



# Understanding The Dynamics Of The 6th Schedule Of The Indian Constitution: A Comprehensive Analysis

Samipya Mahanta<sup>1\*</sup>

<sup>1\*</sup>NET,SLET QUALIFIED UG-KIRORI MAL COLLEGE,UNIVERSITY OF DELHI , PG-JAMIA MILLIA ISLAMIA(JMI) UNIVERSITY,NEW DELHI EMAIL: samipyamahanta@gmail.com NUMBER: 9706246157

**Citation:** Samipya Mahanta (2024). Understanding The Dynamics Of The 6th Schedule Of The Indian Constitution: A Comprehensive Analysis . *Educational Administration: Theory and Practice*, 30(3), 1032-102. Doi: 10.53555/kuey.v30i3.1503

## ARTICLE INFO

## ABSTRACT

The 6th Schedule of the Indian Constitution, crafted with the objective of safeguarding the interests of tribals inhabiting the northeastern regions of Assam, Meghalaya, Mizoram and Tripura represents a unique constitutional provision that reflects the complexities of governance in pluralistic societies. This research paper endeavors to provide a thorough analysis of the different dimensions and implications of the sixth Schedule. The paper begins by elucidating the historical context behind the incorporation of the 6th Schedule, tracing its origins to the colonial legacy and the imperative to protect the distinct identities of tribals. Subsequently, it delves into the constitutional framework enshrined within the 6th Schedule, delineating its provisions related to the formation of the autonomous district councils and devolution of legislative and executive powers to these administrative units. The paper also critically examines the efficacy of the 6th Schedule in fostering grassroots democracy and empowering marginalized communities, while also interrogating its limitations and areas for reform.

**Keywords:** Tribal, Sixth Schedule, Development, Northeast, Constitution

## INTRODUCTION

The Sixth Schedule of the Indian Constitution allows for the self-governance of specific tribal regions as autonomous entities. As per the Sixth Schedule, four states viz. Assam, Meghalaya, Mizoram, Tripura comprise of tribal areas which vary from the Scheduled areas. The governance of an autonomous district will be entrusted to a District Council, which possesses legislative, judicial, executive, and financial authority. This process traces back to the time of British rule in India, when the Government of India formed a sub-committee within the interim Constituent Assembly known as the North-East Frontier Tribal and Excluded Areas Committee. It was headed by Gopinath Bordoloi, the inaugural Chief Minister of Assam. The committee proposed the establishment of autonomous district councils to ensure adequate representation for tribal populations at the local level. These recommendations were subsequently included in the Sixth Schedule (Article 244 (2) & Article 275) of the Indian Constitution.

Under the Sixth Schedule, Autonomous District Councils were formed with an aim of protecting cultural, economic interests of the hilly tribals. The primary aim of the Sixth Schedule is to grant self-governance to diverse tribal communities in the North Eastern states of India. Individuals from different regions of the country must obtain line permits to access Sixth Schedule regions, and they are barred from buying land within these areas. The key goal of establishing the 6th Schedule is to foster the development of tribal regions across cultural, educational, technological, and other dimensions.

## OBJECTIVES

- 1.To study the historical background and necessity of sixth Schedule of the Indian constitution.
- 2.To examine the functions and powers of Autonomous District Councils under the sixth Schedule of Indian Constitution.
- 3.To critically assess the actual performance of Autonomous districts in terms of development.

## METHODOLOGY

The research paper has utilized information and materials sourced from a thorough examination of existing literature in the field. Primarily relying on secondary data, such as books, journal articles, theses, internet sources, and newspapers, supplemented by government documents, publications, and reports. The study adopts a descriptive and qualitative approach.

