

The Mising Autonomous Council (MAC): a Critical Analysis

Dr Lohit Hazarika
HoD and Assistant Professor
Department of Anthropology
Lkhimpur Girl's College, Assam, India

Introduction:

The Mising Autonomous Council was constituted as per Mising Autonomous Council Act 1995 as amended by Assam Act No. VIII of 2001 and Assam Act No. XXI of 2005. The Act provided for the establishment of the Mising Autonomous Council within the state of Assam with maximum autonomy within the framework of the Constitution comprising of the satellite area and core areas for social, economic, educational, ethnic and cultural advancement of the Mising Community residing there in. There shall be one General Council and a village council for each block of village.

The General Council

The General Council shall consist of 40 (Forty) members of which 36 (thirty six) shall be directly elected and 4 (four) shall be nominated by the Government with the concurrence of the MAC from amongst the communities residing in the council area and not otherwise represented in the General Council Act. Of 40 seats, 25 seats shall be reserved for Schedule Tribes and 6 seats shall be reserved for women of any community.

The Members of Parliament and Members of the Legislative Assembly belonging to the scheduled tribes reserved constituencies of the council area shall be ex- office members of the General Council.

There shall be a Chairman, a Deputy Chairman and Executive Members not exceeding one third members of the General Council.

The term of office of the General Council shall be five years.

The General Council shall have executive powers in relation to the Council over subjects such as:

1. Cottage Industry.
2. Animal Husbandry and veterinary.
3. Forest other than Reserved Forest.
4. Agriculture.
5. Rural Roads and Bridges.
6. Sericulture.
7. Education.
 - i. Adult Education.
 - ii. Primary Education.
 - iii. Up to Higher Secondary including vocational training.
8. Cultural Affairs.
9. Soil Conservation.

10. Co-operation.
11. Fisheries.
12. Panchayat and Rural Development.
13. Handloom and Textile.
14. Public Health Engineering – Drinking Water.
15. Minor Irrigation.
16. Social Welfare.
17. Flood Control Schemes for protection of villages (not of high technical nature).
18. Sports & Youth Welfare.
19. Weights & Measures.
20. Library Services.
21. Museum and Archaeology.
22. Urban Development, Town & Country Planning.
23. Tribal Research.
24. Land and Land Revenue.
25. Publicity & Public Relation.
26. Tourism.
27. Transport.
28. Any other matter connected with development.
29. Municipal Board, Improvement Trust, District of Boards & other local self Government of Village Administration.
30. Tribal Welfare.
31. Markets and Fairs.
32. Lotteries, Theatres, Dramatic performance & cinema.
33. Vital Statistice including registration of birth and deaths.
34. Food and Civil Supplies.

Source: (Assam Act No. VIII of 2001/Assam Act No. XXI of 2005)

The general council shall formulate the integrated plans for council area. It shall have powers to appoint class III and class – IV staff within the council area. The council shall implement schemes and programmes for the development of council area. It shall have powers to regulate trade and commerce within the council area including issue of permit and license within council area. It shall guide customer and traditions and social justice of the Mising Community, organize special recruitment drive into Army, Navy and other paramilitary force, Police forces and other Central Government Organizations for appointment of the persons belonging to Mising Community, allot permits for trade and commerce to the people of the council area preference being given to the Mising community.

The council shall levy taxes on persons, vehicles, animals of any class, for the use of any bridge or road other than Kachha road or ferry constructed established or managed by it. Besides, the council is allowed to charge fees on registration of boats and vehicles, fees for providing sanitary arrangements in place of worship, pilgrimage, fairs and other public places of council area and fees for licenses. The council is empowered to fix water rates for supply of irrigation and drinking water and lighting public places. The general council may levy fees or taxes on any or all the subjects assigned to the village council.

The General Council shall have the power to acquire, hold or dispose of any immovable or movable property, the value of which exceeds rupees on lakh. The council is empowered to make bye laws to any or all the matters assigned to it.

The Chief Executive Councilor shall be the Chairman of the Executive Council and shall preside over the meeting. The executive powers of the General member shall not exercise in the executive council. The Chief Executive Councilor shall be the Chief of the Mising Autonomous Council.

