

# LAW AND SIXTH SCHEDULE

*Provisions as to the administration of tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram.*

WHAT	WHY	HOW
<p>The provision of the Sixth Schedule applies to the administration of the tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram. It allowed for the formation of autonomous administrative divisions, also known as Autonomous District Councils (ADCs).</p>	<p>In the Constituent Assembly of India, tasked with drafting the constitution of an independent nation, J.J.M. Nichols Roy, a politician from the present-day Meghalaya, demanded autonomous governance in the tribal regions. Citing the Gandhian principle of self-governance and apprehensions regarding assimilation of hill tribes with the nascent Indian state, Roy proposed the Sixth Schedule that was added to the Indian Constitution.</p>	<p>The tribal areas in the states of Assam, Meghalaya, Tripura, and Mizoram are subject to divisions into autonomous districts to be governed by a district council.</p> <p>The autonomous district councils (ADCs) are accorded with the authority to make laws, rules and regulations in various domains, levy and collect taxes, and form judicial courts.</p>



## Autonomous District Councils of India

There are 29 autonomous administrative divisions in India, out of which **10 were formed by the virtue of the Sixth Schedule**. All the autonomous district councils formed by the Sixth Schedule are found in the states of Assam, Meghalaya, Mizoram, and Tripura.

The provisions of the Sixth Schedule, as listed in the following page, accord the autonomous district councils with administrative powers over the certified regions/districts and allow them to make rules, regulations, and laws in areas of natural resources management, public health and sanitation, inheritance of property, marriage, social customs, money lending, agriculture, etc.

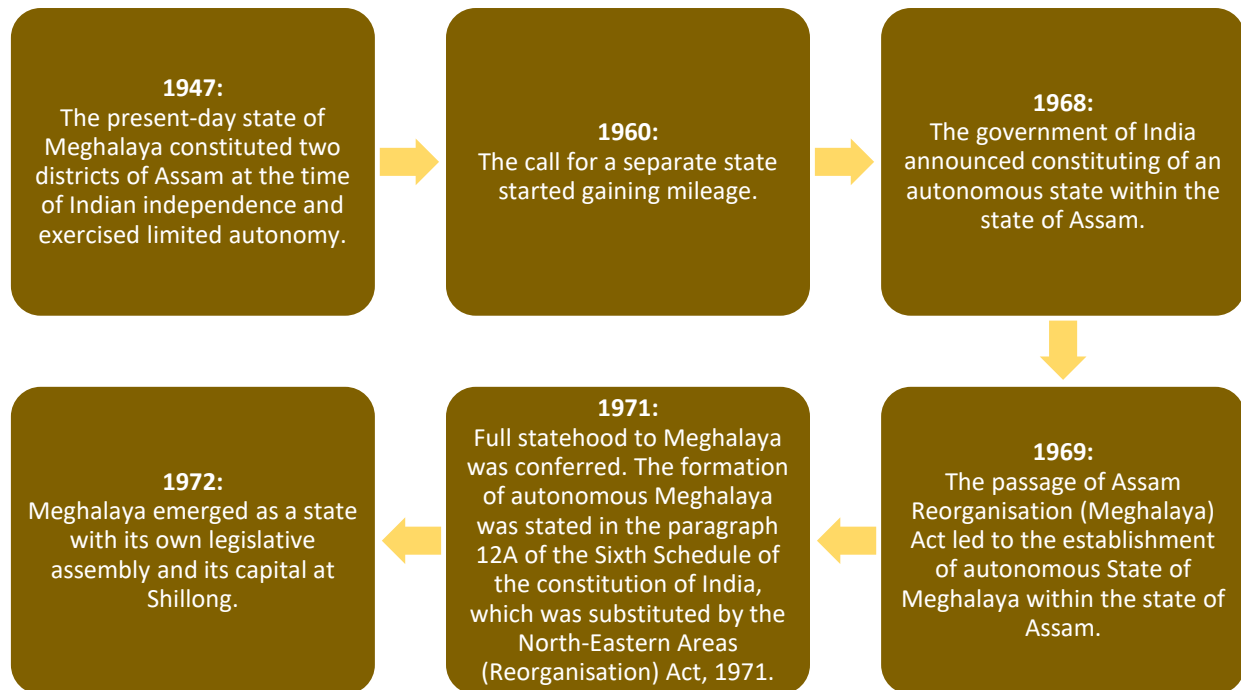
## **SIXTH SCHEDULE [Articles 244(2) and 275(1)]**

### **Provisions as to the Administration of Tribal Areas in the State of Meghalaya (Assam, Tripura, and Mizoram).<sup>1</sup>**

1. Autonomous districts & regions: Tribal areas mentioned in the Paragraph 20 shall be autonomous districts.
2. Constitution of district and regional councils: There shall be a district council for each autonomous district.
3. Powers to the District and Regional Councils to make laws.
4. Administration of justice in autonomous districts & regions: District may constitute village councils or courts.
5. Conferment of powers on Regional and District Councils for the trial of certain suits, cases & offences.
6. Powers to district councils to establish, construct, or manage primary schools, dispensaries, markets, etc.
7. District and Regional Funds: There shall be constituted a District or Regional Fund.
8. Powers to assess and collect land revenue and to impose taxes.
9. Licences or leases for the purpose of prospecting for, or extraction of, minerals.
10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.
11. Publication of laws, rules and regulations made under the schedule.
12. Application of acts of parliament & legislature of Meghalaya to Meghalaya's autonomous districts & regions.
13. Estimated receipts & expenditure for autonomous districts to be shown in the annual financial statement.
14. Appointment of Commission to inquire into & report on the administration of autonomous districts/regions.
15. Annulment or suspension of acts & resolutions of District and Regional Councils.
16. Dissolution of a District/Regional Council can be ordered by Governner on Commission's recommendations.
17. Exclusion of areas from autonomous districts in forming constituencies in such districts.
18. Transitional provisions: The administration of a district shall be vested in the governer till its concil is formed.
19. Tribal Areas: The areas specified in Part I, II, IIA & III of the table in this Paragraph be specified as tribal areas.
20. Amendment of the Schedule: Powers vested in the Parliament to amend by law.

<sup>1</sup><https://www.mea.gov.in/Images/pdf1/S6.pdf>

## History of Meghalaya



## Functions of Meghalaya's District Council Affairs Department

- **Co-ordinate the work between** the District Council and other state government **departments** as well as the Government of India.
- **Examine the Bills/Regulations/Rules submitted by the District Councils** in terms of the provisions of the Sixth Schedule and in conformity with the Assam and Meghalaya Autonomous District Rules, 1951, and recommend the same to the Governor if it is found in order of the provisions.
- **Conduct the elections** to three District Councils for the appointment of Executive Members and the Chairman.

There are **87 Members of District Council (MDC)** in Meghalaya currently, 29 in each Autonomous District Council, out of which only **4 are women**.

A module on Law and Sixth Schedule is focused at situating the current public service delivery mechanism of Meghalaya in its political history such that the differentiated nature of its administration is accounted for in the capacity building initiative.