

Sixth Schedule areas

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In News: Presently, there is no proposal to implement Panchayat system in Sixth Schedule areas of Assam, informed by the Ministry of Home Affairs (MHA) to the Lok Sabha on Tuesday.

Special Status of Sixth Schedule Areas

- Sixth Schedule originally intended for 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.
- The Sixth Schedule provides for autonomy in the administration of these areas through Autonomous District Councils (ADCs).
- ADCs 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.

Autonomous districts and regional councils

- Along with ADCs, the Sixth Schedule also provides for separate Regional Councils for each area constituted as an autonomous region.
- In all, there are 10 areas in the Northeast that are registered as autonomous districts – three in Assam, Meghalaya and Mizoram and one in Tripura.
- These regions are named as district council of (name of

district) and regional council of (name of region).

- Each autonomous district and regional council consists of not more than 30 members, of which four are nominated by the governor and the rest via elections. All of them remain in power for a term of five years.
- The Bodoland Territorial Council, however, is an exception as it can constitute up to 46 members out of which 40 are elected. Of these 40 seats, 35 are reserved for the Scheduled Tribes and non-tribal communities, five are unreserved and the rest six are nominated by the governor from underrepresented communities of the Bodoland Territorial Areas District (BTAD).

ADCs empowered with civil and judicial powers

- The ADCs are empowered with civil and judicial powers, and can constitute village courts within their jurisdiction to hear trials of cases involving the tribes.
- Governors of states that fall under the Sixth Schedule specifies the jurisdiction of high courts for each of these cases.
- The councils are also empowered to make legislative laws on matters like land, forests, fisheries, social security, entertainment, public health, etc. with due approval from the governor.
- The roles of the central and state governments are restricted from the territorial jurisdiction of these autonomous regions.
- Also, Acts passed by Parliament and state legislatures may or may not be levied in these regions unless the President and the governor gives her or his approval, with or without modifications in the laws for the autonomous regions.

Additional

Link: <https://journalsofindia.com/autonomous-district-councils-of-meghalaya/>