Village Council

The village council shall consist of 10 members of which 5 seats shall be reserved for the Mising Community and out of which at least one should be a woman. The term of office shall be five years from the date of the first meeting. The President and the Vice President shall be whole time functionaries. The Village Council shall meet at least once in every three months. The Village Council shall have the executive power in relation to the village council over the following 29 subjects:

1. Agriculture including agriculture extension.
2. Animal Husbandry, Dairy Development and Poultry.
3. Fisheries.
4. Social and Farm Forestry/ Minor Forest Produce fuel and fodder.
5. Khadi, village and Cottage Industries.
6. Rural Housing.
7. Drinking Water.
8. Road, Building, culverts, bridges, tunnels, waterways and other means of communal action.
9. Rural Electrification.
10. Non – conventional Energy Source.
11. Poverty Alleviation Programme.
12. Education including Primary School.
13. Adult and Non – formal Education.
14. Libraries.
15. Cultural Activities.
16. Markets and fairs.
17. Rural Sanitation.
18. Public Health and Family Welfare.
19. Women and Child Development.
20. Social Welfare including welfare of handicapped and mentally retarded.
21. Welfare of weaker section and in particular the SC/ST.
22. Public Distribution System.
23. Maintenance of Community Assets.
24. Construction and Maintenance of cattle sheds similar institutions.
25. Construction and maintenance cattle sheds, pounds and cart stands.
26. Maintenance of Public Parks and Play Grounds.
27. Construction and Maintenance of slaughter houses.
28. Maintenance of Regulation of Manure.
29. Such other functions as may be entrusted by the Government from time to time.

Source: (Assam Act No. VIII of 2001/Assam Act No. XXI of 2005)

Like the General Council, the Village Councils are entrusted with other matters under control of the Village Council. The Village Councils are also empowered to levy and collect taxes under the jurisdiction of the council and as per bye-laws.

There shall be 10 single member and territorial constituencies in a village council area of electing members to the village council. There shall be 36 single member constituencies in the council area for electing members to the General Council.

Two types of fund separately earmarked for General Council and Village Council should be maintained under separate sub head within the state budget. Government will provide funds for both the categories of council from tribal sub plan and other sources. The contribution and grants received from General Council, all receipts on account of donation, rates fees, taxes etc. and other funds received from village council and land received and local taxes.

The general council shall prepare in each financial year a budget of its estimate receipt as disbursements for the following financial year and submit the same to the government by the first November of the current financial year. The village shall prepare budget in the like manner.

The Governor may if he is satisfied on receipt of the report or otherwise and in consultation with the judicial department of the government that a situation has arisen in which the administration of the council area cannot be carried out in accordance with the provisions of the law for the time being in force or the general and the special instruction issued by the government from time to time, by notification in the official gazette dissolve the general council, executive council or village council before expiry of the term and assume to himself all or any of the powers and function of the general council, executive council and the village council.

The cover area of the council covers 13 revenue circles with 1239 villages having a total population of 6,38,977 in the selected villages. The scheduled tribe population is 4,28,207 constituting 67% of the total population. The satellite area includes 392 revenue circles covering 392 village with a total population of 2,46,002. The scheduled tribe population is 5,89,054 i.e. 66% of the total population.

The provision of Assam Panchayat Act 1994 and the Assam Municipal Act 1994 (Amended) shall not apply to the areas of villages included in the village council.

Views of the MAC shall be given due consideration before any law is enacted by the state government or religious / social practices, customary laws and procedure for ownership / transfer of land in the council area. However the existing laws unless amended shall apply in these areas also though the authority under such law may consider. The views of the council while exercising powers under these laws in these areas.

The state Government shall take steps to set up customary courts in the council areas to try suits and cases whenever both contesting parties prefer to approach such courts.

The Government of Assam shall constitute an interim council which shall continue till the election to the council take place.

The Government of Assam and the council shall ensure that the rights and interests of the non tribal and tribal other than Mising as on today (14th June' 1995) living in the council area, particularly in the matter of land, industry, trade and commerce shall be protected.

