

# Sixth Schedule UPSC Notes

The demand for the 6th schedule of Indian constitution began because locals believed that the Ladakh Autonomous Hill Development Council (LAHDC) in its current structure could no longer defend tribal interests because it lacked the authority to enact legislation or set regulations on issues like land, employment, and cultures.

- The Governor of the State is authorised by the Sixth Schedule to choose which region or areas will serve as the administrative centres for the Autonomous Districts and Autonomous Regions.
- The Governor has the authority to change the name of any Autonomous District or Autonomous Region, as well as their territorial boundaries and names.
- Independent districts and independent nations are exempt from the provisions of the Acts of Parliament or the State Legislature, or they do so with specific modifications and exclusions.
- For the purpose of exercising specific legislative and judicial powers, provisions have been provided for the establishment of district councils and regional councils. Their jurisdiction, however, is limited by the High Court in question.
- Originally divided into two portions A and B, it now has ten such regions divided into four parts, as follows:
  - **Part 1- Assam-** Tribal Areas of The North-Cachar Hills District (Dima Haolang), The Karbi-Anglong District, The Bodoland Territorial Area District.
  - **Part 2- Meghalaya-** Tribal areas of The Khasi Hills District, The Jaintia Hills District, and The Garo Hills District.
  - **Part 2A- Tripura-** Tribal Areas of The Tripura Tribal Areas District.
  - **Part 3- Mizoram-** Tribal Areas of The Chakma District, The Mara District, and The Lai District.

## Features of 6th Schedule of Indian Constitution

For the purpose of exercising specific legislative and judicial powers some provisions of the 6th schedule of Indian constitution have been provided for the establishment of district councils and regional councils. They are nevertheless bound by high court authority in the relevant matters. The Sixth Schedule's many administrative aspects include the following:

- Assam, Meghalaya, Tripura, and Mizoram are the four states where the tribal regions have been established as autonomous districts. However, they do not bypass the executive power of the relevant state.
- The governor may split an autonomous district into multiple autonomous regions if there are various tribes living there.
- A maximum of thirty members must make up a District Council for each Autonomous District, of whom four must be nominated by the Governor and the remaining twenty must be chosen by adult franchise.
- The governor may appoint members to serve at his or her pleasure while the elected members serve terms of five years.

## Administration of Tribal Areas under 6th Schedule of Indian Constitution

The construction of autonomous district councils and regional councils with specific legislative, executive, judicial, and financial authorities is provided for in the 6th schedule of Indian Constitution.

However, from State to State, these District Councils and Regional Councils have different administrative responsibilities.

The Sixth Schedule's descriptions of the authority and duties of District Councils and Regional Councils can be summed up as follows:

### 1. Legislative Functions

- The ability of District Councils to enact laws is one of the Sixth Schedule's most significant elements.
- They have the authority to enact laws regarding a number of specific topics, including land, forests, canal water, shifting agriculture, village administration, property inheritance, marriage and divorce, social norms, and others.
- All legislation created in accordance with this clause, however, must first receive the state governor's approval before taking effect.

### 2. Executive Functions

- The authority to develop, build, or manage primary schools, dispensaries, marketplaces, cattle ponds, fisheries, highways, road transport, and waterways in the districts is granted to the District Councils and Regional Councils.
- Additionally, the Councils have the power to dictate the language and style of education in primary schools.

### 3. Judicial Functions

- In addition, the District and Regional Councils have the authority to establish Village and District Council Courts for the purpose of hearing lawsuits and disputes where all parties involved are Scheduled Tribes from the district.
- And only the High Courts and the Supreme Court have jurisdiction over such Council Court lawsuits or matters.
- These Council Courts do not have the authority to rule on crimes that carry a death sentence or a five-year minimum sentence, though.

### 4. Financial Functions

- A budget can be created for each Council by the District and Regional Councils.
- They have the authority to assess and collect land revenue, imposing taxes on businesses, trades, animals, vehicles, goods that are brought to market for sale, and goods that are transported on ferries. They can also impose taxes for the upkeep of schools, hospitals, or roads within their respective jurisdictions.
- The Councils are also granted the authority to issue permits or leases for the mining of minerals within their territorial jurisdiction.

