

# SIXTH SCHEDULE OF THE INDIAN CONSTITUTION: AUTONOMOUS GOVERNANCE OF NORTH EAST INDIA

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**Abstract:** The Sixth Schedule of the Indian Constitution was introduced in 1950 with the primary objective of recognizing the customs and laws of tribal communities of the North East and to integrate these communities into the nation's mainstream. India is home to 8.6% of the tribal population, each with its own distinct identity, traditions, customs, and laws. Administration of the tribal areas in the Northeastern states has always been a matter of contention. In the backdrop of this, the Constitution made certain specific provisions for administering these tribal areas. The Sixth Schedule, through autonomous governance, aims to protect the tribal populations of Assam, Meghalaya, Tripura, and Mizoram.

The research article focuses on understanding the evolution of the Sixth Schedule of the Indian Constitution. Additionally, the research study examines the implications of the Sixth Schedule on North East India.

**Keywords:** Autonomous Governance, Constitution, North East, Sixth Schedule, Tribal Communities

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## INTRODUCTION

Tribal is a heterogeneous ethnic group that is the aboriginal population of India. The tribals are referred to as 'Adivasi'. The term "Adivasi" is a combination of two terms: 'Adi'= original and 'Vasi'= inhabitant; hence, they are known as 'original inhabitants'. The term 'Adivasi' was coined in the 1930s. They have unique traditions, customs, social structure, and language. The International Labour Organization has classified such people as "indigenous". In India, the tribal population is a minority, dispersed across various states, including West Bengal, Odisha, Gujarat, Rajasthan, Chhattisgarh, Jharkhand, Maharashtra, Andhra Pradesh, Madhya Pradesh, Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland. Gonds, Santhals, Bhils, Khasis, and Angamis are some of the significant tribal groups of India.<sup>1</sup> The existence of the tribal community dates back ten thousand years. During the British colonial period, tribal communities faced alienation as the British imposed taxes and restrictions on forest use. The British government, under the Government of India Act 1935, introduced the term 'Scheduled Castes', which defined the tribe as "such castes, races or tribes or parts of groups within castes, races or tribes, which appear to His Majesty in Council to correspond to the classes of persons formerly known as the 'Depressed Classes'."<sup>2</sup>

After its independence in 1947, India made an effort to integrate the tribal population into mainstream society. The Constituent Assembly upheld the definition of Scheduled Castes and Tribes as defined by the Government of India Act 1935. Under Articles 341 and 342, the Constitution empowers the President and the Governor to

compile the list of castes and tribes under the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950. Article 366 (25) of the Constitution of India defines Scheduled Tribes as such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes (STs) for this Constitution.<sup>3</sup> The Indian Constitution strives to preserve the culture and political rights of the Scheduled Tribes. Article 46 promotes the educational and economic interests, and Article 350 preserves the distinct language, script, and culture within India. Through these Constitutional provisions, the Indian government strengthened the protection of the Scheduled Tribes.

In Northeast India, the adivasi term is used for tea-tribes imported from central India during the colonial period, and other tribal groups denote themselves as 'tribes'.<sup>4</sup> Except in the northeastern states of Assam, Manipur, Sikkim, and Tripura, 90% of the tribal population lives in the northeastern states of Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland. Northeast India faces various challenges, including infrastructural development, ethnic conflict, and immigration. Outsider incursion is the major concern for the Scheduled Tribes. In the past, numerous rebellions had been waged by the tribal population in defence of cultural identity and regional autonomy. In this regard, the governance of Northeast India was crucial for integrating the region with Indian sentiment and conserving tribal life. The Indian government, under the fifth and sixth schedules of the Constitution, laid down the provisions for the administration and governance of the tribal areas. The Sixth Schedule focuses on the administration and control of Scheduled Areas of the northeastern states, in particular.

The present research article explores autonomous governance in Northeast India in accordance with the Sixth Schedule of the Constitution. The research paper is significant as it delves into the origin of the Sixth Schedule and its importance in protecting the cultural, linguistic identity of the tribal population of the northeastern states of India. The paper makes an in-depth study of the Autonomous District Council (ADC) to determine the usefulness and drawbacks of the Sixth Schedule in the governance of the Northeast region.

## **OBJECTIVES**

The research paper aims to understand the background of the Sixth Schedule and its changing nature in the contemporary period. Besides, the article emphasizes its impact on the governance of Northeast India. The paper also strives to examine the power and functions of Autonomous District Councils as established under the Sixth Schedule.

## **METHODOLOGY**

The research study employs descriptive and analytical methodologies to understand the provisions and provide in-depth insight into the governance of Northeast India under the Sixth Schedule. Further, the research paper uses a secondary method, which includes journals, articles, newspapers, and theses for information collection. The secondary sources provided ample resources for this research article.