The Signatories of the Memorandum of Understanding of MAC

The memorandum of settlement (Mising Accord dated June 14, 1995) signed at Guwahati between:

1. Lakminath Panging, President MADC
2. Dilip Pegu General Secretary MADC
3. Raj Kumar Kutum General Secretary, MADC
4. R.K. Patir Adviser MADC
5. Kabita Pegu V.P. MADC
6. Duneswar Modi President MBK
7. Dr. Shantiram Pegu Vice President MBK
8. Hemchandra Lagachu General Secretary, MBK

And Shri A. Bhattacharya, Chief Secretary, Government of Assam and Sri Hiteswar Saikia, Chief Minister of Assam. The Mising Autonomous Council Act 1995 as amended by Assam Act No. VIII of 2001 and Assam Act No. XXI of 2005 have been appended in Annexure – II.

The Mising Autonomous Council is functioning with HQ: at Gogamukh, 35 km away from Lakhimpur Deputy Commissioner Office since 24-07-1995. There is a Principal Secretary who is appointed on deputation. Some OSDs (Officer on Special Duty) are appointed on honorary basis. One Senior Assistant and only six (6) staffs are regularly appointed by the Government. The maximum numbers of staff are working under non-sanctioned post.

The first Chairman of the interim council of MAC was Laxminath Panging appointed by the Congress Government. After him the political parties which is in power appoints their party man as Chairman in interim Councils till 2006. In 2006 the representative from TMPK and MMK were included in the interim Council of MAC. There is no election Council in the MAC till 2013.

In order to undertake various development activities under the allotted 34 subjects to MAC, government has allocated substantial amount as per budget estimate of the MAC. Following amounts were released to the MAC since inception.

Funds allocated during 2010-11 was lapsed as there was no Council, not even a nominated one; and fund allocated for 2011-12 and 2012-13 were revenue deposited for the same reason. Fund for 2013-14 has been released after the elected council has taken charge and the same has been utilized". (Annual Report, 2016-17).

Year	Sanctioned Rupees
1996-97	Rs. 5.12 Crore
1997-98	Rs. 5.46 Crore
1998-99	Rs. 2.87 Crore

1999-2000	Rs. 5.02 Crore
2000-01	Rs. 2.21 Crore
2001-02	Rs. 4.28 Crore
2002-03	Rs. 4.72 Crore
2003-04	Rs. 4.18 Crore
2004-05	Rs. 7.67 Crore
2005-06	Rs. 17.55 Crore
2006-07	Rs. 21.60 crore
2007-08	Rs. 23.50 Crore
2008-09	Rs. 23.50 Crore
2009-10	Rs. 25.00 Crore
2010-11	Rs. 35.08 Crore (LAPSED)
2011-12	Rs. 41.35 Crore (revenue Deposit)
2012-13	Rs. 45.97 Crore (revenue Deposit)
2013-14	Rs. 53.69 Crore (Utilized)
2014-15	Rs. 58.52 Crore (Sanctioned)
	Rs. 29.26 Crore (Released)
2015-16	Rs. 64.37 Crore (sanctioned)
	Rs. 32.18 Crore (Released)
2016-17	Rs. 147.25 Crore (including Revenue Deposit)
	Rs. 117.25 Crore (Released)
2017-18	Rs. 72.00 Crore (Released)
2018-19	Rs. 30.00 Crore (?)

(Source: S(seminar presentation by Dr Surojit Doley, Principal NCD College, Dhamaji, Assam)

According to the Accountant, the Council utilized the whole allotted money in every financial year. No money is left unutilized. Although by rule 10% hike every year in the allotment of fund should be maintained, but practically it is not followed. Generally the fund is released in two phases.

As the CEM, EM and the general members of the MAC were directly appointed by the Government till 2013, so they were not responsible to the people. After the formation of MAC no election is held till October 2013 and all the councils were worked as interim council. They knew that their tenure of office is subject to the good will of the Government in power. They were the members of the political party in power and their loyalty to the party is the only criteria to hold the post. So, there were no tangible work is found from the time of inception to 2006. The MAC becomes the sources of money for a section of people. There were misappropriation of fund allotted to the MAC as alleged by TMPK and MMK. The Government fixed 70% of the allotted money for supply and 30% for developmental work, which makes it easy to mishandle the fund. (LI: SANG, mouthpiece of TMPK, pg – 142, 2009). After 2006 when the TMPK and MMK join the interim Council in 60% seats, some of the TMPK leaders claim that people is getting benefit now. Some of the development

