CHAPTER-III

SIXTH SCHEDULE: ANALYSIS FROM DEMOCRATIC DEFICIT PERSPECTIVE
Decentralization is considered as one of the means of administrative reforms for establishing democracy in true sense. Decentralization is a mechanism through which democracy becomes representative and responsive. So for a successful democracy, it is important to establish some administrative setup at local level which will give an effort to the common people to involve themselves in administration.

Local government or institution can play a crucial role in strengthening democracy if it has the capacity to meet the demands and need of every section of the people. Decentralization process can be applied in two ways: functional decentralization and territorial decentralization. Territorial decentralization means spreading of administrative unit and delegate power to them. On the other hand functional decentralization means entail the relocation of certain decision making subjects to specialized and certified organization.

When eventually India was able to overthrow the British rule, the leaders of the Indian nation wanted to reconstruct Indian administration by decentralizing power to the village level. So the makers of the Indian Constitution gave a lot of emphasis on incorporation of strong democratic institution at the grass root level administration both for the tribal and non tribal people in the Indian Constitution. Consequently democratic decentralization and establishment of Panchayati Raj became one of the Directive Principles of the State Policy. However in the case of tribal affairs in the country, especially those in the North East India, there are certain specific provisions in the Indian Constitution. The constitution makers also recognized the necessity of a political and administrative structure for the hill tribal areas of erstwhile province of Assam by enacting the Sixth Schedule to the constitution of India. The Sixth Schedule of Indian Constitution provided a separate set up for decentralizing the power especially for the tribal inhabited hill areas of North East India. Yet later the formation of Bodoland
Territorial Area District in Assam expanded the scope of Sixth Schedule to encompassing the plain areas also.

3.1 EMERGENCE OF SIXTH SCHEDULE:

The Sixth Schedule of Indian Constitution is the product of a long historical process. The development approaches of Sixth Schedule of Indian constitution can be analysed in two sub categories- Pre independence period and Post independence period.

3.1.1 Pre Independence period:

Till the colonial intrusion, except the state of Manipur and Tripura, the remaining areas of North East India formed parts of erstwhile British province of Assam. British occupied Assam after the Anglo-Burmese war in 1826. It took more than 50 years to colonize all parts of Assam. Until then most of the tribal people were used to run self government under tribal chieftainship. The colonization of Assam resulted in linking the region more and more with mainland India. Such linkage and later on that facilitated integration with mainland India was due to the British colonial interest with the discovery of tea, oil and coal in the region. The British administration approach towards the tribal people was supported by the policy of isolation. They deliberately secluded and cut off these areas from mainstream India. The policy of British government was solely directed and dominated by colonial interest based on isolation and exploitation of the tribals. However Britishers could not continue the process for a long time. The uprising made in British administration, among those who had a soft corner in mind for the tribal people compelled the British people to take some measures for the protection of the tribal people. Accordingly a number of pacts such as the Schedule Tracts Act 1870, Schedule District Act 1874, and the Government of India Act 1919 were enacted by the British Parliament wherein areas with large concentration of tribal were segregated and isolated for dealing separately with the tribal people. Later in the name of upliftment of the condition of the tribes, the Government of India Act 1935 was enacted by dividing the hill areas of Assam into two categories ‘excluded’ and ‘partially excluded’ areas. The excluded areas were the Naga hills, Lushai hills, North Cachar hills while all other hill areas were under partially excluded areas. The excluded
areas were free from provincial ministry jurisdiction. Expenditure incurred in these hill areas was also not voted by provincial legislature because there were no representatives from these areas. The main thrust of the policies adopted by British government was to isolate the tribal people from the general mass and separate the tribal areas from the purview of the normal administration. On the whole, British government was inclined to leave the tribesmen alone, partly because of the task of administration.

Apart from policy of isolation, the British never hesitated to intervene the administration of tribal people whenever any untoward tendency, detrimental to their colonial interest, was sensed among the tribals. Some time through brutal repression and quite often through indirect involvement by the method of appeasement of tribal chiefs and their influential elite groups, they succeeded in deriving maximum benefit.