## SIXTH SCHEDULE: ORIGIN, EVOLUTION, AND PROVISIONS

The Sixth Schedule, which serves as a guardian for the protection of the rights of tribals in Northeast India, has its roots in colonial policy exclusion. During the British rule in India, the Inner Line Regulation Act was introduced in 1873 to protect the hill people and control the free movement between plain and hill tribes for trade and commerce. Through this exclusion policy, the British Government aimed to separate the tribal people of Assam from the district administration to restrain the expansion of entrepreneurs into tribal lands.<sup>5</sup> The Inner Line was extended to all except the Khasi, Garo Hills, and the Karbi Anglong districts of Assam. Later, the British government implemented the Scheduled District Act 1874 and the Assam Frontier Tract Regulation (1880), which laid down certain special provisions for the people living in the hill areas of North East India. In 1918 Montague-Chelmsford report suggested the exclusion of hill areas from the jurisdiction of the Legislative Council. The areas were called Tribal areas and were designated as 'backward tracts'. The population of these areas was regarded as primitive, and no political institution was empowered to govern them. These Tribal areas were named as the sixth schedule under the provisions of the Government of India (Excluded and Partially Excluded Areas) Order 1936.<sup>6</sup>

After independence, an intense debate took place in the Constituent Assembly to include tribal people in the mainstream of India, as well as to establish a constitutional framework for the administration of tribal and hill areas. For this purpose, a Sub-Committee under the chairmanship of Gopinath Bordoloi was formed on 27<sup>th</sup> February 1947. The committee, after conducting field surveys and discussing ground problems with the tribal leaders, submitted the report on 28<sup>th</sup> July 1947. The Sub-Committee recommended various constitutional, administrative adjustments for the tribal region of the North-East. With certain amendments, the draft was adopted by the Constituent Assembly on 7<sup>th</sup> September 1949, and the Sixth Schedule was incorporated in the Constitution. As recommended by the Bardoloi Committee autonomous hill district council was established in Assam in 1952.

The Sixth Schedule aims to provide administration of tribal areas as Autonomous Districts, and Autonomous Regions to protect their culture, traditions. It empowers the tribal communities of northeast India to govern themselves and also prevents them from exploitation and marginalization by the non-tribal communities. It accredits the governor to create a new Autonomous District or region, or alter the territorial jurisdiction or the name of any Autonomous District/region.

Over time, the provisions of the Sixth Schedule evolved and were extended to the Northeastern states of Meghalaya, Mizoram, and Tripura. Meghalaya gained its autonomy in April 1970, and subsequently, the benefits of the Sixth Schedule were extended to the tribal region of Mizoram. The Sixth Schedule, under Article 244(2) and 275(1), empowers the tribal communities of these four states to administer their tribal areas. Tripura, under the Tripura Tribal Autonomous District Council (TTAADC) Act of 1979, exercised the power of autonomous governance. In 1995, the Karbis and the Dimasas of Assam established their District Councils, known as the Karbi Anglong Autonomous District Council and the Dima Hasao Autonomous District Council, respectively. In 2003, an amendment was made to the Sixth Schedule in response to the

Bodo community's demand for a separate state. The Constitution (Amendment) Act 2003 was the result of the signing of an MoU between the Government of India with BLT leaders that ultimately led to the formation of the Bodo Tribal Council (BTC). Moreover, the elimination of Article 370 and the transformation of Ladakh into a Union territory have again raised the issue of regional autonomy. Recently, Ladakh has raised its voice for its inclusion under the Sixth Schedule. In September 2019, the National Commission for Scheduled Tribes recommended that, given Ladakh's 97% tribal population, its cultural heritage should be preserved. Besides, Ladakh, Arunachal Pradesh's legislative assembly passed a resolution on 27<sup>th</sup> August 2020 to bring the entire state under the Sixth Schedule.<sup>7</sup> Government of India ventured to amend the proviso of autonomous governance as provided under the Sixth Schedule in 2019 through the 125<sup>th</sup> Amendment Bill. The bill was referred to the Standing Committee and is still under consideration.<sup>8</sup>

Fig. No. 1 Areas under the Sixth Schedule



Source: <https://military-choice.blogspot.com/2020/05/6th-schedule-autonomous-district-council.html#gsc.tab=0>

## **AUTONOMOUS GOVERNANCE: ADMINISTRATION OF THE NORTHEAST UNDER THE SIXTH SCHEDULE**

The Sixth Schedule enables the creation of Autonomous District Councils (ADCs) and Autonomous Regional Councils (ARCs). These councils have been given autonomy to take protective and preventive actions for the indigenous people. Under the provisions of the Sixth Schedule, ten Autonomous District Councils have been established in four states of North East India—three each in the states of Assam, Meghalaya, and Mizoram, and one in Tripura.