activities like distribution of Ambulance in Missing Areas, distribution of tubewell, blanket, extension of medical facility, making of culvert, encouragement in tourism are found. Some interviewed leaders of TMPK admit that the development is not up to their expectation (source, field work 2018). The interim body and ad-hoc body was ran from 1995 to October, 2013. Viz, after Eighteen (18) years from the date of accord of MAC the election was held. The first elected body assume office on 6th November, 2013. The second terms election was occurred in the month of January, 2019 and second elected body assumed office 28th January, 2019.

Constitutional Status of MAC

The Mising Autonomous Council was established following state Act enacted by the Legislative Assembly of Assam. The MAC was established following the recommendation of one Member Committee on Tribal affairs Assam headed by Dr. Bhupender Sing (retired IAS) vide notification no TAD/BC/300/94/Pt-IX/3 dated 19th October 1995.

Functioning of MAC and Infrastructural Development

The MAC building is a long Assam Type one. Here office rooms for all executive members are separately arranged including a bigger room for Chief Executive Member. There is a conference hall where meetings are held. A well furnished secretariat to carry on the official works is arranged. The campus includes a canteen. All the EM get official vehicle for use. The office has a boundary with a gate.

Interim councils are not created at village level; therefore there is no grass root network of MAC till 2013. The Executive Council makes the annual budget and submits it to the Government before November every year. All the EC submits their different scheme in the Budget. After they get the fund they execute the schemes. Regarding implementation of the scheme the members are accused of misappropriation of money.

The Works on Tourism in Majuli

The MAC has allotted Rs. 8 lakhs to a NGO to develop the Tourism in Majuli. Majuli is one of the important tourist places of Assam, as it is the biggest river island of the world and place of Satras (the place of congregation of Vaisnavites). The NGO “River People” was working in the field of tourism in Majuli. The MAC has provided fund to make it more effective. The “River People” established a Tourism Park in the Gormur. The Park has one big Conference hall and three different building for the Tourist. Within the campus of the Park there is big plot of land for cultivation. According to Horen Narah, the In – Charge of the tourist Park, tourists from different part of the World comes and stays there.

The works on Health

A good number of works had done in the field of health in Majuli. In 2007 four number of Ambulance were distributed in Majuli, one in lower Majuli, two in upper Majuli and one in middle Majuli. The Executive

Members also visited the flood affected areas during flood time. Again in health sector in Majuli, 4 new medical sub-centre's were established and other 8 medical sub – centre's were repaired from MAC fund.

Some other works done by MAC

The MAC has distributed 4 boats in flood affected areas of Bonoria Chapori, Kasekota, Korotipar and Komolabar in Majuli Sub – Division. The MAC has upgraded roads, constructed culverts, two Community Hall, allotted 2 lakhs to Gormur Satra and the constructed Court Field wall in Majuli. The MAC distributes tube – well, blankets, threads, rice etc. from time to time.

A STUDY OF THE RECOMMENDATION OF COMMITTEES/COMMISSIONS ON AUTONOMY FOR THE TRIBES OF ASSAM:

Altogether three committees were constituted at three different times. Dr Bhupender Singh committee and Bhuria Committee were constituted to see the physibility of Autonomy in Assam by Central Government. ECOPTA was formulated by the state Government. These are:

- A. One Member committee on Tribal Affairs in Assam headed by **Dr. Bhupender Singh, IAS (Retd.)** (Vide Notification No. TAD/BC/300/94/Pt-IX/3 dated 19th October, 1995)
- B. Committee of Members of Parliament and Experts constituted to make recommendations on Law concerning extension of provision of the Constitution (Seventy Third Amendment) Act, 1992 to Scheduled Areas, known as **Bhuria Committee** (Vide Order NO. N-11001/3/93, PR, Govt. of India, Ministry of Rural Development).
- C. Expert committee on the Plain Tribe of Assam (ECOPTA) (Vide Order NO. 11002/22/89-NER-IV dated 25-02-1991), Govt. of India, Ministry of Home Affairs headed by Dr. Bhupender Singh, IAS (Retd.) as Chairman.

