

# Exploring the Emergence of the Idea of Sixth Schedule in North East India: A Colonial Perspective

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## Abstract:

The ethnic phenomena in Northeast India are distinct in their own right. Since the colonial era, the area has had several administrative adjustments to address unique problems related to its ethnic dimension, development paradigm, and geographic isolation from mainland India, among other issues. To manage the tribal regions of northeastern India, the colonial government employed a number of administrative techniques. Many of these colonial practices were also present in northeastern India throughout the post-independence period. One of the replacement colonial provisions in India's post-independence era is the Sixth Schedule policy, which has been specifically modified to accommodate local development, preserve Indian spirit, grant regional autonomy, and safeguard tribal customs. As a result, an attempt is made in this study to address the ethnic phenomena of northeastern India, paying particular attention to the Sixth Schedule's provisions and their applicability today. Furthermore, the focus is on the administrative structures and colonial policies that were implemented to manage the tribal regions of northeastern India, as well as their relevance in the current situation.

**Keywords:** Ethnicity, Ethnic groups, Tribal areas, Sixth schedule.

## Introduction:

The emergence of the Sixth Schedule dates back to the formation of the Indian Constitution in 1950. The Constitution makers of India adopted a federal system by considering two main reasons: the large size of the country and its socio-cultural diversity. However, in the Constitution, the term "federation" has never been used. One of the major ideas behind the adoption of the federal model is to accommodate national unity with regional autonomy. The idea of the Sixth Schedule is actually linked with the notion of regional autonomy. The Constitution's framers recognized the unique needs and challenges faced by tribal communities and sought to address them through special provisions. The objective was to ensure that the rights and interests of these marginalized groups are protected and their participation in the country's socio-political structure is secured (Pal,2016). The sixth schedule of the Constitution contains special provisions for the tribal regions of Assam, Meghalaya, Mizoram, and Tripura. It was approved by the Constituent Assembly and stipulates that Autonomous District/regional councils must be established to defend the rights of the tribal population. The state assembly has granted these councils Autonomy by granting them consideration for preventive and protective measures for the tribal peoples. There was a

great debate in the Constituent Assembly regarding the adoption of the Sixth Schedule. Most of the opponents of the move argued that it would create a permanent division in society and on the other hand the supporters of the move argued that such mechanism was required for the interest of tribal peoples and as well as for building national sentiment by providing the ground for tribal people to managing their governance by own, which would be familiar to them and also not cause to their alienation to national bonding(Das,2020). At present, four states of North East India come under the purview of the Sixth Schedule of India, i.e., Assam, Meghalaya, Mizoram, and Tripura. But recently, other north eastern states and as well as some development councils of tribal groups of North East India, which are not under the purview of Sixth Schedule articulated their demand for inclusion under the above-mentioned schedule. The abolition of Article 370 of the Indian constitution and creation of new union territories also raise the question of regional autonomy and issues regarding inclusion and relevance of Sixth Schedule at the present scenario of India. Moreover, a critical analysis of autonomous district councils is important to identify the pros and cons of Sixth Schedule as well as to find out its effectiveness and efficiency in light of changing circumstances.

#### **Objectives of the Study:**

- To explore the emergence of the idea of the Sixth Schedule in North East India.
- To study the implementation of the Sixth Schedule in North East India.

#### **Research Methodology:**

The study is based on descriptive and analytical methods. Data for the study has been obtained from a wide range of secondary sources, including books, academic journals, research articles, colonial administrative records, committee and commission reports, Constituent Assembly Debates, government publications, and newspapers. Archival materials such as gazetteers, correspondence of colonial administrators, and reports on tribal administration in the North East have also been consulted to capture the historical context in which the idea of special constitutional provisions emerged.

The descriptive method has been used to outline the colonial policies of indirect rule, exclusion, and administrative segregation that shaped the governance of tribal areas in North East India. Particular attention is given to instruments such as the Inner Line Regulation, the Excluded and Partially Excluded Areas, and the administrative practices under the British Crown, which laid the groundwork for differentiated governance.

The analytical method has been employed to critically examine how colonial perceptions of tribal societies, concerns over frontier management, and strategies of political control influenced post-independence constitutional thinking. The study analyses the transition from colonial administrative arrangements to the incorporation of the Sixth Schedule in the Constitution of India, highlighting both continuities and departures. By situating the Sixth Schedule within its colonial legacy, the study seeks to understand its original intent, limitations, and enduring relevance in the political and administrative landscape of North East India.