The political status of hill areas both excluded and partially excluded was discussed in British Cabinet Mission 1946 and it advised the establishment of an advisory committee on the rights of citizen, minorities and tribes to make proposal for the administration of the tribal areas

3.1.2 Post Independence period:

After independence, the nation builder changed the attitude of the British government and abolished the concept of partial excluded area and excluded areas with a view to bring all the people to the mainstream of the national life. However they also realized that a special type of administration and special provision should be made to safeguard the tribal people who have been kept excluded for a long time from the national development process. To mitigate the problem, the interim government appointed a subcommittee- ‘The north-east frontier (Assam) tribal and excluded areas committee’ under the chairmanship of Gopinath Bordolai which is popularly known as Bordolai Committee. The other members of the committee were J.J. Nicholas Roy, Rupnath Brahma, A.V. Thakkar. The members of the committee toured different tribal areas and met the representatives to develop a model of administration for these areas. The committee in its report took three things into consideration for proposing a separate scheme of administration for these areas, which were ultimately called the Autonomous District:
a) The distinct social custom and tribal organization of the different people as well as their religious belief.

b) The fear of exploitation by the people of the plains on account of latter’s superior organization and experience of business.

c) The fear that unless suitable financial provisions were made or power were conferred upon the local councils, the provisional government might not, due to pressure of plain people, set apart adequate funds for the development of tribal areas.

3.1.3 Recommendation of Bordoloi Committee:

After studying and examining the different problems faced by the tribal people and scrutinizing the different proposals submitted by different tribes, the committee submitted its report on 28 March, 1947 with some recommendations. Some of the recommendations are:

1) Regarding the control of immigration and allocation of lands to the outsiders, the committee recommended that District Council should have the legislative power over the occupation and use of land other than the land comprising reserve forest.

2) The Committee recommended that the hill people should have full power of administering their own social law, codifying and modifying them.

3) Another recommendation of the Committee was the management of primary schools and dispensaries which should be given to Autonomous District Council.

4) The Committee also recommended that the District Council should be endowed with legislative powers over the use of land, village forest, agriculture and village and town management in addition to the tribal and local laws.

5) The Committee recommended that except Mikir hills and North Cachar Hill District Council the chairman of other District Council should be elected by their representative members.

6) The Committee recommended the empowering the Autonomous District Council to control the money lenders and traders with a view to protect the hill tribes from the exploitation of the plains tribes.
7) The Committee also recommended the establishment of Regional Council in the autonomous districts, where a number of tribes with distinct culture and civilization live in their own.

8) According to the subcommittee, the State government should have the power to declare an act or resolution of the district council null and void if it threatens the safety of the country.

9) The Committee again recommended that both the partially and completely excluded areas should be represented on the basis of adult franchise in the State Legislative Assembly. It also recommended that there should be at least one representative from the hills area in the Provincial Council. The Committee also looked at the problems of non-tribal living in those areas. While it did not permit them to contest election to the provincial legislature, it was however recommended that they might be represented in the District Council.

However the Committee did not accept the demand for all powers of taxation be vested in Autonomous district council on the ground that in that case the central and provincial government would be deprived of the power of taxation in these areas. Yet the committee recommended certain taxes and financial power to the council.

From the above recommendation it is clear that Bordolai Committee felt that a separate administrative set up should be formed to protect the interest of the tribal people and give them maximum autonomy in management of their own affairs. It will make them free from all kinds of exploitation and dominance from the most advanced section of the society.

3.1.4 Debate in Constituent Assembly:

The recommendation of Bordolai Committee was taken up to the Constituent Assembly. There were different opinions in Constituent Assembly regarding the establishment of District Council. Some of the members even opposed the provision of special status to the tribal people of hill areas. Rohini Kumar Choudhury, one of the members of the Constituent Assembly criticized the idea of Sixth Schedule and stated that the process of separate administration will widen the gap between the tribes and non-tribes of India. Like Choudhury another member of the constitution
assembly Jaipal Sing who himself was a tribal leader opposed the provision of Sixth Schedule. However Nicholas Roy, A.V. Thakkar and Ambedkar gave their arguments in favour of formation of Sixth Schedule.