## HISTORICAL ROOTS OF THE SIXTH SCHEDULE

The Assam Autonomous Districts Rules of 1951 designated the tribal belts under administration as the Khasi-Jaintia Hills, Garo Hills, Mikir Hills, North-Cachar Hills, Lushai Hills, and Naga Hills. The sixth schedule incorporates recommendations from the North-East Frontier Tribal and Excluded Areas Sub-Committee of the Constituent Assembly, commonly referred to as the Bordoloi Committee, chaired by the inaugural Chief Minister of Assam, Gopinath Bordoloi. The regions designated for administration under the sixth schedule were formerly referred to as "backward tracts" during the British colonial era. Inhabitants of these areas were largely perceived as primitive and it was believed that no political institution or authority could effectively govern them. Consequently, these primitive communities were kept isolated to prevent interaction with people from the plains, and this separation was maintained through distinct administrative structures. These regions were initially labeled as Tribal Areas and later came to be known as the sixth schedule, as outlined in the provisions of the Government of India (Excluded and Partially Excluded Areas) Order of 1936.

B.G Verghese commented that "the key focus of such provision was that when Bordoloi committee toured the regions of hilly tribes it was observed that there were some efficient local institutions for the administration of hill tribes which were well structured and destroying such an institution would be unfair." Hence, in order to preserve local governance structures, the Bardoloi Committee proposed provisions in the 6th schedule. This committee advocated for granting autonomy in hilly regions for administration, leading to the establishment of autonomous hill district councils under Assam in 1952 as per the committee's recommendations.

Dr. B.R. Ambedkar emphasized the need for a distinct administrative structure for the tribal communities of Assam due to their unique characteristics compared to tribes elsewhere in the country. While these provisions were initially put into effect, there were numerous amendments during their implementation in Meghalaya on April 2, 1970, and subsequently in Mizoram. In a later phase of amendment, Tripura established its autonomous arrangement through the Tripura Tribal Areas Autonomous District Councils under the TTAADC Act of 1979.

In May 1952, the Karbis and the Dimasas established their District Council in Assam. However, it wasn't until 1995 that they obtained official status under the Sixth Schedule, leading to the formation of the Karbi Anglong Autonomous District Council (KAAC) and the Dima Hasao Autonomous District Council. Another adjustment to the Sixth Schedule occurred in 2003 to address the requests of plain tribals in Assam. This amendment was prompted by the central government's signing of a Memorandum of Understanding (MoU) with surrendered BLT leaders to create the BTC. The initial plan of the Sixth Schedule, intended for hilly tribes, required modification due to the Bodo community's demand for a separate state.

## DISCUSSION

The intention behind the establishment of the Sixth Schedule of the Constitution of India is to offer the tribal communities in North East India a straightforward administrative and political framework that can protect their customs, traditions, way of life, judicial system, etc., while also granting them autonomy in managing their daily affairs. Article 244(2) of the Indian Constitution outlines the Sixth Schedule's application to the governance of tribal areas in the states of Assam, Tripura, Mizoram, and Meghalaya. Paragraph 20 of the Sixth Schedule enumerates the tribal areas covered by its provisions, namely Part 1, Part 2, Part 2A, and Part 3.

Part-1 (a) the Dima Hasao District Autonomous Council, Assam (b) The Karbi Anglong Autonomous Council, Assam (c) The Bodoland Territorial Council (BTC), Assam. Part-2 (a) the Khasi Hills Autonomous District Council, Meghalaya (b) The Jaintia Hills Autonomous District Council, Meghalaya (c) The Garo Hills Autonomous District Council, Meghalaya. Part-2A (a) Tripura Tribal Areas Autonomous District Council, Tripura. Part-3 (a) the Chakma Autonomous District Council, Mizoram (b) The Mara Autonomous District Council, Mizoram (c) The Lai Autonomous District Council, Mizoram.

T.A Hussain states that "Autonomous District Councils and Autonomous Regional Councils were authorised to some special powers through the Sixth Schedule which is incomparable with the other parts of the country". Both the regional and district Councils possess authority to enact regulations concerning the allocation, occupancy, or utilization of land, excluding areas designated as reserved forests intended for grazing, agriculture, residential, non-agricultural, or other endeavors aimed at advancing the welfare of town or village residents. Autonomous Councils are empowered to legislate on various aspects of village or town governance, encompassing village or town policing, as well as public health and sanitation. Additionally, District Councils

are vested with the jurisdiction to formulate laws pertaining to marriage, divorce, and other societal conventions.