#### **Historical Background:**

The administration of the tribal areas of the North East region has a history of its own. If we want to reach the root of the administration of the tribal areas of the North East region, we may start our discussion from the British rule. Regulation X of 1822 laid the foundation for the pattern of administration of the tribal

areas of North East India to be followed by the British. Assam was put under a Chief Commissioner by taking away its management from the Lt. Governor of Bengal on 6th February, 1874. In April of the same year, the Scheduled District Act, 1874, was enacted, and the entire Chief Commissioner of Assam was declared to be a Scheduled District. Here the term “Scheduled District” implies to mean “those remote or backward tracts or provinces of British India which has never been brought within or had from time to time been removed from the operation of the general Acts and Regulations and jurisdiction of ordinary courts or in which that operation was not complete, and officers were supposed to be guided by the spirit of indispensable laws or were actually guided by such laws as had somehow or other been considered to be in force.”(C.L. Tuppar).

The Government of India Act, 1919, under its Section 52A(2) provided that the Governor General in council may declare any territory in British India to be a backward tract, and on a such declaration being made further direct that any Act of Indian Legislature shall not apply to the territories in question or shall apply subject to such expectations or modifications as it thought fit. By a notification issued under Section 52 A(2) of this Act, the Governor General in Council was pleased to declare the following territories in the province of Assam as territories in the province of Assam as backward tracts:

The Garo Hills District

The British portions of Khasi and Jaintia Hills District other than the Shillong Municipality and Cantonment.

The Mikir Hills (in Nowgong and Sibsagar Districts)

The North Cachar Hills (in Cachar District)

The Naga Hills District

The Lushai Hills District

The Sadiya Frontier Tract

The Balipara Frontier Tract

The Lakhimpur Frontier Tract.

It is worth noting that these are the territories, which were designed as Tribal Areas in the Sixth Schedule to the Constitution as originally enacted. The Government of India Act, 1935 gave up to terminology of the ‘backward tracts’ and instead described the areas either as ‘excluded areas’ or ‘partially excluded areas’. In these two areas the powers of the provincial legislature were not to be extended. The excluded areas were to be administered by the Governor himself in his discretion and the partially excluded areas were to be his special responsibilities implying power to override advice of the ministers in his individual judgement whereas in matters within Governor’s discretion advice of the Ministry was not necessary (Hansaria,2016).

The tribal areas administration in Assam was yet to be established over large tract and these were to be freed from fords and raids among the tribes themselves and from the encroachment and oppression of Tibetan tax collectors, as stated in the report of the Sub-committee on the North-East Frontier(Assam) Tribal and excluded Areas (commonly known as Bordoloi Committee Report).(ibid)

Under the provision of section 91(1) of the Government of India Act, 1935, the Government of India (Excluded and Partially Excluded Areas) Order, 1936, was promulgated by the Governor in Council. So far as, Assam is concerned, the following territories were included in the Schedule dealing with Excluded Areas:

North-East Frontier (Sadiya, Balipara, and Lakhimpur) Tracts,

The Naga Hills District

The Lushai Hills District

The North-Kachar Hills Sub-division of Cachar District

The Partially Excluded Areas are :

The Garo Hills District

The Mikir Hills in the Nowgong and Sibsagar District

The British portion of the Khasi and Jaintia Hills District, other than the Shillong Municipality and Cantonment.

It would be seen that the territories which had earlier formed part of the modified backward tracts under the Government of India Act, 1919, were either regarded as Excluded Areas or Partially Excluded Areas (Zahluna, 2010).

### **Framing of the Sixth Schedule:**

In the Constituent Assembly, a debate was raised regarding the question of providing a proper constitutional set-up for the tribal areas of the North East. A Sub-committee was formed to report on the North-East Frontier(Assam) Tribal and Excluded Areas to work under the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas. The Chairman of this Sub-committee was the then Premier of Assam, Shri Gopinath Bordoloi. The Sub-committee was popularly known as “Bordoloi Committee” after the name of its chairman. The Committee was formed on 27<sup>th</sup> February, 1947. After assessing and observing the demands of the Tribal people of North-East India, the Bordoloi Committee prepared its Report, wherein includes several recommendations for the constitutional and administrative positions of the Tribal Areas. The Bordoloi Committee submitted its Report to the Chairman of the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas on 28<sup>th</sup> July, 1947 (Zahluna,2010).

