



Sixth Schedule Areas

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This article is based on **“Meghalaya and the Sixth Schedule: Why the constitutional protection needs to be revisited”** which was published in The Indian Express on 18/12/2020. It talks about the issues related to sixth schedule areas.

Sixth Schedule in the Indian Constitution established Autonomous District Councils (ADC) in four northeastern states, namely Assam, Meghalaya, Tripura and Mizoram. These ADCs envisage protecting and preserving tribal culture.

The rationale behind the creation of ADCs is the belief that relationship to the land is the basis of tribal or indigenous identity. The culture and identity of indigenous people can be preserved by ensuring their control over land and natural resources, as these factors to a large extent determine the lifestyle and culture of the indigenous people.

However, this arrangement has resulted in the rise of conflict between different groups, for instance, tribal vs. non-tribal. Further, it undermines social harmony, stability and economic development of the state and the region.

Special Status of Sixth Schedule Areas

- The Sixth Schedule was originally intended for the predominantly tribal areas (tribal population over 90%) of undivided Assam, which was categorised as “excluded areas” under the Government of India Act, 1935 and was under the direct control of the Governor.
- The Sixth 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.
 - The Sixth Schedule provides for autonomy in the administration of these areas through Autonomous District Councils (ADCs).

- These councils are empowered to make laws in respect of areas under their jurisdiction, which cover the land, forest, cultivation, inheritance, indigenous customs and traditions of tribals, etc. and also to collect land revenues and certain other taxes.
- ADCs are like miniature states having specific powers and responsibilities in respect of all the three arms of governance: Legislature, executive and judiciary.

Issues Related to Sixth Schedule

- **Undermining of Constitutional Principles:** The Sixth Schedule discriminates against the non-tribal residents in various ways and infringes upon their fundamental rights, like the right to equality before the law (Article 14), right against discrimination (Article 15), and the right to settle anywhere in India (Article 19).
 - This has resulted in repeated bouts of riots between tribals and non-tribals. This has driven many non-tribals out of the north-eastern states.
 - Many non-tribals continue to live in the shadow of violence, making a mockery of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution.
- **Multiple Centres of Power:** It has created multiple power centres instead of bringing in a genuine process of autonomy in the region.
 - There are frequent conflict of interest cases between the District Councils and the State Legislatures.
 - For example, in Meghalaya, despite the formation of the state, the whole of the state continues to be under the sixth schedule causing frequent conflict with the state government.
- **Conflict With Act-East Policy:** The restrictions under the sixth schedule act as a roadblock for the success of Act East Policy, for which seamless connectivity and exchange within the Northeastern states are essential.

Similarly, **Inner Line Permit (ILP)** deters investors and tourists and thereby hampers economic development in the region.

Conclusion

Special constitutional protections are indeed required for marginalised sections to ensure that historical wrongs done to them are reversed and not repeated, but it has denied justice to the non-tribals, who have lived in ADCs for generations but ended up marginalised.

Hence, the government and other agencies need to win the confidence of the tribals and non-tribals within the region and bring a sense of security and belongingness among them to deal with this sensitive issue.

Drishti Mains Question

Sixth schedule has been successful in protecting the tribal culture and inclusivity. Critically Analyse.



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This editorial is based on **“Sanctions overreach: On U.S.'s decision to impose sanctions on Turkey”** which was published in The Hindu on December 18th, 2020. Now watch this on our Youtube channel.