**Table No. 1 AUTONOMOUS DISTRICT COUNCILS OF NORTH EAST**

<b>PART</b>	<b>STATE</b>	<b>AUTONOMOUS DISTRICT COUNCILS</b>
Part I	Assam	1. The North-Cachar Hills 2. The Karbi-Anglong District 3. The Bodoland Territorial Area District
Part II	Meghalaya	1. The Khasi Hills District 2. The Jaintia Hills District 3. The Garo Hills District
Part II-A	Tripura	1. The Tripura Tribal Areas District
Part III	Mizoram	1. The Chakma District 2. The Mara District 3. The Lai District

These councils have been vested with legislative, executive, judicial, and financial powers to protect the interests of the tribal regions of the Northeast. The legislative functions involve a) allotment and distribution of land, excluding the reserved forests, to the people for their livelihood; b) promotion of the interests of the residing people; c) setting up of towns or village committees; d) use of canal water in irrigation and agriculture; e) working in the direction of inheritance of property and other social customs. The laws come into effect after the governor of the state gives his assent. Under the executive sections, the Councils are empowered to construct or manage primary schools, dispensaries, roads, fisheries, markets, and waterways within their districts. They also possess judicial powers under which they are assigned to establish Village and District Council Courts for the trials of suits and cases. They adjudicate disputes in accordance with customary laws and traditional practices. Only the Supreme Court and High Courts have jurisdiction over the suits or cases. However, the Council Courts do not have the power to decide cases involving offences punishable by death or imprisonment for five years or more. The Councils also perform financial functions. They collect land revenues, impose taxes on professions, trades, and entertainment, and grant licences or leases for the extraction of minerals within their jurisdiction.

The governor is vested with immense discretionary power over tribal autonomy. The governor drafts the first constitution for the local governing bodies. It is authorized to nullify or suspend any act of the District or Regional Council affecting the security of the nation. Laws passed by the state legislature or Parliament cannot automatically apply to these areas. At his discretion, the governor can either enforce or not enforce a law passed by the State legislature.<sup>9</sup>

## **FINDINGS, RECOMMENDATIONS AND CONCLUSIONS**

Although the Sixth Schedule was established to ensure autonomous governance in the tribal region of the northeast, it is conspicuous that there are some lacunae in the governance. First and foremost problem is that many issues pertaining to the preservation of tribal identities and development works are kept outside the gamut of the ADCs. Moreover, the governor has been given the power to override laws in the region passed by the state legislature. The lack of representation of the small tribal groups and women in the Council is

another issue. Insufficient funds to the ADCs, corruption, lack of adequate infrastructure, regional variation in the autonomy of ADCs, and jurisdictional overlap between state authorities and ADCs are certain major issues associated with the administration in the tribal regions of the Northeast.

In order to eliminate these impediments, the state government should grant funds regularly without any delays; promote of digitalization to ensure administrative efficiency; a provision should be made for the immediate reconstitution of ADCs after their dissolution; a provision should be included for the reservation of seats of minorities in the ADCs; training programs should be conducted for the Autonomous District and Regional Councils; efforts should be made to ensure accountability and transparency in the working of ADCs, etc.

Ethnicity is a major concern in the modern world. India's Northeast is also not free from this. Historically, the world has witnessed various ethnic conflicts aimed at protecting their interests and identity. A long struggle of different tribal groups of the northeast has led to the insertion of the Sixth Schedule in the Indian Constitution. The Sixth Schedule provides for autonomy and independence to the governing bodies; however, certain lacunae need to be addressed. To make an inclusive and equitable society, the government must make sustained efforts to address the challenges in the Sixth Schedule.<sup>10</sup>

## ENDNOTES

- <sup>1</sup> Meena, S., & Meena N.P.S. (2014). Historical Perspectives of Different Tribal Groups in India. International Journal of Interdisciplinary and Multidisciplinary Studies (IJIMS), 1 (10), p. 48.
- <sup>2</sup> Ibid, p. 49.
- <sup>3</sup> Historical Roots of the Tribals. Retrieved from <https://egyankosh.ac.in/bitstream/123456789/35526/1/Unit-1.pdf> on 30th July 2025.
- <sup>4</sup> Meena, S., & Meena N.P.S. (2014). Historical Perspectives of Different Tribal Groups in India. International Journal of Interdisciplinary and Multidisciplinary Studies (IJIMS), 1 (10), p. 48.
- <sup>5</sup> I, Basumatrary. (2021). The Sixth Schedule and the Working of VCDC in BTAD. P. 51.
- <sup>6</sup> Baro, A.K. (2017). Sixth Schedule and its implementation: Understanding the case of Bodoland (BTAD) in Assam. IOSR Journal of Humanities And Social Sciences, 22 (12), p. 5.
- <sup>7</sup> (2020, November 27). The Sixth Schedule: The History of Tribal Autonomy in the Indian Constitution. Retrieved from <https://clpr.org.in/blog/the-sixth-schedule-the-history-of-tribal-autonomy-in-the-indian-constitution/>.
- <sup>8</sup> Sharma, A. & Jaya, J. (2021). Efficacy of Tribal Governance: A Critical Analysis of the Working of the Governance Bodies Under the Fifth and Sixth Schedules of the Indian Constitution. Chankaya Law Review (CLR). 2 (2), p. 73.
- <sup>9</sup> Ibid. p. 64.
- <sup>10</sup> Mahanta, S. (2024). Understanding The Dynamics Of The 6<sup>th</sup> Schedule Of The Indian Constitution: A Comprehensive Analysis. Educational Administration: Theory and Practice. 30 930, p. 1034.