Bhupender Singh Committee's Important Recommendations:

The terms of reference of this Committee was to recommend measure to improve the modalities of functioning of the existing Autonomous Councils namely:

1. Bodo Land Autonomous Council.
2. Mising Autonomous Council.
3. Lalung (Tiwa) Autonomous Council and
4. Rabha Hasong Autonomous Council.

The committee made the following observations and recommendations:

a) “The State’s four legislations, mentioned above confer on the Councils powers similar to those exercisable by the Panchayat under the Assam Panchayat Act, 1992. Thus an anomalous and piquant situation has emerged on account of self – management duality on the ground.” (Para - 1, Page – 7)

b) “Article 243 rules out automatic application of provisions of part IX (Panchayat System) to the Scheduled Areas (area under the Fifth Schedule) and Tribal Areas (areas under the Sixth Schedule). Article 243M (4) (b) provides that for the scheduled areas and Tribal areas, Parliament may extend the provisions of Article 243 A to 243 L with such law shall not be deemed to be an amendment of the Constitution in terms of the provision of Article 368 of the Constitution.” (Para – 4, Page – 8)

c) “The four Council areas have been scheduled neither under the Fifth nor under the Sixth Schedule. As such, any law passed by the parliament under Article 243M (4) (b) will not ipso facto, become applicable to the four council areas.”

d) “Under the circumstances, the first requirement is to get the four council areas (and, if necessary, other tribal areas in Assam scheduled under 5th schedule of the constitution. This does not require the amendment of the constitution.”

e) On the demand for abolition of the Integrated Tribal Development Projects (ITDP), the Committee says – ‘This is a matter which, prima facie, appears reasonable. But considering the fact that the Councils have yet to be 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.’ (Para – 9, Page – 11).”

f) “The delivery system for tribal development in the state of Assam has become complex and overgrown over the years. It requires rationalization and streaming (para- 10, Page 11).”

Bhuria Committee Recommendations

This committee was constituted in the wake of exemption of certain areas from the purview of the 73rd amendment of the constitution i.e. the provision of the Panchayat Raj System. The exempted areas are :-

- a. Darjeeling Gorkha Hills Council.
- b. The states of Nagaland, Meghalaya and Mizoram.
- c. The Hill areas in the state Meghalaya for which District Councils exist.
- d. The Scheduled Areas of Article 244 (1) notified as per the Fifth Schedule and Tribal area of Article 244 (2) notified as per the Sixth Schedule.

The Committee was asked to recommend on Law concerning extension of provisions of the Constitution (73rd amendment) Act, 1992 to Scheduled Areas. The Committee made the following observation / recommendation:-

- i) “It is noteworthy that Tribal areas in the country are covered neither by the Fifth nor by the Sixth Schedules of the Constitution of India. In Assam also; tribal areas of the state have been left out of both the Fifth and Sixth Schedules of the Constitution. The tribes of north plains of Brahmaputra have been unable to take advantage of constitutional provisions as per the two schedules. The process of Scheduling was commenced in the fifties and was resumed in the seventies as a part of making the Tribal Sub – plan and Schedules Area co-terminus. But somehow it remained incomplete. It is necessary that the remaining Tribal Sub – plan and MADA areas, as well as similar pockets in West Bengal, Tamilnadu, Kerala and Karnataka should be covered by Schedule Areas notification.” (Para – 2, Page – 3)
- ii) “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 overall design of the Sixth Schedule could serve as a relevant reference frame....” (Para – 15, Page – 7)
- iii) “Many of the present day’s administrative boundaries were determined during colonial times, based on colonial compulsion. There have been some changes there after. But, by and large, the earlier boundaries have stayed with the resulting situation that tribal people are located on borders, be it state, district or block, marginalizing them in every way and fragmenting larger communities and areas. State should consider, say within a period of two years, reorganization of the boundaries based on ethnic, demographic and geographical considerations.” (Para – 21 (iii), Page – 8)
- iv) “The land Acquisition Act which enables the states to take over any land for “a public purpose”, being based on the principle of individual land ownership, does not take recognizance of the customary regulation of common property resources in tribal areas. Among many tribal communities, land and such other natural resources, are owned jointly by the community and its use by individual is sanctioned by the community. In not recognizing this basic principle in tribal areas, the Land Acquisition Act is premised on unrealistic ground. The basic lacunae in the Act have to be removed.” (Para – 21(v), Page – 9)
- v) “It has been observed that the lower functionaries of departments like Police, Excise, Forest, and Revenue have generally been acting against tribal interest and have become repressive and exploitative. The felt that in the tribal areas, the role of these functionaries I minimal....” (Para – 21 (vi), Page – 9)
- vi) “A hamlet village comprising a community in a tribal area must be distinguished from a revenue village which is more of an administrative entry.” (Para – 22, Page – 9)

