

Sixth Schedule – UPSC Notes

The sixth schedule contains provisions related to the Administration of Tribal Areas in the States of **Assam, Meghalaya, Tripura and Mizoram**. The Sixth Schedule provides for the administration of certain tribal areas as autonomous entities. The provisions of the sixth schedule are provided under **Articles 244(2) and 275(1)** of the Indian Constitution.

Introduction

- One of the most important provisions of the Sixth Schedule is that the tribal areas are to be administered as Autonomous Districts and Autonomous Regions.
- Under the provision of the Sixth Schedule, the Governor of the State is empowered to determine the area or areas as administrative units of the Autonomous Districts and Autonomous Regions.
- The Governor has the power to create a new Autonomous District/Region or alter the territorial jurisdiction or the name of any Autonomous District or Autonomous Regions.
- Originally, it consisted of two parts A and B, but at present, there are 10 such areas in four parts as listed below:

Tribal Areas under Sixth Schedule of the Indian Constitution	
Part I (Assam)	<ol style="list-style-type: none">1. The North-Cachar Hills District (Dima Haolang)2. The Karbi-Anglong District3. The Bodoland Territorial Area District
Part II (Meghalaya)	<ol style="list-style-type: none">1. The Khasi Hills District2. The Jaintia Hills District3. The Garo Hills District
Part II-A (Tripura)	The Tripura Tribal Areas District
Part III (Mizoram)	<ol style="list-style-type: none">1. The Chakma District2. The Mara District3. The Lai District

Features of the Sixth Schedule

The various features of administration contained in the Sixth Schedule are as follows:

- The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as autonomous districts. But, they do not fall outside the executive authority of the state concerned.
- If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.
- Each Autonomous District shall have a District Council consisting of not more than thirty members, out of which four are nominated by the Governor while the rest are elected on the basis of adult franchise.
- The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members to hold office during the pleasure of the governor.
- Each autonomous region also has a separate regional council.

Administration of Tribal Areas

- The Sixth Schedule has provision for the creation of Autonomous District Councils, and Regional Councils endowed with certain legislative, executive, judicial and financial powers.
- However, the administrative powers and functions of these District Council and Regional Council differ from State to State.
- The power and functions of District Councils and Regional Councils as given in the Sixth Schedule can be summarised as follows:

Legislative Functions

- One of the most important features of the Sixth Schedule is the empowerment of District Councils to make laws.
- They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, and inheritance of property, marriage and divorce, social customs and so on.
- However, all laws made under this provision shall have no effect until assented by the Governor of the State.

Executive Functions

- The District Councils and Regional Councils are given the power to establish, construct or manage primary schools, dispensaries, markets, cattle ponds, fisheries, roads, road transport and waterways in the districts.
- The Councils are also authorised to prescribe the language and manner of instruction in the primary schools.

Judicial Powers

- The District and Regional Councils are also empowered to constitute Village and District Council Courts for the trial of suits and cases where all parties to the dispute belong to Scheduled Tribes within the district.
- And no other courts except the High Courts and the Supreme Court has the jurisdiction over such suits or cases of the Council Courts.
- However, these Council Courts are not given the power to decide cases involving offences punishable by death or imprisonment for **five or more years**.

Financial Powers

- The District and Regional Councils are empowered to prepare a budget for their respective Council.
- They are empowered to assess and collect land revenue and impose taxes on professions, trades, animals, vehicles, taxes on entry of goods into the market for sale, the toll on passengers and goods carried in ferries and taxes for the maintenance of schools, dispensaries or roads within their respective jurisdiction.
- Also, the Councils are given the power to grant licences or leases for the extraction of minerals within their jurisdiction.

Significance of the Special Provisions

- The rationality behind the special arrangements in respect of only four states lies in the following:
 - The tribes in Assam, Meghalaya, Tripura and Mizoram have not assimilated much the life and ways of the other people in these states.

- These areas have hitherto been anthropological specimens.
- The tribal people in other parts of India have more or less adopted the culture of the majority of the people in whose midst they live.
- On the other hand, the tribes in Assam, Meghalaya, Tripura and Mizoram, still have their roots in their own culture, customs and civilization.
- These areas are, therefore, treated differently by the Constitution and a sizeable amount of autonomy has been given to these people for self-government.
- The majority of tribal communities categorised as “Scheduled Tribes” have been living in isolation in the hills and forest areas in different parts of the country.
- Therefore, the administration of these tribal areas has always been a matter of great concern.