

THE STATUS OF SIXTH SCHEDULE IN NORTH EAST INDIA: AN ANALYSIS FROM THE COLONIAL RESPONSE TO THE PRESENT CONTEXT.

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ABSTRACT:The north eastern region of India is considered as the homeland of multi ethnic groups. The phenomenon of ethnicity in North East India has its own uniqueness. From colonial period onwards the region has witnessed different administrative adjustment to deal with specific phenomena of the region regarding its ethnic dimension, development paradigm, and geographical isolation to mainland India etc. The colonial administration adopted various mechanisms for administering tribal areas of North east India. North east India had also witnessed many of such colonial provisions and even in post independence era. The policy of sixth schedule in post independence period of India is one of the successor such colonial provision with specific modification to adjust the development of the area, integrity with Indian sentiment and regional autonomy and as well protecting the tribal way of life. Therefore, an attempt is made through this paper to discuss the ethnic phenomena of north east India with special reference to the provisions of sixth schedule and its relevance at the present time. In addition, the emphasis is also given to colonial provisions and administrative set ups which were adopted to administer tribal areas of North east India and its implication in present context.

KEYWORDS: Ethnicity, Ethnic groups, Tribal areas, sixth schedule.

I. INTRODUCTION

On the basis of the nature of relations between the national and regional government, there is classification of governments into unitary and federal model. The framers of Indian constitution adopted the federal system by considering two main reasons – the large size of the country and its socio-cultural diversity. However, the term ‘federation’ has no where been used in the Constitution. One of the major ideas behind the adoption of federal model to reconciles national unity with regional autonomy. That is why the concept of regional autonomy is very much important for one to analyze effectively and efficiently to understand the government proceeding in India.

The idea of sixth schedule is actually having linkage with the notion of regional autonomy. The sixth schedule of the constitution makes separate arrangements for the tribal areas of Assam, Meghalaya, Mizoram and Tripura. It was passed by the Constituent Assembly and provides of the enactment of autonomous district/ regional council to protect the rights of tribal population. These councils have been given autonomy within the state assembly by considering the protective and preventive measures for the tribal peoples. There was great debate on Constituent Assembly regarding the adoption of 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.

At present, four states of North east India come under the purview of 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 who are not under the purview of sixth schedule articulates their demand for the inclusion under the above mentioned schedule. The abolition of Article 370 of Indian constitution and creation 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 affectivity and efficiency in light of changing circumstances.

II. DATA SOURCE AND METHODOLOGY

The study is based on descriptive and analytical method. Data for the study has been obtained from various books, journals, articles and news paper etc.

III. OBJECTIVES

1. To analyze the colonial response to tribal people of North East India..
2. To study the implementation of sixth schedule in North East India.

COLONIAL PROVISIONS IN REGARD TO TRIBAL PEOPLE OF NORTH EAST-

The policies of colonial administration to deal with tribes made impact on post independence era also. The presence of colonial policies is reflected in some provisions of Constitution of India, which especially deal with tribal issues of Northeastern India, for example Sixth Schedule of India.

In the colonial period, colonial administration adopted the policy of segregating the hill tribes from the plain areas of Assam. The British justified their policy by providing following points: (1) to protect the plains from raids and plundered by the hill tribal (1873-1900); (2) to protect the hill tribes from exploitation by the plainsman (1900-1928); (3) to foster an enlightened public policy aimed at cultural survival of the hill tribes (1928-1947).ⁱ The British made some regulations to affect these policies in reality.

The Bengal Eastern Frontier Regulation, 1873, popularly known as Inner Line Permit or Regulation was enforced in Kamrup, Darrang, Nowgaon, Sivsagar, Lakimpur (Garo hills), Khasi and Jaintia Hills, Naga hills and Cachar from 1st of Novemebr, 1873.ⁱⁱ According to this Act, a person was not allowed to visit all these above mention areas without taking prior permission from the British Government. The objective of the act was believed to prevent the spread of nationalist movement as well as the communication lack to these areas and existence of tribal system of governance made the British to take the decision to not interfere in their day to day activity. In 1874, the Chief Commissioner Province of Assam was created by reorganizing the geographical area of Bengal and Kamrup, Darang, Nowgong, Sibsagar, Lakhimpur came under purview of new commissionership to full extent and Garo Hills, Khasi and Jantia Hills, Naga Hills and Cachar to some extent.ⁱⁱⁱ The provision of ILP continued to function in the above mentioned districts.