- vii) "...So far as the generality of the tribal areas are concerned, it would appear that the dominant bureaucratic apparatus at the district level has hardly touched any tribal chord. It is in this context that we bark to the structure of autonomous district councils contained in the Sixth Schedule of the Constitution." (Para – 26, Page – 10)
- viii) "We know of certain districts which are not tribal majority districts, in the sense that scheduled tribal populations do not constitute more than 50% of the total population of the district. But the STs are concerned in a part or parts of the districts, say in some blocks or sub – divisions. If the tribal population in these units is substantial in absolute terms, there is no reason why analogous arrangements should be ushered in such area. Councils to be formed for such area could be termed as Autonomous Sub Districts Councils (ASDC)." (Para – 27, Page – 10).

2. Important Observation/Recommendations of the Expert Committee on the Plains Tribes of Assam (ECOPTA)

The following important points / recommendations are found in the Summery of Recommendations of the Committee.

1. "It is said democracy is, in essence, majority rule and minority rights. The legislative assembly of the state does serve the purpose of enabling different socio-political entities to inter-act with each other, hammer out solution to the public problems of the day and undertake legislation required for the entire society of state. But the complaint of ethnic minorities has been that they have been neglected and discriminated against. An important intellectual section of the society in Assam eels that, for the purpose, a second chamber should be created in the state with the stipulated of equal representation to all ethnic groups. While we have not gone to extent of equal representation, we recommend creation of second chamber in Assam i.e. a Legislative Council." (Para – 14, Page – 258).
2. "Keeping in view the tradition and modern desiderata, we have conceived on 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 area and Dolung Kebang in the Mising eastern sector. Above these village bodies, we propose Regional Councils, which may be called the Bodo Gudi Jothum and the Mising Banke Kebang respectively in the two sectors. At the apex should be the Gojou Jothum and Bane Kebang." (Para – 18, Page – 261).
3. "For demarcating regional bodies, we have kept three criteria in view: (a) a region with normative population between 20,000 to 40, 000 (b) to the extent possible, retention of the xisting administrative boundaries, say the revenue circle, sub – divisions and districts and (c) physiographic features." (Para – 19, Page – 261).
4. "At the state level there, we recommend that there should be forging of linkages with the legislative assembly and the legislative council. Any legislative enactment subjects falls within their jurisdiction, to both the legislative assembly and the legislative council. The Legislative Council should have the

- benefit of the considered views of the Legislative Assembly on the particular legislative measure. The Legislative council should make its own pronouncement on it. If it agrees with the bill of the Apex Council, it may rectify it. In the alternate the rectification may be with amendment, modification etc. that may be proposed by the legislative assembly and/or legislative council and accepted by the legislative council. However, in the case of a disagreement on substantive issue of a piece of legislation, the Legislative Assembly may send it back to the Apex Council for consideration of the objection. If the disagreement persists, the view of the Apex Council may prevail.” (Para – 25, Page – 264).
5. “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 Legislative, including the Legislative Council..... the process of reelection and reconstitution should be completed within a period of Six months from the date of dissolution.” (Para – 27, Page – 265).
 6. “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 setup in the north plain, they should be recognized as sub – cadres and be under the full control of Apex Councils including matters of discipline.” (Para – 28, Page – 265/266).
 7. “Fund allotted by the state Govt. and the Central Govt. to the Apex Councils should be in the form of grants-in-aid implying non – lapseability. Further, funds allotted by the state budget as a lump-sum under one separate head of accounts; their sector wise utilization should strictly be in accordance with the manner decided by the Apex Councils.” (Para – 19, Page 266).

