

Meghalaya tribal council to revisit Instrument of Accession (IoA)

July 25, 2022

Manifest Pedagogy:

Tribal council in Meghalaya have reiterated to revisit its instrument of accession and provisions under 6th schedule. It can be an opportunity to make tribal administration more decentralised and catering better to the Tribal needs. But at the same time it can sow the seed of separatism and result in conflicts. It has to be carefully balanced and efforts must be made to build trust by upholding the spirit of democratic decentralisation.

In News: A tribal council in Meghalaya has called for a meeting of traditional heads to revisit the Instrument of Accession (IoA) that made the Khasi domain a part of the Indian Union more than seven decades ago.

Placing it in Syllabus: Polity and Governance.

Static Dimensions

- Instrument of Accession
- Instrument of Accession and Meghalaya
- 6th Schedule

Current Dimensions

- More on news
- Significance of special arrangement
- Issues with 6th Schedule

Content

More on news

- Leaders of the Khasi Hills Autonomous District Council emphasised the necessity to review the Instrument of Accession and Annexed Agreement (KHADC). They contend that because the Sixth Schedule of the Constitution is missing many clauses, it is critical to comprehend the agreement's phrases.
- Understanding the paragraphs of the agreement is important as many provisions are missing from the Sixth Schedule of the Constitution.
- The traditional heads will be called for a meeting to discuss how this can be taken forward.
- A few KHADC leaders may have been incensed by the recently introduced "Khasi Inheritance of Property Bill, 2021," which they saw as an infringement on the social and cultural customs of the Khasi people.
- The measure mandated the "equitable division" of parental assets among Khasi community siblings.



Instrument of Accession''

- The Government of India Act of 1935 first introduced the Instrument of Accession, a legal instrument that was used in 1947 to allow each of the princely states under British paramountcy to join one of the new nations of India or Pakistan established as a result of the Partition of British India.
- The accession of nations to the Dominion of India (or Pakistan) was permitted by the IoA signed by the rulers on three subjects: defence, external affairs, and communications.

Instrument of Accession and Meghalaya

- IoA with the Khasi hills state was signed with the Dominion of India between 15th December, 1947, and 19th March, 1948.
- Meghalaya is divided into three regions dominated by as many matrilineal communities – the Khasis, Garos and Jaintias.
- The Khasi hills straddle 25 Himas or States that formed the Federation of Khasi States.
- The conditional treaty with these States was signed by Governor General of India, Chakravarty Rajagopalachari on 17th August, 1948.

Significance of special arrangement

- It was incorporated to protect the rights of the minority tribals living within a larger state dominated by the majority.
- It allows for greater political autonomy and decentralised governance in certain tribal areas of the Northeast.

Nagaland was granted special status under **Article 371A**, which was an idea the Federation of Khasi States had proposed.

6th Schedule

- The Constitution, under Sixth Schedule, **Article 244** , contains special provisions for the administration of tribal areas in the **four northeastern states of Assam, Meghalaya, Tripura and Mizoram**.
- The tribal areas in the four states have been constituted as autonomous districts.
- But, they do not fall outside the executive authority of the state concerned.
- The acts of Parliament or the state legislature do not apply to autonomous districts or apply with specified modifications and exceptions.

- The power of direction, in this regard, lies either with the President or Governor.
- The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.
- Each autonomous district has a district council consisting of **30 members**, of whom four are nominated by the governor and the remaining **26** are elected on the basis of adult franchise.
 - The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor.
 - Each autonomous region also has a separate regional council.
- The district and regional councils administer the areas under their jurisdiction.
- They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the governor.
- The district and regional councils within their territorial jurisdictions can constitute village councils or courts for trial of suits and cases between the tribes.
- The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district.
- It can also make regulations for the control of money lending and trading by non-tribals. But, such regulations require the assent of the governor.
- The governor can appoint a commission to examine and report on any matter relating to the administration of the autonomous districts or regions. He may dissolve a district or regional council on the recommendation of

the commission.

Issues with 6th Schedule

- Sow the seeds of separation if not handled well.
- The devolution of powers and resources is not limited and sufficient.
- It 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**).
- 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.
- 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.
- Resulted in repeated bouts of riots between tribals and non-tribals. This has driven many non-tribals out of the north-eastern states.

Way Forward

- The KHADC said the provisions can be added to the Sixth Schedule, which 'can be amended by Parliament'.
- There should be certain clear-cut parameters and safeguards to check the unfettered demands.
- It is better to allow democratic concerns like development, decentralisation and governance rather than religion, caste, language or dialect to be the valid bases for conceding the demands.
- The government and other agencies need to gain the trust and confidence of both the tribals and the non-tribals of the region and make them feel safe and secure while addressing this sensitive issue.

- Ensure Socio-economic development of the region.

Mould your thoughts:

1. Meghalaya tribal council has called to revisit the Instrument of Accession and provisions of 6th schedule applicable to them. What future implications it can have on the federal setup especially in tribal areas. (250 words)

Approach to the answer-

- Background of the issue
- 6th schedule, Instrument of accession
- Significance and issues with the arrangement
- Implications it will have
- Way Forward and Conclusion.