADC's to make laws on Allotment, Occupation or Use or Setting Apart of Land. The KHADC despite its limited resources has over the years provided services to the people in the form of documentation of land held by them and issuing of No-Objection Certificate for mortgaging such land to financial institutions. Land records were also issued to private individuals on application after public notice and survey of the plot. Land and boundary disputes between private individuals, Elakas and villages are also dealt with by the Council.

The Survey Department of the Council needs to be strengthen with the introduction of state of the art survey and mapping methods, tools, equipments such as GPS, and GIS, Remote sensing and satellite imaging technology.

Training in mapping, survey & monitoring through satellite imaging are cutting edge technology. Appropriate training courses for the staff will be identified, so as to enable them to fit in with the latest technological developments.

The Khasi Hills Autonomous District (Allotment, Occupation or Use or Setting Apart of Land) Regulation, Bill 2005 was passed by The Council an awaiting the assent of the Governor.

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IV. ESTABLISHMENT OF TOWN COMMITTEES:

To deal with the subject of providing civil amenities, sanitation, Waste management and other civic services to towns within its jurisdiction, six Town Committees namely (1) Nongstoin (2) Mawkyrwat (3) Mawlai (4) Nongpoh (5) Sohiong (6) Mairang was established by the KHADC under *The United Khasi – Jaintia Hills District(Establishment of Town Committee) Act1960*. Plans to include some more towns within the Town Committee Act are under process.

It is understood that the purpose and function of the town committees is the same as that of the Municipality but due to meager resources the Council is unable to provide them with any funds. If provided with adequate financial assistance the KHADC intends to endow and diversify the function of town committees so as to bring them at par with municipalities.

It is a well known fact that proper disposal of waste is lacking in our towns. The KHADC desires to address this issue in a big way by providing the town committees with funds for state of the art and modern waste management technology.

V. ADMINISTRATION OF ELAKAS:

There are 53 Administrative Units (Traditional Institutions) or Elakas within the KHADC having their own unique social, administrative, and judicial and functions. The Elakas are links in a chain of grass root governance and democracy and have been in existence since time immemorial. They are the custodian of customary laws and usages and ensure their continuation and

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preservation of such customs, culture, distinct identity and way of life. Working side by side with the Elakas, the KHADC has in the 56 years of its existence made an effort to instill a sense of security among the local tribals and allayed the fear of threat perception from socio – economic exploitation from outside.

The KHADC is planning to improve and up grade the functioning of these Elakas so as to make them more relevant with the 21st century. The strategy is to make them more transparent and accountable by playing a proactive role in the developmental initiative in bottom-up and participatory policy of the Council. Plans are afoot to provide all the 53 Elakas with workable and modern office to allow them to deliver the goods as expected of them.

VI. ADMINISTRATION OF JUSTICE:

Paragraph 4 and 5 of the Sixth Schedule provides for administration of justice in Autonomous areas under the above paragraphs, the ADCs are empowered to constitute Courts for trials of cases between parties belonging to Scheduled Tribe Communities. The District Council Court for each district consists of qualified Judicial Officers, designated as Judges and Magistrates who are appointed by the Executive Committee with the approval of the Governor under *The United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953.*

Paragraph 5 of the Sixth Schedule provides conferment of powers on the District Council Courts suits or cases under the CPC and Cr. PC and these Courts have been exercising judicial authority, which have been of great service to the people, where delivery of justice is concerned.

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The above mentioned courts try all cases at different level when litigation is within the tribal areas and party or parties involved are tribals. They disperse justice in line with the traditional customs and usages at a very speedy, simple and inexpensive manner. Separation of the Judiciary from the Executive is in existence since the Constitution of the Courts. The Judicial Officers of the Courts of the District Council function independently and free from interference by the Executive.

The Judge and Additional Judge of the Courts of the Khasi Hills Autonomous District Council are conferred with powers for the trial of offences punishable with death and transportation for life under the Indian Penal Code or under any other law applicable. The District Council Courts are under the direct supervision by the Hon'ble High Court of Assam, Meghalaya etc

The District Council stands for speedy, cheap and fair administration of justice to the people under its jurisdiction. The KHADC desires to have a legal aid cell to help and assist the poor litigants and ensuring free and fair justice to them. To bring about an efficient justice delivery system there is an urgent need set up District Council Courts in Ri-Bhoi and West Khasi Hills District also and to include all the Council Courts within the present e-Courts project/scheme.

VII. **KHADC DEVELOPMENTAL INITIATIVES:**

Development is the process of increasing the knowledge, the skills and capacities of all the people in a society. In economic terms, it could be described as the accumulation of human capital and its effective investment in the development of an economy. In political terms, development prepares

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people for adult participation in political processes, particularly as citizens in a democracy.

For the purpose of promoting the welfare of Schedule Tribes or raising the standard and level of administration of Scheduled Areas, The Constitution of India under Article 275(1), provide funds from the Consolidated Fund of India to the ADC's through the State Government. The funds provided are too inadequate to have much impact in the social, economic and physical developmental initiatives of the Council. This has impeded the initiative of the Council to translate the hopes and aspirations of the people into reality.