The Schedule District Act of 1874, declared some districts as Scheduled District, which signify those backward districts where normal administration could not be carried out. All the tribal dominated backward districts were incorporated under this act.^{iv}

The Chin Hills Regulation of 1896 empowered the British to remove those that they counted as undesirable element in hill areas. Major decision was taken by colonial administration to exclude these areas from purview of general laws of the country by an order under Assam Frontier Tracts Regulation, 1880.^v These developments hindered the way to enter nationalist feelings in these areas and these areas remained isolated from the force of nationalism.

1. Government of India Act, 1919: Later on, Government of India Act 1919 issued a notification about declaration of these scheduled districts as the Backward Tracts and gave wide powers to chief commissioner to ensure development of these areas. Governor- in-General declared some tracts as backward tracts.^{vi}

Due to prior policies of the British like ILP, Scheduled Act (1874), Chin Hills Regulation of 1876, the hill tribes were isolated and undeveloped in compare to plain tribes of the Northeastern region. On the other hand, the plain tribes of Assam communicated with other non tribes and had experience a level of development. This Act emphasized the hill tribes and their areas. Thus, it led to exclusion of large section of plain tribes from such protective measures of British. This incident made the plain tribes conscious about their identity. A consciousness level was raised among plain tribes regarding their identity and culture. They feared that without any protective measure their identity, culture and tradition would not be ensured. This level of consciousness encouraged them to place down their demands before the Simon Commission in 1929. The young Bodo leaders took the lead and submit their demands before Simon Commission.

2. Government of India Act, 1935: Once again some measures were taken to protect the interest of hill tribes under Government of India Act, 1935. The Act provided for some special provisions to deal with the Northeastern tribes. The isolated and undeveloped tribes' issues were more emphasized, so it was obvious that the benefit went to isolated hill tribes, resulting by prior policies of the British. They categorized tribal areas into two broad categories. Excluded and partially excluded. The former one provision was for those tribal areas

where normal administration was not carried out due to their backwardness and isolated geographical location. On the other hand the other areas where normal administration could be carried out to some extent included in Partially Excluded Areas. The Simon commission, 1928 also recommended excluding of the backward tracts from the province of Assam and should be administered by the Governor-in-General and financing by the Government of India. The Government of India Act 1935, classified the hill districts in such a manner that there was no representative in provincial legislature and the Governor was entrusted to administer these areas which came under the purview of excluded areas. In partially excluded areas, they had representatives to the provincial legislature but the law enacted by provincial legislature could not be enforced in these areas without the prior approval of the Governor. The colonial power declared the tribal areas of the North east India as Excluded Areas and Partially Excluded Areas.^{vii}

The excluded areas included North East Frontier Tract, (Sadiya, Balipara and Lakhimpur), the Naga Hills District, the Lushai Hills District and North Cachar Hills sub-division of Cachar District, The Partially Excluded Areas included the Garo Hills District, the Mikir Hills in the Nowgong and Sibsagar District, the British portion of the Khasi and Jantia Hills, other than Shillong municipality and the cantonment.

3. **Bordoloi Sub-committee Report:** With regard to the tribal community of undivided Assam, a sub-committee was formed under the Advisory Committee of the Constituent Assembly on Fundamental Rights, Minority and Tribal and Excluded Areas to look after the issues of tribal peoples of Assam under the chairmanship of Gopinath Bordoloi. The committee submitted its report and argued for a separate status for hill tribes of North East India. The report was discussed with different viewpoints in the Assembly. The special provision for self government under regional and district council under the provision of sixth schedule in the report was criticized by Rohini Kumar Choudhury, Brajeswar Prasad, Kuladher Chaliha, Lakshmi Narayan Sahu, Prof. Shibben Lai Saxena by making the point that this separate provision would create permanent separation of tribal people of North East India from the rest of India. The report was welcomed by Rev. Nichols Roy, B.R. Ambedkar, Gopinath Bordoloi by arguing that the tribal should be treated in separate manner to protect and preserve their own culture and to ensure the development. At last, the Constitution Assembly granted the proposal of Bordoloi Sub-committee and adopted the provision of sixth schedule in Indian Constitution.

IMPLEMENTATION OF SIXTH SCHEDULE IN NORTH EAST INDIA IN POST INDEPENDENT INDIA-

After 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 custom, culture, language and ethnic identity of tribal 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 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 sixth schedule, it was designed in two parts, Part A and Part B by considering the development of the area and possibility to introduce 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 Mishmi Hill District).