After having heard the views of different members, the constituent assembly gave more weightage to the views of the then premier of Assam, Gopinath Bordolai, not only because he was the chairman of the subcommittee but as stated by Nicholas Roy that Bordolai was known to be very kind and sympathetic to the hill people, was respected by the hill people and he had studied very closely the position of the tribal people. In the final consideration, the Constituent Assembly accepted the recommendation of Bordolai Committee and adopted the Sixth Schedule to the Constitution of India, which provided for Autonomous District Council in the hill district of Assam. Article 244(2) and 275(1) of the Constitution deals with these provisions.

The idea behind the Sixth Schedule was to provide a separate type of administration which would provide the tribal’s maximum autonomy to safeguard their distinct customs and traditions.

After the Indian Constitution came into force, the government set up an interim Tribal Advisory Council in each hill district and also desired the participation of the tribal representatives in the administration of the areas. The council had no statutory basis and it used to advise the District Superintendent or Commissioner on various administrative problems and development scheme of the district. So it was really a training ground for the hill tribes in self government. Under paragraph 2 of the Sixth Schedule of the Indian Constitution, the government of Assam formed the Assam Autonomous District (constitution of district council) Rules 1951 and Pawi- Lakhere (Constitution of regional council) Rules 1952 for the autonomous region of Lushai hills district. Accordingly the District Council and Regional Council were constituted in 1952 and 1953 respectively. Thus, the ADCs were constituted in certain hill district (except Naga hills) of the then composite state of Assam in 1952. And in the Lushai hills district (now Mizoram) Regional council (are now district council) was introduced in 1953. Since then these Councils have been functioning
and managing land, forest, market, primary schools, planning activities and so on and impacted traditional institutions like tribal chiefs, tribal councils etc.

However the plain tribes are not covered both in Sixth and Fifth schedule. As a result a section of tribal people of plain areas started agitation for political and cultural protection under some special packages. Bodos are one of them. They even started a movement for separate state to protect their own identity. As the movement took a violent turn both the Central and State government tried to manage the agitation of tribal groups. As a result in 2003 Bodoland Territorial Area District (BTAD) under Sixth Schedule was approved by Parliament by creating a history in the democratic decentralization process for the plain tribes. Thus the creation of BTAD raised the aspiration of other plain tribal residing in other parts of Assam.

Presently 10 Autonomous Councils are functioning in four states of North East India under Sixth Schedule among which three are in present Assam. Here it is interesting to note that the Nagas, for whom the Sixth Schedule was created, have no Autonomous District Council.

3.2 THE SIXTH SCHEDULE AREAS:

The area specified in parts I, II, IIA, and III of the table below are the tribal areas within the state of Assam, Meghalaya, Tripura and Mizoram.

Part I (Assam)

1. The North Cachar hills District

2. The Karbi Anglong District.

3. The Bodoland Territorial Area District.

Part II (Meghalaya)

1. Khasi Hills District

2. Jaintia Hills District

3. The Garo Hills District
Part IIA (Tripura)

1. Tripura Tribal Area District

Part III (Mizoram)

1. The Chakma District
2. The Mara District
3. The Lai District

The Arunachal Pradesh Assembly has passed a bill to create four Autonomous District Councils under the provision of Sixth Schedule in 2003. However, the Parliament is yet to approve it. Mizoram and Manipur has also created a number of Autonomous Council and wanted to include it under Sixth Schedule. However the demand is under the scrutiny of the Central government.

3.3 THE AUTONOMOUS DISTRICT COUNCILS

The Sixth Schedule of Indian Constitution provides an innovative tool of self government for the tribal people through the Autonomous District Council. It gives elaborate legislative, administrative and judicial powers. No law of central and state government can be executed without the approval of the District Council. The District Council is also empowered to establish the village courts and village council. However its nature and composition differs from place to place.