The Khasi Hills Autonomous District Council is also obligated to act as a delivery mechanism in providing public utilities and civic services with in its jurisdiction. Infrastructural developmental priorities undertaken by the council includes footpaths, footbridges, water supply (drinking wells), village roads, waste management, construction and improvement of rural markets and other civic amenities. All the schemes/project implemented by KHADC is participatory in nature and is people centered i.e. the people implements, owns and are caretaker of the project.

To strengthen the Autonomous District Councils and to accelerate all round growth and make the Council more responsive to tribal welfare and development, enough funds and leverage should be given to the Autonomous District Councils of Meghalaya in both State and Central Funding as enjoyed by the Panchayats and other Constitutional bodies. It will be a win-win situation to all concerned if *The Khasi Hills Autonomous District (Constitution and Administration of Community Development Organisation) Bill, 2006* which was passed by the KHADC is assent by the Governor.

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VIII. **TRADING BY NON-TRIBALS:**

The Khasi Hills Autonomous District (Trading by Non Tribals) Regulation, 1954 enacted under Paragraph 10 of the Sixth Schedule to the Constitution of India was amended from time to time to keep pace with current developments. For implementation the Regulation, the State Government of Meghalaya, after due consideration, sanctioned a scheme on Trading by Non Tribals to enable the ACDs to raise an Enforcement machinery vide letter NO.DCA.65/80/184 dt. 4.7.81. Accordingly, the KHADC constituted the enforcement machinery in 1982.

By the High Court ruling of 1987, it was made clear that the areas under Shillong Municipality, excluding the three wards of Jail Road, Police Bazaar and European Wards, were also to be under the ADC's jurisdiction. This has increased the work load of the enforcement machinery as with the addition of Shillong city, the number of non-tribals traders to be included within the purview of the Trading Regulation increased ten-folds. This again has stretched the activities of the enforcement machinery to the utmost. The Khasi Hills ADC has no other option but raise the strength of the enforcement machinery. The present strength of the enforcement machinery has become far too inadequate to tackle the problem of illegal trading by non-tribals.

Under the existing arrangement, officers and staff of the enforcement machineries have been entrusted with duties under 10 Zones with one group kept in the Head Office for administrative and establishment works. 5 of the above Zones are in Greater Shillong area and the other 5 are spread out in other areas of the Khasi Hills.

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Therefore, in view of the above circumstances, the Executive Committee of the Khasi Hills ADC feels that, since it has moral responsibility to promote a healthy atmosphere where economic interests of local tribals is to be respected, it is time that the State Government favourably consider raising the strength of the enforcement machinery.

XI. INFORMATION TECHNOLOGY:

In order to bring about proper work culture, fast and simple disposable of files, accurate record of data, etc. it is considered imperative to set up an IT Department to look into this very aspect. With this concept in mind the Khasi Hills Autonomous District Council is about to embark on a new chapter that is IT enable and e-Governance and has setup an IT Department to look into this very aspect.

The function of the department is to: -

- Foster research and development in IT technologies.
- Adapt to changing working environments.
- Implement refinements and uses of IT technology to promote the working process.
- Use IT based applications to manage development schemes/project.
- Apply IT tools to aid the process of good governance and efficient administration.
- Provide quality and speedy service to the people.
- SMART- simple, moral, accountable, responsive and transparent administration.
- Office automation, training and capacity building.

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The KHADC has in collaboration with the National Informatics Center has developed customized software for its Taxation, Trade License and Accounts Department. It has a fully functional WI-FI networking and Computer Lab. A website developed by the KHADC and hosted by the NIC was launched in the year 2007**.** It is hoped that all development schemes, projects and programmes of the KHADC will be made available in its website. Database of all applications disposed off by the KHADC under the RTI Act have also been developed indigenously.

Much remains to be done in this field such as appointment of professionals and purchase of computer hardware's, web and database servers, expansion of the existing network, training and purchase of software tools such as Visual Basics 9.1, VB.Net, XP Server, Oracle, Web Developing tools (Macromedia Fireworks, Flash, Framework, Dream weaver), Anti Virus (eg: Norton, Avast, AVG), Spyware, Firmware, Firewall, Windows O/S (Vista, XP Professional), Tally 6.0 and development of customized software.

The Vision outlined above is possible but not easy. Realising the vision requires participation of the people and a responsive administration and governance. The role of government in terms of dimension and nature of involvement in various activities will have a direct bearing on making the vision a reality.

In conclusion, it is befitting to refer to the report of the committee of members of Parliament and experts, constituted to make recommendation on law concerning extension of provision of the Constitution (73rd Amendment) Act, 1992 to scheduled areas of the Ministry of Rural Development of January 1995, headed by Shri D. S. Bhuria, MP as Chairman where the committee noted

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in its report, *"The Sixth Schedule was conceived by the framers of the Constitution to be an instrument of socio-economic development and self management of the hill tribal communities inhabiting the districts. The self management was expected to satisfy ethnic aspiration of the tribal community .....*" Further, a commission of enquiry headed by Chief Justice (retd) S. K. Dutta of the Gauhati High Court in its report remarked, *"It may also be noted that the institutions of local government play a prominent part in all democratically governed countries. The smaller units of administration are called local Governments because they imply the management of local affairs generally by representatives of the local people...."*

"Therefore, do not think that the hill areas have been given too much. They have not been given enough according to their ideas" said Rev. J.J.M. Nichols Roy in the Constituent Assembly Debates relating to the Sixth Schedule.

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