

The Sixth Schedule of the Indian Constitution: Its Significance and Contemporary Issues

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Abstract: *The Sixth Schedule of Indian Constitution was framed to guarantee tribal communities a simple and effective system of governance, enabling them to enjoy the best possible level of freedom and autonomy in managing their own affairs. It was established to safeguard the diverse socio-economic and cultural rights of tribal communities, mainly those of Assam, Meghalaya, Tripura, and Mizoram, while ensuring their seamless integration into the Indian constitutional framework. The execution of the Sixth Schedule of constitution in the tribal states has encountered an array of challenging circumstances, regardless of its progress-oriented objectives and constitutional reliability, such as the issues of funding shortages and jurisdictional overlapping between the autonomous district councils and the state authority. There is extensive literature on the Sixth Schedule and its constitutional provisions. However, there still exists a significant dearth of literature on the challenges and contemporary relevance of the Sixth Schedule. This paper attempts to fulfil this gap by focusing on the significance and contemporary relevance of the Sixth Schedule of Indian Constitution. This paper also examines the functioning challenges of the Sixth Schedule.*

Keywords: Tribal People, North-Eastern Areas, Sixth Schedule, Tribal

1. Introduction

India, a nation with the largest population, has an extensive cultural and ethnic pluralism. Among this extensive diversity, there exists a vast majority of tribal people. These tribal communities have their own cultural identity with various customs and traditional laws. When the Indian Constitution makers identified and encountered this regional diversity, they took an easygoing and adaptable path to governance, especially concerning these tribal regions. Consequently, the Sixth Schedule of the Indian Constitution was formulated, intending to safeguard the cultural identity, rights and freedom of the tribal people, particularly those belonging to the states of Assam, Tripura, Meghalaya and Mizoram. Based on the guidance and leadership of Gopinath Bardoloi, head of a Constituent Assembly subcommittee on the North East Frontier, the Sixth Schedule was designed. This schedule determines considerably greater self-rule competencies and power for tribal communities of the northeastern areas in comparison to various other Indian regions.

The Fifth Schedule, which is operational in the remaining regions of India, comprises an arrangement that empowers the Governor of the state in matters of tribal possessions and creation of the Tribal Advisory Council. In contrast to this, the Sixth Schedule works one step ahead, allowing for the establishment of the Tribal Autonomous District Council and Autonomous Regional Councils and empowering these councils to enact laws and regulations in certain tribal regions. These governing structures empower tribal people to regulate their own actions in matters of the socio-cultural practices, land and forests. The Sixth Schedule portrays the structure of asymmetrical federalism, having the feature that various areas are administered under a distinct constitutional framework specialised to their unique requirements and circumstances. The usefulness of the sixth schedule is rooted not solely in its safeguarding role but also in its contribution to facilitating active political engagement and democratic processes at the grassroots level among indigenous populations. Nevertheless, the Sixth Schedule has faced multiple hurdles, despite its

progressively established goal-setting, such as the Autonomous District Councils' reliance on the state governing bodies and their conflicting jurisdictions with the state government, interference from the political entities, and consistent demands for more freedom, which have resulted in raising questions on the credibility of the Sixth Schedule.

In light of this, this paper aims to provide a comprehensive understanding of the Sixth Schedule and its constitutional provisions. It also examines the historical trajectory and institutional functioning of the Sixth Schedule. This study adopts an analytical approach to critically examine the successful accomplishment and shortcomings of the Sixth Schedule in guaranteeing a self-governing structure, socio-cultural and economic progress and autonomy of the tribal communities.