3.3.1 Nature and Composition of District Council:

Each District Council or Regional Council provided under Sixth Schedule is a corporate body by name of District Council and Regional Council (name of the district or name of the region). It has a perpetual succession and a common seal with the right to sue and sued. Most of the councils consist of 30 members where 26 are elected from the single member constituency on the basis of universal adult franchise and four are nominated by the governor on consultation with the chief executive member. However Bodoland Territorial Council is exception from it. BTC, which is the newest council, having 46 members, 40 are elected (30 seats are reserved for ST, 5 for non tribal and another 5 are
open for all) and 6 are nominated by government in consultation with chief executive member. The members of the councils are known as Member of District Council. The term of the office is 5 years. Yet the governor can extend the term for maximum one year in some special circumstances. The chief executive member, chairman and the deputy chairman of the council are elected by the council members from the group of 46. Functionally the chairman and deputy chairman act as speaker and deputy speaker of a legislature.

3.3.2 Executive Committee

The Sixth Schedule provide for an executive committee of the District Council to carry on its full executive functions. The Executive Committee consists of one chief executive member and some other members. The numbers of other members vary in different council. The other members are appointed by governor in consultation with the chief executive member.

The Executive Committee performs all executive functions like implementing different rules and executes the development policies. It also makes rules, regulations in consultation with the district council. It also prepares the budget for the District Council. It is important to note that the Sixth Schedule don’t deny the provision of District Commissioner office under state government in their effective areas. Thus, Sixth Schedule has placed two types of civil administration for the Autonomous District with consequent anomalies overlaps and confusion

3.3.3 Powers and Functions of District Council:

The District Council has given extensive power in the field of executive, legislative, judicial and financial functions. These are discussed below-

Legislative Function

The District Council has power to make laws on various issues covering land, agriculture, primary education, health, establishment of village council and town committee, appointment of chiefs or headman, inheritance of property, marriage, divorce, money lending etc. The governor can scrutinize the laws passed by the District
Council. He can also alter the laws if it violates the provision of Sixth Schedule. The legislative function of the councils can be enlisted as follows-

(a) The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town;

(b) The management of any forest not being a reserved forest;
(c) The use of any canal or water-course for the purpose of agriculture;
(d) The regulation of the practice of jhum or other forms of shifting cultivation;
(e) The establishment of village or town committees or councils and their powers;
(f) Any other matter relating to village or town administration, including village or town police and public health and sanitation;
(g) The appointment or succession of Chiefs or Headmen;
(h) The inheritance of property;
(i) Marriage and divorce;
(j) Social customs.

Executive Functions

The District Council has the executive powers to construct or manage primary schools, markets, cattle pounds, ferries, roads and waterways. It also prescribes the medium of instruction and manner of education in primary schools within its jurisdiction.

Judicial Function

The District Council is authorized to constitute village and District Council Courts to trial cases according to customary laws where both parties are tribal. But they cannot give death sentences or imprisonment for five and more years. The District Councils court is court of appeal in all respect of all suits cases tried by the village council court and the subordinate District Council court. No other court except the High Court and the Supreme Court of India has the jurisdiction over suits and cases, decided by the Council Court.
Financial Function

The District Council and Regional Council have the power to frame rules for the management of finances with the approval of the Governor. They have also the power to levy and collect taxes on land, holdings, shops, entry of goods, within the respective jurisdiction. Under para 9 of the Sixth Schedule, the royalty on the licenses or leases for the extraction of minerals in the autonomous district goes to District Council. Grants in aid, loans, and advances etc. from the State government constitute other sources of income of the councils.

Income and Revenue Sources

The District Council and Regional Councils are given power to levy and collect taxes on lands, holdings, shops, entry of goods into market. Under Para 9 of the Sixth Schedule, the royalty of licenses or leases for the extraction of minerals in the autonomous district goes to District Councils. Grants-in-aid, loans, and advances from the state government constitute the other sources of income of District Council.