Under paragraph 6, both the Councils (Regional and District Councils) have been given large executive powers and functions. The district councils have power to establish, organise and manage primary schools and the manner in which the education will be given within the council area. The council has power to constitute 'Village Council Court' (VCC) for trial of cases and suits in which all the parties are members of the ST community. Under Paragraph 7 the district councils have responsibility to constitute "District Fund" in which all the funds received by the District Council is credited/ deposited. Under Paragraph 8, the district councils possess the authority to impose or gather taxes on land revenue, property taxes for lands and structures, individuals and inhabitants, occupations, businesses, employments, animals, vehicles, and taxes on the introduction of goods into the market for sale.

### CRITICAL EVALUATION

P.Saikia is of the view "The inclusion of Bodoland into the provisions of the Sixth Schedule presents both advantages and disadvantages within the administrative framework. While Bodoland has seen advancements in its political landscape and infrastructure, it has struggled to address the economic and social needs of its populace. The author concludes that in order to foster the region's development, autonomous councils and administrations must prioritize issues related to education and healthcare for the residents." In a similar vein, the Tripura government has opted to elevate the status of the Tripura Tribal Areas Autonomous District Council to that of a 'Territorial Council,' aiming to provide greater autonomy and financial support. The Autonomous District Councils have effectively facilitated Mizoram in providing adequate educational facilities, resulting in its ranking as the top state in the North Eastern region.

Frequent clashes of interest arise between District Councils and state legislatures, as observed. In Meghalaya, despite statehood, the entire region remains governed by the 6th Schedule, leading to conflicts with the state government. The Autonomous District Council requires the governor's approval to enact laws, thus limiting its legislative authority under the Sixth Schedule. Several issues have resulted in the Sixth Schedule establishing numerous power centers rather than fostering authentic democratization processes.

### CONCLUSION

The 6th Schedule of the Indian Constitution stands as a significant legal framework drafted to safeguard the interests of tribal communities in certain regions of the country. Through an analysis of its provisions, historical context, and practical implementation, this research paper has shed light on the multifaceted nature of the 6th Schedule. It is evident that the 6th Schedule recognizes the unique socio-cultural and historical backgrounds of tribal communities, offering them a degree of autonomy in matters of governance, administration, and land management.

In conclusion, while the 6th Schedule represents a significant milestone in India's constitutional history, its full potential can only be realized through sustained efforts aimed at addressing the challenges and aspirations of tribal communities. By fostering genuine partnership and dialogue between all stakeholders, we can move towards a more accommodative, equitable and inclusive society that protects the principles of justice, equality, fraternity and dignity for all its citizens, including those living in tribal areas.

### REFERENCES

1. Verghese, B. G. (1996). *India's Northeast Resurgent: Ethnicity, Insurgency, Governance, Development*. Delhi: Konark Publishers.
2. Lacina, B. (2009). The Problems of Political Stability in Northeastern India: Local Ethnic Autocracy and Rule of Law. *Asian Survey*, Vol. 49, No. 6 , 998-1020.
3. Saikia, P. (2011). *Ethnic Mobilization and Violence in Northeast India*. New Delhi: Routledge
4. Hansaria, B. L. (1983). *The Sixth Schedule of the Constitution of India- A Study*. Guwahati: Smti Gita Hansaria, Jyoti Printers
5. George, S. J. M (1994). The Bodo Movement in Assam: Unrest to the Accord. *The Asian Survey*, Vol. 34, No. 10 , 878-892.
6. Barman, B. Problems and the Prospects of tribal Development in North-East. Retrieved from <https://www.jstor.org/stable/4394606>
7. Sixth Schedule of the Indian Constitution. (n.d.). Retrieved from <https://byjus.com/free-ias-prep/sixthschedule/>
7. Hussain, T. A. (2002). "The Relative efficacy of governance under Sixth schedule provision & the 73rd constitutional Amendment of the Constitution of India". *JOUR*