2. Historical Overview

Due to the outrageous manner of the British Colonial Rule, the progress in the North-Eastern Regions has been markedly different from that of the rest of India. The colonial administrators carried out intentional attempts to disperse the tribal people, disconnected from the wider general populace, which made the incorporation of the tribal population more challenging (Patnaik, 2017). The colonial administrations adopted various measures, such as the Inner Line Regulations (1873), the Scheduled Districts (1874), and Partially Excluded and Excluded Areas, to attend and safeguard the previously self-regulating social culture of tribal peoples in the North-Eastern regions. This particularity of social culture led tribal communities in the North-East to put forward a demand for autonomy. From the time of the British regime, it has become complicated to find an equilibrium between the tribal communities' demand for separate autonomous identity based on their unique social culture and the Indian state's attempts to safeguard its integrity and cohesion (Datta & Sen, 2020).

A considerable number of the Indian Constitutional provisions, comprising those associated with the North-Eastern regions, have their roots in the Government of India Act, 1935. This act assigned the Governor the power of supervision over partially excluded regions, as well as individual responsibilities and discretionary power over *excluded regions*. A third category, known as *Tribal areas*, was also introduced by the Government of India Act, 1935. This category was overseen directly by the governor in the role of the governor-general's representative. This act of 1935 negatively impacted the political development and integration of mainline governance, even though it was meant to safeguard tribal customs and ensure guardianship (Patnaik, 2017). The Government of India Act of 1935 labelled hill-covered districts in a manner that restricted them from obtaining a representative in the provincial legislative body. More specifically, because these lands came within the umbrella of excluded areas, the Governor had been assigned the task of regulating them. The majority-excluded territories did have delegates in the legislature of the province, but governor-level authorisation was essential for legislation approved by the legislature that could be implemented there. Certain parts of North East India were declared Excluded portions and Partially Excluded Areas by the Indian colonial rulers (Raiyan, 2023).

In the Constituent assembly, discussions were held for the 3 days, i.e., 5, 6, and 7 September 1949, on the Sixth Constitution, which indicates that passing of this schedule was not an easy task. Different views and suggestions were put forward in the Constituent Assembly during the discussions (Singh, 2007). Under the stewardship of Sardar Vallabhbhai Patel, an advisory committee was constituted by the Constituent Assembly of India. The objective of the committee was to examine the issues of the tribal communities. Further, for the sake of simplicity, this advisory committee designed a subcommittee on "*North-East Frontier (Assam) Tribal and Excluded Areas*" chaired by Gopinath Bordoloi (Pathak, 2016). During the investigation of the difficulties confronting the people living in the tribal areas, the subcommittee reached to a result that these sites must receive adequate security as well as preventive measures to ensure that tribes could sustain their traditional living conditions while simultaneously participating in national politics (Datta & Sen, 2020). The subcommittee advocated for *District Councils* in each autonomous region to ensure that the tribal community can rule self-sufficiently. With the objective to allow the tribal community to administer their own personal matters according to their unique norms and customs, the Bordoloi committee accomplished its mission governance mechanism through the District and Regional Councils. This ultimately led to the framing of the Sixth Schedule.

The Sixth Schedule is completely focused on preserving the tribal areas and interests by enabling self-governance through the constitutional provisions, which suggested setting up administrative bodies at the regional or district level. These agencies are assigned both responsibilities, carrying out standardised development initiatives along with safeguarding the culture and traditions of the tribal community. The Sixth Schedule has its constitutional status under Article 244(2) and 275(1) (Pathak, 2016). Under these articles, the Sixth

Schedule provides the administrative powers to Assam, Tripura, Meghalaya and Mizoram to govern and manage their tribal regions. Following the Independence of India, to address the several political and functional issues, the Sixth Schedule has been modified multiple times. The Sixth Schedule's standards were broadened to the newly born and developed areas as a consequence of the North East State reorganisation and the formation of newly created states (Misra, 2014).