3.4 WORKING OF THE DISTRICT COUNCIL: ANALYSIS FROM DEMOCRATIC DEFICIT PERSPECTIVE

Though the policy makers of India formed District Council with a view to give a special treatment to the tribal people to develop themselves by own way of administration, yet the provision made by the Constitution cannot give satisfaction to the people, as the institution created for tribal development is not performing well. There is some structural and functional deficit in the whole system for which it has to face severe criticism. The following points depicts the whole scenario-

3.4.1 Provision of Representation in Sixth Schedule

Representation is one of the important aspects of democracy. Democratic government lies on the principle of ‘by the people’ which means government is run by the people
directly and indirectly. That is why democratic government is considered as the best government. In a direct democracy people directly involve in the political process and collectively take the decisions, but in present time, the size and population of a country is so large that it is not possible to take collective decision. So, it is the people’s turn to run the government indirectly. Thus the concept of indirect democracy came. In indirect democracy through election the members of a community or area choose one or more representatives to exercise authority on behalf of them. These representatives provide a link between the government and the people. However mere inclusion of the process of representation does not mean democracy. Democracy becomes meaningful when people from all sections can represent in the decision making process. That is why democracy must ensure proper representation system where each and every community has a share in the decision making process. So representation system can be regarded as a tool to understand the level of democracy in a system. As a result it is important to measure the representative structure of Sixth Schedule to measure its democratic structure and nature.

Exclusion of Some Groups like Women and Minority

The provision for representation in Sixth Schedule violates the democratic rules. Democracy is based on the principle of majority by no means implies the suppression of minority. Yet Sixth Schedule of Indian Constitution clearly stated that there shall be a District Council for each Autonomous District consisting of not more than thirty members, of whom not more than four members are nominated by the Governor and rest shall be elected on the basis of adult suffrage. Nowhere in the Sixth Schedule is mentioned about representation for the minority. Though in BTAD there is a provision for minority representation yet it is not proportionate to the population. The name of the autonomous council of BTAD is BTC. BTC is formed under the Sixth Schedule of Indian constitution. BTC is constituted with 46 members out of whom 30 seats are reserved for the Schedule tribe, five seats are reserved for the non tribal people and another five are open for all community. If we look at the proportion of people living in BTAD then we find that 51 percent (BTC Annual plan, 2004-2005) people are Schedule tribe while in BTC they get the representation of 75 percent. Critics argue that reserved constituencies have been drawn in such a manner that areas having minimum Bodo
presence has been declared reserved for the guarantee of the Bodo candidate. The reservation was made with an attempt that nobody else can contest from there except the Bodos. On the other hand the areas having Bodo majority are made open to all so that the non bodos have only a remote chance to be elected.⁷

The case is same with another minority group, that is, women. All the District Councils suffer from lack of adequate women representative or members. In BTC there is no women representative both in 46 members Council Assembly as well as in Executive Committee.

**Provision of Nomination**

The provision of nomination of representatives in District Council is also not followed by democratic rules. District Council has provided a scope of minority representation through the process of nomination by the Governor of the State. The main aim behind this provision is to give representation from the unrepresented community of that particular area. However in real practice, those persons are nominated through this provision that support the ruling party, as there is a provision for consultation with the chief executive before nomination. As a result, the provision for representation from all community becomes a nightmare in the district councils.

**3.4.2 Quality of Governance:**

Quality of governance determines the success or failure of a system. The performance of a system depends on the quality of governance. Governance must be transparent, auditable, people centric and less corrupted for making democracy work. The real challenge in a democratic process is to ensure that the process of governance does not get subverted or appropriated or controlled by economic and political elites.⁸ However a general complain that frequently arises with regard to the sixth schedule is the poor functioning of the district councils formed under Sixth Schedule. The following points deal with some aspects of governance of Sixth Schedule.