2.Naga Tribal Areas

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, District Council could not be established in Naga Hills due to rejection of District Council Status by the Nagas under the influence of insurgency movement spearheaded by A.Z. Phizo and boycott of 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 Sixth Schedule to the Constitution of India^{viii}.

Regarding the functioning of Part B, GOI had decided to provide discretionary power to governor of assam^{ix} 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 violently fought for independence. As a result, Sixth Schedule amendment bill was enacted by the Indian parliament and Naga Hills Tuensang Area (NHTA) was created on 1st December, 1957 by amalgamation of the Tuensang Frontier Division of NEFA and Naga Hills of Assam. The Sixth Schedule became defunct in NEFA, Naga Tribal Areas and Naga Hills along with creation of 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 provision of sixth schedule in North east India. At present time the structure of sixth schedule provision can be found in following structures-

Part –I

- 1. Dima Hasao Autonomous Council. (North Cachar Hills Autonomous Council)
- 2. Karbi Anglong Autonomous Council.
- 3. Bodoland Territorial Council.

Part-II

- 1. Khasi Autonomous District Council
- 2. Jantia Autonomous District Council.
- 3. Garo Autonomous District Council.

Part-IIA

- 1. Tripura tribal Areas District Council.

Part-III

- 1. Chakma Autonomous District Council.
- 2. Lai Autonomous District Council.
- 3. Mara Autonomous District Council

In context to Meghalaya, no major change had witnessed after the reorganization of north east region. The three ADCs continued without any disruption^x. 13 subjects are entrusted to them (ADCs) at present but primary education in ADCs of Meghalaya was looked after by the State Govt with the approval of the ADCs.

In Mizoram^{xi}, Mizo District Council was abolished on 2nd April, 1972 and the Pawi-Lakher Regional Council (PLRC) was trifurcated into three Regional Councils. Namely, Pawi Regional Council, Chakma Regional Council and Lakher Regional Council. The three regional councils were upgraded to the status of full-fledged Autonomous councils on 29th April, 1972^{xii}. The ADCs in Mizoram exercise around 18 subjects each and they raise the demand of issue of Direct Funding.

In context of Tripur, The Tripura Tribal Areas Autonomous District Council (TTADC) Act 1979 was passed by the Indian parliament. The principle objective behind the setting up of the TTADC is to empower the Indigenous people to govern themselves and to bring all round developments of the backward people so as to protect and preserve their culture, customs and traditions. But it actually came into being from 18 January 1982. It was upgraded to the status of full-fledged Autonomous District Council under the provision of the Sixth Schedule to the constitution of India with effect from the 1 April 1985 by the Constitution Forty-Ninth Amendment Act. The total area of the TTAADC is 7,132.56 km which covers about 68% of the total geographical area (10,491 km) of the state.

In regard to Assam, The United Mikir and North Cachar Hills District came into existence on 17.11.1951. Prior to that, the area formed parts of Nagaon District, Sivasagar District, United Khasi and Jaintia Hills District and Cachar District. The Karbi Anglong District Council was constituted on 23.06.1952 with its headquarter at Diphu and the North Cachar Hills District Council was constituted on 19th April, 1952. As the desire for more political autonomy movement intensified; the movement for statehood was spearheaded by the Autonomous State Demand Committee (ASDC) in the two districts. Subsequently, the memorandum of Understanding (M.O.U.) was signed by Govt. of Assam and ASDC leaders on 01.04.1995 and in pursuance of that M.O.U., Karbi Anglong and North Cachar Hills have been upgraded to the status of Autonomous Council. The Karbi Anglong District Council was renamed as "Karbi Anglong Autonomous Council (KAAC)" and North Cachar Hills District Council was renamed as "North Cachar Hills Autonomous Council (NAAC)". The Bodos demand for separate Bodoland in the Bodo dominated areas of Assam, spearheaded by the All Bodo Students Union (ABSU) with the slogan "divide Assam fifty-fifty" had totally disturbed the law and order situation in Assam in the eighties and nineties. As a result of the tripartite Bodoland Accord of Central Government, Government of Assam and the ABSU which was signed on 21st February, 1993, Bodoland Autonomous Council (BAC) was established. The Bodos were dissatisfied with the functioning of BAC and they claimed that enough power was not given to the BAC as it ought to be. So, a violent Bodoland movement was resumed under the banner of Bodo Liberation Tiger (BLT). Other than the BLT, there is also another Bodo insurgent group known as National Democratic Front of Bodoland (NDFB) which is fighting for sovereignty. Again, a tripartite agreement of the BLT, Central Government and Government of Assam was signed. Sixth Schedule was extended to the BAC with a new name Bodoland Territorial Council (BTC) and BTC is automatically included in Part –I of the tribal Area in paragraph 20 of the Sixth Schedule to the constitution of India

