

Sixth Schedule, Tribal Areas and Autonomous District / Regional Councils



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The Constitution of India makes special provisions for the administration of the tribal dominated areas in four states viz. Assam, Meghalaya, Tripura and Mizoram. As per article 244 and 6th Schedule, these areas are called "*Tribal Areas*", which are technically different from the Scheduled Areas under fifth schedule.

Difference Between 5th Schedule and 6th Schedule Areas

- While both the areas under 5th schedule and 6th schedule have dominance of the tribal people, constitution calls them with different names viz. Scheduled Area under 5th schedule while Tribal areas under 6th schedule.
- While executive powers of the union extend in Scheduled areas with respect to their administration in 5th schedule; the 6th schedule areas remain within executive authority of the state.
- While 5th schedule envisages creation of Tribal Advisory Council , 6th schedule provides for District Councils and Regional Councils with certain legislative and judicial powers.

Autonomous Districts and Autonomous Regions

Governors of four states viz. Assam, Meghalaya, Tripura and Mizoram are empowered to declare some tribal dominated districts / areas of these states as autonomous districts and autonomous regions by order. No separate legislation is needed for this. The Governor also has power to include any other area, exclude any area, increase, decrease, diminish these areas, unite two districts / regions, and alter the names and boundaries of these autonomous districts and regions.

Creation of autonomous district councils and regional councils

Article 244 and 275 make provision for creation of the District Councils and regional councils. Each district / regional council is a body corporate which is empowered for administration of the area under its jurisdiction. They are named as "District council of (name of district) and Regional Council of (name of region)". These two bodies have perpetual succession and a common seal and shall by the said name sue and be sued.

Members of autonomous councils

The District Councils and Regional Councils are consisting of maximum 30 members, of whom maximum 4 members shall be nominated by the Governor and the *rest shall be elected on the basis of adult suffrage*. However, this rule has an exception. The current provision is that the **Bodoland Territorial Council** can have 46 members and out of these 46, 40 are elected on the basis of adult suffrage. These 40 seats are divided as follows:

- 30 seats are reserved for the Scheduled Tribes
- 5 seats are reserved for non-tribal communities
- 5 seats are unreserved
- The remaining six seats are nominated by the Governor from amongst the un-represented communities of the Bodoland Territorial Areas District
- Out of these 6, at least 2 are women.



Term of Members

The elected members of the District Council *shall hold office for a term of five years* from the date appointed for the first meeting of the Council after the general elections to the Council.

Current Councils

Currently, there are ten such Councils in the region as listed below:

Assam

- Bodoland Territorial Council
- Karbi Anglong Autonomous Council
- Dima Hasao Autonomous District Council

Meghalaya

- Garo Hills Autonomous District Council
- Jaintia Hills Autonomous District Council
- Khasi Hills Autonomous District Council

Tripura

- Tripura Tribal Areas Autonomous District Council

Mizoram

- Chakma Autonomous District Council
- Lai Autonomous District Council
- Mara Autonomous District Council

Legislative Powers of the Sixth Schedule Councils

The district councils and regional councils have powers to make laws on certain matters of local importance but *all such laws require the assent of the governor*. The subjects on which these councils can make laws include:

- Roads, bridges, ferries etc. modes of transport
- Animal husbandry, veterinary training & practice
- Primary and Secondary Education
- Agriculture including farm research and education
- Fisheries
- Social security and social insurance
- employment and unemployment
- Flood control
- Entertainment including Cinemas and Theatres
- Public health, sanitation, hospitals and dispensaries
- Minor irrigation
- Trade and commerce in certain products such as food, cattle fodder, raw cotton, raw jute etc.
- Libraries, museums, monuments etc.
- Alienation of land



Further, Bodoland Territorial Council has been given more powers and it has capable of making laws on virtually all subjects of local interest. All these laws need assent of the Governor. The Governor may keep some of the laws for consideration of the president.

Judicial Powers of the Sixth Schedule Council

The laws made by the state legislature on any subject that comes within the jurisdiction of the council, would not extend within the jurisdiction of the autonomous council unless the council so directs by public notification. The President in regard to a Central Act and the Governor in regard to a State Act may direct that the Central Act or State Act shall not apply to an autonomous district or shall apply with such modifications as may be specified. The Councils have also been endowed with wide civil and criminal judicial powers, for example establishing village courts etc. However, jurisdiction of these councils is subject to jurisdiction of the concerned High Court.