**Not Auditable:** The provision of Sixth Schedule is undemocratic in another sense that the accounts of the District Council and the Regional Council were not auditable by the Accountant General before 1969. The council account was also outside the purview of
the public accounts committee of state legislature. As a result within the councils, over a period of time, due to large development fund available, a nexus has emerged between neo-rich middle class or classes or rich traders, contractor, bureaucrats and educated, who have emerged from within the tribal society of North East India. It leads to mismanagement of funds. But democracy deals with the transparency of funds. Democracy demands transparency because transparency prohibits mismanagement of funds. It leads to corruption. Corrupted government is a part of democratic deficit system.

Financial Indiscipline: Another deficit or problem of the Sixth Schedule that goes with the earlier point and that has been identified by the Annual Report of the Ministry of Tribal Affairs is gross financial indiscipline that has occurred in most of the district councils. Problems like lack of audit, corruption have led to the rise of financial indiscipline and have paralyzed the system. Reference could be made to the unfortunate financial irregularities of over Rs 1000 crore occurred in North Cachar Autonomous Council in Dima Hasao district of Assam which is under the scrutiny of National Investigation Agency and Crime Bureau of India.

Poor Land Management: Land constitutes the most important right of the tribal people. Their life, culture and economy etc. are intrinsically related with land. But land constitutes the most controversial issue in almost all the tribal areas including the Sixth Schedule areas since the time of British. Although the Inner Line system was introduced to protect the land rights of the tribal people and continued in the post independence period, but it could not protect this right of the tribal in an efficient manner. Rather it has created gross dissatisfaction among the tribals. The Ministry of Tribal Affairs in its Annual Report 2010-11 has identified land management as an important weak performance area of the councils. Land Regulation Act 1981 imparts the right of transferring land from tribals to non tribals to the Deputy Commissioner. This has created lots of controversy and has aggravated the situation. In other words, District Councils have not been able to protect the land right of the tribals. The report of Ministry of Tribal Affairs in its annual report 2010-11 rather states “the protection provided by the Inner Line Regulation and Sixth Schedule have been used to concentrate vast land holdings in the hands of a few well-off tribals. Thus, the poor
landless farmers have been left to fend for themselves, without benefit of the Sixth Schedule provisions.”

**Club of Elites:** There is a general feeling that the District Council becomes a club of elite group who are already in a well off position. The decision making power rests on only few hands. Common people are cut off from this process. As a result it breeds corruption, nepotism and favoritism and also establishes a nexus between decision makers, contractors, rich traders, and influential policy makers. Thus it denies the democratic rights of grass root people. It serves mainly the interest of the neo middle rich class or classes of rich traders, contractors, bureaucrats and educated who have emerged from within the tribal society of North East India due to enlarging socio economic power in the structure. It prohibits flow of benefits towards the weaker section of the tribes. The elected members continue their exploitative nature by not taking any step to strengthen the position of the poor in their areas. As a result the Sixth Schedule has become an alibi for social freeze serving the few at the cost of majority.¹¹

**Lack of Co-Ordination:** Another deficiency of Sixth Schedule is that there is no provision for co-ordination of the activities of District Council and the State government. The state has no power to review and assess the working of the council except to approve the legislation by the Governor. As a result most of the legislation failed to fulfill the needs of the people.

**3.4.3 Financial Dependency:**

District councils formed under the Sixth Schedule of the Constitution are constitutionally dependent on the devolution of funds from the government. But the procedures for this lack enough flexibility that is required to emerge as a strong and vibrant institution for local governance.¹² The major source of income of District Council is grants-in-aid. The grants of District Councils are released by state governments. The State government, as alleged by the leaders of the District Councils have made delay in releasing the funds. In most cases the causes of delay is based on political consideration. As a result it affects the normal life of district councils.