The Tripura Tribal Autonomous District Council (TTADC), which came into being in 1979, practised the self-governance authority. For a lengthy time period, the tribal inhabitants of Tripura have been pleading for independence because they need to uphold and improve their distinctive way of life. With the intention of restoring internal independence in the tribal narrow regions and conserving the socio-economic and traditional values of the tribal community, the state and central governments agreed to create an ADC. In Tripura, the village council election is done directly, and members are elected directly by native people to promote community engagement in comparison to other states' Autonomous councils, where members of the village committee are appointed by the government. Directly elected members are more responsive and answerable to the common people. Additionally, it safeguards the voting rights of the people. It empowers women by reserving the 50% seats for women in Tripura (Behera, 2021). Likewise, the Karbi Anglong Autonomous District Council and the Dima Hasao Autonomous District Council, correspondingly, were constituted in 1995 in accordance with the Karbi and Dimasas in Assam. As a result of the Bodo community's demand to create their own independent state, in 2003, the Sixth Schedule was modified to accommodate this issue. As a result, the Indian Government agreed to sign a memorandum of understanding with BLT leaders, which eventually led to the establishment of the Bodo Tribal Council and the Constitutional Amendment Act 2003 (Kumar, 2025). The historical overview of the Sixth Schedule shows that it is not only about constitutional frameworks but also a pinnacle of long historical developments, including the self-governing process of the tribal community, nationalist ideas, colonial administrative mechanisms, and legal and constitutional contemplations. It highlights the framers' endeavours to learn from past experiences and to constitute a revolutionary provision that accommodates diverse cultures, ensuring national solidarity. This historical overview is an essential step in evaluating the significance and present relevance of the Sixth Schedule within the Indian Constitution and political framework.

3. Sixth Schedule's Constitutional Provisions and its Functions

The Sixth Schedule of Indian Constitution provides the constitutional framework for the four Indian North-Eastern states: Assam, Tripura, Meghalaya, and Mizoram. Ambekar, in the Constituent Assembly, gave reasons for the need for the Sixth Schedule. He argued that, specifically, the tribal people of Assam have their own culture and traditional values extremely different from the majority Hindu populations. The people of Assam have not embraced the cultural values and practices of Hindu culture (Tillin, 2006). So, here we can

understand how the Sixth Schedule has got its validation of origin from prominent figures of the Indian Constitution makers.

The Sixth Schedule has its constitutional status under Article 244(2) and 275(1) with a comprehensive set of provisions and functions, such as the Legislative, executive and judiciary and economic functions of Autonomous District Councils and Autonomous Regional Councils. These two councils provide security of self-governance to the tribal communities in matters related to their customs, traditional practices, and property. The direct implementation of the state's acts and regulations in these tribal areas is allowed without permission from the Autonomous District Councils and Regional Councils (Datta & Sen, 2020). Containing several provisions regarding the governance of the tribal regions, the Sixth Schedule is considered a child of the Indian Constitution (Hansaria, 2016).

The Sixth Schedule authorises the Autonomous District and Regional Councils to enact legislation and regulations as legislative powers on the subjects related to local issues, such as land supervision, management of shifting cultivation, and matters of marriage, social practices and utilisation of forests except reserved forests. The acts legislated by these councils need the approval of the Governor; here, we can see that the Governor performs as the protector of the Constitution. (Mohapatra, 2017). As we know, the Sixth Schedule provides for the establishment of committees at the village and town level, despite that, different methods of government structure have been adopted by the various Autonomous District Councils (ADCs). The village committee or village council framework is followed by the ADCs of Assam, Tripura, and Mizoram. While Meghalaya, on the contrary, continued with its traditional local governance mechanisms (Vanlalhrualtuanga & Umdor, 2025). The Constitutional distinctive structure is demonstrated by the broad spectrum of governing techniques described in ADCs.

These two councils also enjoy the executive and judicial powers. The Autonomous District Council has the authority to establish elementary schools, pharmacies, aquaculture, markets, road networks and water routes and regulates to ensure their proper functioning. The judicial function of the District Council includes the establishment of Courts at the village and District level, and dealing with the disputes according to the traditional practices, when both the individuals involved in the dispute are tribes. Notably, these types of courts refrain from hearing cases involving crimes punishable by capital punishment or imprisonment for 5 years or more. The District Council Court and the Regional Council Court are appellate courts for the lower courts. The cases resolved by the Council court solely fall within the authority of the High Courts and the Supreme Court of India (Pathak, 2016).