Recommendation for An illustrative list of subjects that could be assigned to the Apex Councils:

- I. Land and Land Revenue Management
- II. Management of Forest & Environment not being a Reserved Forest
- III. Use of canal or water course for the purpose of agriculture
- IV. Agriculture
- V. Public Health and Sanitation, Hospitals and Dispensary
- VI. Tourism
- VII. Vocational Training
- VIII. Public Works – Development & Planning
- IX. Construction and maintenance of all roads except national highways and state highways.
- X. Transport & Development of Transport
- XI. Management of Burials and burial grounds, cremation and cremation grounds
- XII. Preservation, protection and improvement of livestock and prevention of animal disease, veterinary training and practices
- XIII. Pounds and the prevention of cattle trespass
- XIV. Water that is to say water supplies, irrigation and canals, drainage and embankment, water storage;
- XV. Fisheries

- XVI. Management of Markets and Fairs not being already managed by Municipal authorities, Panchayat samities or Gaon Panchayat
- XVII. Education – Primary, Secondary and Higher
- XVIII. Works, lanes and buildings vested in or in the possession of the General Council
- XIX. Small scale and Cottage industries
- XX. All matters connected with customary law relating to inheritance of property marriage and divorce, social customs etc. of both tribal and non – tribal communities
- XXI. Development of language, tribal / folk – culture in all aspect
- XXII. Share of royalties from licenses of lease of minerals
- XXIII. Any other matter connected with development.

The MAC has the following feature:

It is State Act enacted by the Legislative Assembly of Assam and not under any Constitutional provision. The Act has been enacted for “within the state of Assam with maximum autonomy within the framework of the Constitution, comprising of core areas covering the existing Tribal Belts and Blocks, Tribal Sub Plan areas irrespective of population pattern therein and the satellite areas and other villages having 50% or more tribal population for social, economic, educational, ethnic and cultural advancement of the Mising residing therein.” It is consisted of both elected and nominated members. The MAC is not under either fifth or sixth schedule. The fund is provided by the State Government from the tribal sub plan and other sources. The Constitution (seventy third Amendment) Act, 1992 (Panchayat Raj System) has not exempted the MAC area from its application. However, MAC provides for constitution of Village Council with population of 6000 to 8000. As such, if the MAC Act is fully implemented, there shall be two elected bodies exercising the same power and functions. The post of Chairman and the post of Chief Executive Councilor are different in MAC. The Executive Councilors and Vice – Chairman are elected by the General Members not by the Chief Executive Councilor or Executive Members. The area of operation is not defined in clear terms in the MAC. From the time of inception there till October 2013, only interim Council carries on the functions of MAC.

Reference and Bibliography.

- Bhuyan A.C. Ed., - 1980 – Political History of Assam, Part – III, Government of Assam.
- Bhuyan, K. 2008. Sixth Schedule in North East India, D.V.S. Guwahati.
- Danda, A.K. 1991, Ethnicity in India, Inter – India Publications, New Delhi.
- Datta, P.S., 1993, Autonomy Movement in Assam (Documents), Omsons Publishing House, New Delhi..
- Glazer Nathan and Moynihan, D.P., 1975, Ethnicity, Harvard University Press, USA.

Hazarika N. – 1989 – “The Plains Tribal Council of Assam” in B.C. Bhuyan’s Political Development in

N.E. India, Omsons Publication, New Delhi.

LI: SANG, 2006, Mouthpiece of TMPK, Amarpur, Sadiya.

LI: SANG, 2009, Mouthpiece of TMPK, Dhemaji, Assam

Pegu, R. Ed. 1993, “Autonomy Movement of the Mising People” in The Misings – Their History and

Culture, Kuli, J.J. Ed., Ayir Publication, Guwahati.

Tayeng, Sankar, Ed. Li: Snag., Mouthpiece of TMPK, Published by TMPK, Amarpur, Sadiya, 2006.

Dr. Bhupinder Singh, 1996, Report of the One Member Committee on Tribal Affairs in Assam,

Appointment by the Government of Assam.

Mising Autonomous Council Act 1995 and 2001