IV. CONCLUSION

To sum up, it is important to analyze the provision of sixth schedule in the changing nature of Indian political system to have the idea about the relevance of the provision. The emphasis on promotion and protection of tribal culture and their development was reflected behind the motive of adoption of sixth schedule. With the time changes, one may interest to look into the success on achieving the objective of sixth schedule and as well as its relevance at present context. Although at some extent the development of the region in sixth schedule areas can be witnessed but in major sectors the development is not up to the mark. With the extension of panchayati raj system and its viability in these regions can also pose some question on the existing governance system under sixth schedule. The issue of corruption is also one of the major challenges in governing process of these areas. Moreover the demands of other ethnic groups to be included under the provision of sixth schedule on the basis of their ethnic identity create an issue to provide satisfactory answer by the governments in this regard and moreover in this aspect the politicization of the ethnic identity creates a huge setback to the democratic framework of Indian political system. So in this changing time and situation, all these factors must be taken for granted to analyze the future predictability and functioning of this sixth schedule provision of the Indian Constitution. In addition for the success of the functioning of sixth schedule, it must ensure peace and development at the same time as well as the governance system should be in the position to address the structural issues of all people living in these areas. The other issues such as conflict of power and interest between the district councils and the state legislature also creates hurdle to the smooth functioning of governing process in these areas. Until and unless if all these issues are not handled via democratic framework and cooperative manner by stakeholders then the provision of sixth schedule will not able to achieve its objectives.

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END NOTES-

ⁱMahanta, Nani Gopal (2013): "Politics of Space and Violence in Bodoland", Economic and Political Weekly, Vol XLVIII No 23, p. 50.

ⁱⁱEastern Frontier, Part III, Regulations made under the Government of India Act, 1870 (32 & 34 vict., C.30) AND Government of India Act, 1915, in force in the province of Assam, Regulation 5 of 1873, 27th August 1873.

ⁱⁱⁱhttps://en.m.wikipedia.org/wiki/Chief_Commissioner%27s_Province. Retrieved at September 6, 2017.

^{iv}<https://www.legalcrstal.com>act>, retrieved at September 9, 2017.

^vMahanta, Nani Gopal (2013),op.cit. p. 50.

^{vi}Garo Hills District, Khasi and Jantia Hills excluding Shillong municipality, Mikir Hills, North Cachar Hills, Naga Hills,Lushai Hills, Sadiya Frontier Tract,Balipara Frontier Tract, Lakhimpur Frontier Tract.(Government of India Act,1919.)

^{vii} Government of India act 1935 in part III, chapter V, NO 91 and 92 categorized tribal areas in excluded and partially excluded areas.

^{viii} I)The Karbi Anglong District Council was constituted on 23.06.1952 with it's headquarter at Diphu

II) The North Cachar Hills District Council was constituted on 19th April, 1952.

III) The United Khasi-Jantia District Council and Garo District Council have been incorporated in the original Sixth Schedule to the Constitution of India.

IV) After India's independence, the erstwhile Lushai Hills (Mizoram) was District Council, namely, Lushai Hills Autonomous District Council and the Pawi-Lakher Regional Council (PLRC) was created for the Pawis and the Lakher within the geographical area of the Lushai Hills. Subsequently, Lushai Hills District Council was changed into Mizo District Council with effect from 1st September, 1954 as per the Lushai Hills District (change of name) Act, 1954

^{ix} All the areas under part B came under the purview of Assam at the adoption of sixth schedule.

^x Khasi Autonomous District Council with HQs at Shillong ,Jantia Autonomous District Council with HQs at Jowai, Garo District Council with HQs at Tura remain the same like before

^{xi} As a result of the reorganization of the North East India, Lushai Hills was upgraded to the Status of Union Territory with the new name "Mizoram" in 1972

^{xii} Pawi Autonomous District Council was changed to Lai Autonomous District Council (LADC) and the Lakher Autonomous District Council was changed into Mara Autonomous District Council (MADC) in 1988.