### **Implementation of the Sixth Schedule in North East India after Independence:**

After a heated debate in the Constituent Assembly and after certain amendments were made, the Sixth Schedule finally emerged and was incorporated in Articles 244 (2) and 275 (1) of the Constitution of India. Along with that, preservation of customs, culture, language, and ethnic identity of tribes of Excluded and partially Excluded areas other than Assam was incorporated in the Fifth Schedule in Article 244(1) of the Constitution of India. Tribal inhabited areas under the Fifth Schedule are known as “Scheduled Area” and tribal inhabited areas under the Sixth Schedule are known as “Tribal Area”. At the initial phase of the adoption of the Sixth Schedule, it was designed in two parts, Part A and Part B, by considering the development of the area and the possibility of introducing a new governance system in those tribal inhabited areas.

#### **Part A**

1. United Khasi – Jantia Hills District.
2. Garo Hills.
3. Lushai Hills.
4. Naga Hills.
5. North Cachar Hills.
6. Mikir Hills.

#### **Part B**

1. North East Frontier Tract (Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills District, and Mis

hmi Hill District).

## 2. Naga Tribal Areas (Zahluna, 2010)

In regard to the functioning of governance in part A, the tribal areas could establish District councils and Regional councils. However, even under part A, the District Council could not be established in Naga Hills due to rejection of District Council Status by the Nagas under the influence of the insurgency movement spearheaded by A.Z. Phizo and boycott of the election by the Naga National Council. Accordingly, autonomous district councils were formed in Lushai Hills, Mikir Hills, North Cachar Hills, Garo Hills, and Khasi-Jantia Hills. Autonomous district Councils were officially inaugurated after the conduct of the first general election in each hill district in 1952, with some legislative, executive and judicial functions as per the provisions of the Sixth Schedule to the Constitution of India (Hansaria, 2016).

Regarding the functioning of Part B, GOI had decided to provide discretionary power to governor of Assam for administering tribal peoples in that areas as it was viewed that the establishment of District councils or regional councils was not fit for governing the areas. The North East Frontier Tract was placed under the administrative jurisdiction of the External Affairs Ministry since 26 January, 1950 and Adviser to the Governor of Assam assumed direct charge of the Tract. The Naga Tribal Area was merged with the North East Frontier Tract in 1951 under the new designation as North East Frontier Agency (NEFA). The Nagas had not only rejected the Sixth Schedule but also violently fought for independence. As a result, the Sixth Schedule amendment bill was enacted by the Indian parliament, and the Naga Hills Tuensang Area (NHTA) was created on 1<sup>st</sup> December 1957 by the amalgamation of the Tuensang Frontier Division of NEFA and the Naga Hills of Assam. The Sixth Schedule became defunct in NEFA, Naga Tribal Areas and Naga Hills along with the creation of the state of Nagaland in 1963 and the U.T. of Arunachal Pradesh in 1972 respectively. United Khasi-Jantia ADC was bifurcated into two ADCs in 1964. Thus, NEFA, Naga Tribal Area and Naga Hills were deleted from the list of Tribal Areas in the Sixth Schedule. The major change had occurred on the provision of sixth schedule after the event of reorganization of North East India. After then onwards also, there has been different amendment came in regard to the provisions of the Sixth Schedule in North east India (ibid).

The 6th Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states. This special provision is provided under Article 244(2) and Article 275(1) of the Constitution.

### **Assam:**

The Sixth Schedule, as originally framed, was applicable only to the tribal areas of the State of Assam under Article of 244(2) and 275(1) of the Constitution of India. Sixth Schedule defined the Tribal areas of the State of Assam, and it contained two parts, namely Part A and Part B.

#### **Part A :**

The United Khasi-Jaintia Hills District

The Garo Hills District

The Lushai Hills District

The Naga Hills District

The North Cachar Hills District

The Mikir Hills District

#### **Part B :**

The North East Frontier Tract, including the Balipara Frontier Tract, the Tirap Frontier Tract, the Abor Hi-

Ils District, and the Mishimu Hills District.

The Naga Tribal Area.