There are broadly 3 sources of revenues of ADCs: 1) the revenue collected by ADCs in the form of tax and non-tax revenue from personal sources. 2) Splitting revenue, which is collected by the state government in the jurisdiction of ADCs, and is split between the state government and ADCs. 3) Grants in aid provided by the central and state governments of that particular state. The provision of shared revenue is not

available in Mizoram; the rest all states' ADCs have this provision (Vanlalhrualtuanga & Umdor, 2025). The District Councils have the authority to collect land taxes and various other taxes related to roadways, professions, stores, etc. (Mohapatra, 2017). The District Councils have subsequent authority over commerce, occupations, toll taxes, in addition to goods and services being transported by public transit, maintenance and repair of the roads, educational institutions and healthcare services. The District Council is entitled to receive income derived from the permits and agreements for the mining, as provided in Paragraph 9 of the Sixth Schedule (Pathak, 2016). Furthermore, state and central governments are helping hands by providing funds to the councils. Finance Commissions do not directly distribute statutory funds to ADCs in the form of grant-in-aid arrangements. Generally, ADCs receive their funds from the central government via the apparatus of the state government of that region. Due to this process, the demand has been raised by the ADCs for direct funding (Vanlalhrualtuanga & Umdor, 2025).

Apart from all the above provisions and authorities embedded in the Sixth Schedule, an understanding of the role of the governor becomes an important segment. The Governor is a key figure in the administrative functioning of the Sixth Schedule areas. The Governor has been given the voluntary authorities by the Constitution of India, which include approving the acts passed by the councils, decisions regarding the implementation of state laws and regulations in the autonomous regions. The Governor is considered a protector of the Constitution, who tries to maintain the equilibrium between the Indian Constitution and the Sixth Schedule autonomous regions (Nayak, 1967).

Concerning the autonomous status of the tribal community, the Governor has an extensive weight of voluntary power to exercise. The very fundamental governing body constitutional provision is formulated by the Governor. It includes that it can invalidate or cancel out any District or Regional council's activity that has a potential threat to the National integrity and security. If any law is passed by the state legislature, it is under the discretion of the governor whether it will be applied in tribal areas or not (Kumar, 2025). The Governor's status and his reliance on the council of ministers' advice underline the ADC's limited authority. A dispute arises due to his arbitrary power in the Sixth Schedule areas. The states of Tripura, Mizoram and Assam have unique legislative provisions regarding the use of voluntary powers by the Governor, while in Meghalaya, such special provisions are absent. The Governor is bound to act on the advice of the Council of Ministers (Soreide, 2021). The Sixth Schedule has achieved significant success in fulfilling the interests of tribal regions while balancing their regional autonomy with national solidarity and unity. This Schedule still plays a crucial role in safeguarding the cultural identities of Tribal people, in the formalisation of the tribal self-rule, in the protection of tribal lands and their local resources and in the establishment of asymmetrical federalism.

4. Contemporary Issues and Challenges

Regardless of its protective and preserving nature for the tribal people, the Sixth Schedule faces several challenges. Autonomous District Councils suffer from a loose financial

structure. Although Councils have the power to collect revenues, their dependency on the state and central government for grants dilutes their actual autonomy and constrains their developmental capability. According to Article 275 of the Indian Constitution, the financial support from the state government contributes largely to making District councils financially stable. The state and central government take a long time to release funds for the Sixth Schedule regions (Pathak, 2016). In contrast to the similar non-tribal districts of the same state, the average per-person government spending in ADC-controlled areas is considerably lower. The standard of services delivered through the health, education and livelihood initiatives is significantly influenced by this financial burden (Prasenjit Debbarma & B., 2026).