## Special Status of 6th Schedule of Indian Constitution

**Schedule six** of the Indian Constitution has received a special status. On August 5 2019 the former state of Jammu and Kashmir was divided into two union territories and removed from the list of having a special status because of Jammu and Kashmir and Ladakh.

- The initial intent of the Sixth Schedule was for the largely tribal (tribal population exceeding 90%) portions of undivided Assam, which were designated as "excluded territories" under the 1935 Government of India Act and were directly governed by the Governor.
- To protect the rights of the tribal community in these states, the 6th Schedule of Indian Constitution calls for the management of tribal lands in Assam, Meghalaya, Tripura, and Mizoram.
- In accordance with Article 244(2) and Article 275(1) of the Constitution, this special provision is offered.
- The Sixth Schedule establishes autonomous district councils to oversee the governance of these territories (ADCs).

- These councils have the authority to enact laws governing the subjects that fall under their purview, including land, forests, agriculture, inheritance, native customs and traditions of tribal peoples, etc. They also have the authority to levy land taxes and a few other types of taxes.
- ADCs are akin to mini-states with distinct legislative, executive, and judicial roles as well as legislative, executive, and judicial powers and responsibilities.

## Issues With 6th Schedule of Indian Constitution

The state legislatures and district councils frequently have competing interests. For instance, Meghalaya is still entirely subject to the sixth schedule despite the state's establishment, which frequently leads to disputes with the state government.

### Absence of Respect for Constitutional Principles

- In violation of their fundamental rights, including the right to equality before the law (Article 14), the right against discrimination (Article 15), and the freedom to dwell wherever in India, the 6th schedule of Indian constitution discriminates against non-tribal citizens in a number of ways (Article 19).
- As a result, there have been numerous rioting incidents involving tribal and non-tribal people. As a result, many non-tribal people have left the northeastern states.
- The fundamental rights to life and personal liberty guaranteed by Article 21 of the Constitution are still being mocked by many non-tribal people who continue to live in the shadow of violence.

### Multiple Power Centers

- Instead of implementing a true process of autonomy in the region, it has built numerous power centres.
- The District Councils and the State Legislatures frequently engage in conflict of interest litigation.
- For instance, Meghalaya is still entirely subject to the sixth schedule despite the state's establishment, which frequently leads to disputes with the local government.

### Contravention of Act-East Policy

- The 6th schedule of Indian Constitution limitations obstruct the achievement of the Act East Policy, which depends on continuous communication and interchange among the Northeastern states.
- Similar to this, Inner Line Permit (ILP) discourages tourists and investors, which impedes regional economic growth.

## Important Provisions of Sixth Schedule

The Constituent Assembly approved it in 1949 with the intention of defending the rights of the indigenous population by establishing Autonomous District Councils (ADC). The essential provisions of the 6th schedule of Indian Constitution have been highlighted here by

- According to the constitution, ADCs are organisations that represent a district and have varied levels of autonomy within the state assembly.
- The boundaries of the tribal regions may be redrawn by the governors of these states.
- He or she has the power to change the boundaries, add or subtract areas, and combine two or more autonomous districts into one.
- Without requiring additional legislation, the Governor may also replace or change the titles of the autonomous regions.
- In addition to ADCs, the Sixth Schedule calls for distinct Regional Councils for each territory designated as an independent region.
- In the Northeast, there are 10 independent districts: three in Assam, three in Meghalaya, three in Mizoram, and one in Tripura.
- The district council of (name of district) and the regional council of these areas (name of region).
- There can be a total of 30 people on each autonomous district and regional council, with the governor appointing four and the other members being elected. Each of them has a five-year term in office.
- A notable exception is the Bodoland Territorial Council, which has a maximum of 46 members, of which 40 are elected.
- The governor nominates candidates from underrepresented groups in the Bodoland Territorial Areas District for the remaining six seats, leaving 35 of the 40 seats reserved for Scheduled Tribes and non-tribal communities (BTAD).
- The ADCs can set up village courts to hear disputes involving tribes within their jurisdiction and have civil and judicial authority.
- The high courts' jurisdiction in each of these instances is specified by the governors of the states included in the sixth schedule.
- The councils can also enact legislation with the governor's permission on subjects including real estate, forestry, fishing, social security, entertainment, public health, and others.