It is pertinent to note that the Sixth Schedule to the Constitution(Amendment) Act, 1995 inserted two special provisions in the Sixth Schedule granting more autonomy to the two District Councils functioning in the State of Assam. Paragraph 3A was inserted, which conferred additional powers on the North Cachar Hills Autonomous Council and the KarbiAnglong Autonomous Council to make laws on fifteen additional subjects. Paragraph 20BA was also inserted authorizing the Governor of Assam to exercise his discretionary power on various matters while acting under the provisions of the Sixth Schedule. The Sixth Schedule to the Constitution Amendment Act, 2003, inserted paragraph 3B whereby powers have been conferred on the Bodoland Territorial Council to make laws on forty additional subjects.

Thus, as of date, there are the following three District Councils in the State of Assam:

Dima Hasao Hills Autonomous Council  
KarbiAnglong Autonomous Council  
Bodoland Territorial Council(Stuligross, 1999)

It may be noted that apart from the aforesaid three Autonomous Councils functioning in the State of Assam under the provisions of the Sixth Schedule to the Constitution, there are six other Autonomous Councils which have been established with the plain tribes community under different legislation passed by the State Legislature. They are:

Missing Autonomous Council Act, 1995  
RabhaHasong Autonomous Council Act, 1995  
Lalung(Tiwa) Autonomous Council Act, 1995  
The Deori Autonomous Council Act, 2005  
The SonowalKachari Autonomous Act, 2005  
ThengalKachari Autonomous Council Act, 2006 (ibid).

### **Meghalaya:**

Meghalaya is the only state in the North East, where the entire area of the state, except the Cantonment and Municipality of Shillong, is governed by the provisions of the Sixth Schedule. It is pertinent to note that Part XXI of the Constitution does not contain any special provision about the State of Meghalaya, unlike other States in the North East. As of now, there are three Autonomous District Councils in the State of Meghalaya:

Khasi Hills Autonomous District Council  
Jaintia Hills Autonomous District Council  
Garo Hills Autonomous District Council

### **Mizoram:**

At the commencement of the Constitution, the entire State of Mizoram was governed by the provisions of the Sixth Schedule. However, since it became a Union Territory in 1972, only two districts in the southernmost part of the State are covered by its provisions. As of now, there are three District Councils in the State of Mizoram:

Chakma Autonomous District Council  
Mara Autonomous District Council  
Lai Autonomous District Council. (Zahluna,2010).

**Tripura:**

The Indian parliament passed the Tripura Tribal Areas Autonomous District Council (TTADC) Act in 1979. The major objective of TTADC is to empower the Indigenous people to govern themselves and to bring all round development of the backward people so as to protect and preserve their culture, customs, and traditions. From 18 January 1982 the TTADC was actually came into being. It was upgraded to the status of a full-fledged Autonomous District Council under the provisions of the Sixth Schedule to the Constitution of India with effect from the 1 April 1985 by the Constitution Forty-Ninth Amendment Act.

**Conclusion:**

In conclusion, it is critical to evaluate the sixth schedule provision in light of the evolving Indian political system in order to determine the provision's applicability. The goal of adopting the Sixth Schedule was to reflect the emphasis on the development and promotion of tribal cultures. As time goes on, it could be interesting to investigate if the sixth schedule's goal was successfully attained and whether it still makes sense in the current situation. While there is some evidence of the region's development in the sixth schedule regions, significant sectors have not kept up with the pace of development. The sustainability of the panchayati raj system in these areas and its expansion raise concerns about the sixth schedule's current form of government. One of the main obstacles to these areas' effective governance is the problem of corruption. Furthermore, the governments face a challenge in providing a satisfactory response to the demands of other ethnic groups to be included under the sixth schedule due to their ethnic identity. Furthermore, the politicization of ethnic identity poses a serious threat to the democratic foundation of the Indian political system. In order to assess the future predictability and functionality of this sixth schedule clause of the Indian Constitution, all these variables must be taken into consideration given the rapidly changing times and circumstances. The sixth schedule must also guarantee growth and peace simultaneously, and the governance structure must be able to handle the structural problems that affect every individual residing in these regions. The district councils' and the state legislature's conflicts of interest and authority also pose obstacles to the efficient operation of the political system in these regions. The sixth schedule's goals will not be met until and until all of these concerns are resolved by stakeholders in a democratic framework and cooperative way.

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