Another major challenge is the intersectionality of the functions between the state government and the District Councils. The state governments have turned out to be highly reluctant to delegate the predetermined functions to the councils, even the key functions such as the responsibilities of education, health, and rural development. This type of intersectionality leads to complications and creates a puzzle between the state government and the council. It also harms the financial resources and erodes the link of cooperative federalism (Datta & Sen, 2020). Autonomous District Councils face the question of being a group of privileged and well-off tribal people; decision-making power lies in the hands of a few members, and their decisions mostly promote and fulfil the interests of the rich class. This process leads to corruption, bias, and partiality (Pathak, 2016). Such corruption, nepotism and bias within the ADC administrative and political frameworks have been brought to light by the journalists, Civil society organisations and state machinery. The persistent corruption damages the confidence of the public in the ADC systems, which leads to calls for the governing bodies to be constituted according to the sub-tribal conventions, and supports groups that claim that direct governance through the state governing agencies will much better fulfil the interests of tribal communities than these ADC provisions (Prasenjit Debbarma & B., 2026).

The Sixth Schedule areas have faced several ethnic conflicts and insurgency. The demands of these tribal people include separate autonomous councils as well as full statehood. The purpose of the Sixth Schedule was to suppress such conflicts, but unintentionally, it has promoted the ethnic divisions by promoting identity-based administration (Doungel, 2016).

Excessive voluntary and exclusive powers of the governor to a larger extent impact the autonomy of decision-making ability of the tribal community. Although the Governor is entitled to such powers for protecting the constitutional integrity, a possibility exists that the Governor may misuse his powers for political gain (Nayak, 1967). The Sixth Schedule was supposed to minimise societal feelings of separation; unconsciously, it has led to ethnic divisions and created politics based on identity in some parts of the North-Eastern areas. Several Sixth Schedule regions still lack the proper development, there still exist poor healthcare and educational facilities, low earnings of people, which shows that Autonomous governance has not been that successful for which it was intended.

Growing of these issues consistently questions the credibility and efficiency of the Sixth Schedule. The 125th Constitutional Amendment Bill, a reform bill, was brought with the intention of increasing the financial powers of ADCs, providing more administrative autonomy and increasing the size of the councils (Affairs, 2019). Many tribal groups embraced this bill, while many groups questioned this bill in terms of accountability and intergovernmental cooperation.

Another major contemporary issue is the conflict between the developmental projects versus conservation of culture and traditional values. Autonomous frameworks are not financially and technically capable of handling large developmental projects efficiently, and this leads to their dependence on other capable external bodies, which ultimately leads to the erosion of local power. Budgeting and planning responsibilities are two disciplines wherein ADC's administrative capability is especially not sufficient. A large percentage of ADCs lack the analytical instruments essential to put together development strategies based on reliable evidence, analyse the achievement of standardised programs, or participate constructively with federal and state-level planning mechanisms. In light of such limitations, although there are situations in which funding is readily available, it is used frequently for activities whose structure is beyond the sphere of local requirements (Prasenjit Debbarma & B., 2026).

5. Conclusion

Undoubtedly, the Sixth Schedule of the Indian Constitution is a revolutionary and most creative feature. It maintains an equilibrium between the autonomy of tribal people of Assam, Tripura, Meghalaya and Mizoram and national solidarity. The organisational structure embedded in the Sixth Schedule, specifically the framework of the Autonomous District Councils and Regional Councils, has remained vital in safeguarding the cultural identities and traditional values of the tribal community. These councils have given greater opportunities to the local people to get mobilised and get represented in the political sphere; this feature solidifies democracy at the grassroots level. In parallel, the Sixth Schedule has faced many functional as well as financial challenges, such as the intersectionality of jurisdiction between the state government and Councils, and dependence on the state government for grants, and delays from the state government in releasing the grants. In a nutshell, the Sixth Schedule has remained a vital governing framework for preserving the tribal identity and their rights, although its capabilities have not been fully accomplished, because of certain functional challenges. Its future potential can also be realised with some structurally meaningful reforms.

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