Another source of income of district councils is the share of royalty accruing each year from the licenses and leases for the purpose of prospecting for or extraction of minerals.
within the areas from District Councils. The taxes collected from here are shared by
district councils and state government according to the provision. However it is alleged
that the state government is not financially supportive to the concerned District Councils
regularly. As a result the District Councils suffers from financial deficit which
ultimately leads to underperformance.

3.4.5 Overlapping of Functional Responsibilities:
Overlapping of functional responsibilities between the state government and District
Councils can be identified another deficit in the provision of Sixth Schedule. Again the
state governments have not been able to transfer areas of administration to the
councils. This type of overlap not only wastes financial resources but also creates
unnecessary confusion, the Tribal Affairs Ministry identified.

3.4.6 Lack of Local Level Decentralization:
Decentralization itself does not guarantee participation of people from bottom. In many
times it has happened that decentralization has led to the concentration of power in a
group of elite. This has led to the distortion of the basic idea behind the notion of grass
root democracy. In most of the District Council’s the district is the last area of
decentralization. They connect to the villages through the traditional ‘gaonbuhras’.
Though in BTAD the procedure has been taken for two layer rural level administrations
through the Village Council Development Committee (VCDC) and Territorial
Constituency Level Coordination Committee (TCLCC) yet the appointment process is
completely undemocratic in those institutions. Only the ruling party men get advantage
to nominate the members. As a result the whole democratic decentralization process
becomes useless. J B Patnaik, the present governor of Assam feels that decentralization
of powers and administration has not taken place in the Sixth Schedule areas of Assam.
"This has defeated the purpose of the Constitutional provision. The areas continue to be
backward, while there has been no end to corruption," said the Governor, who is also
the constitutional head of the Sixth Schedule areas of the state.

Thus, from above, it appears that although the Sixth Schedule to some extent is
successful in dealing with tribal demands but has not been able to institutionalize grass-
root or participatory democracy. Being coupled with financial dependency and corruption, it has hampered the developmental activities. There are some pre-conditions which are necessary for the fulfillment of the aspiration of the people of Sixth Schedule area.

Adequate fund for the development scheme is one of the pre-conditions of success of District Council. Because of the financial difficulties and limited resources, most of the District Councils have not been able to realize the dream put by the Sixth Schedule.

Another necessary pre-condition for the success of the District Council is that it has to train the members of the council for their role. As in most cases the members of the councils have very limited knowledge regarding the aim and objectives of the Sixth Schedule so they play a very weak role in District Councils for which the people of these areas have to pay a lot.

3.4.6 Medium of Instructions of School

The District Council manages primary schools and also prescribes their medium of instruction. In prescribing the medium of instruction they only give emphasis on their own mother tongue. The major tribe imposes their language on other inhabitants of the council. However in every District Council there are a number of ethnic communities. Yet these ethnic groups have no freedom to read and write in their own dialects which is against civil right. In fact one of the major grievances of the pawis-lakher regional council against the Mizo District Council was on the issue, which in the long run, compelled these minor tribes to demand for a separate district council of their own.

3.5 TACKLING THE PROBLEMS OF DEMOCRATIC DEFICIT:

As the entire provision is showing underperformance, so Report of the Expert Committee, September 2006, entitled “Planning for the Sixth Schedule Areas and those areas are not covered by part ix and ix A of the Constitution” has given some suggestions regarding the fulfillment of the promises of the Sixth Schedule and to make it more democratic. The Committee has observed that the entire philosophy behind the sixth Schedule is protection of tribal people under constitutional provision of District
and Regional Councils. So these institutions are entrusted with twin task-preserving the
tribal customs and culture and developmental work for the tribes. However, the actual
ground situation varies from State to State. While all autonomous councils have been
given powers in terms of Para 3 to make laws and Para 6 devolving functions, several
variations are seen even within the Sixth Schedule areas. This variance is mainly due to
historical circumstances. For instance in Meghalaya, the Councils were constituted well
before the State was created. In other cases, the inclusion of certain areas in the Sixth
Schedule has been in response to local conflicts and tensions.¹⁵ Yet the committee feels
that a short listed reform in the Sixth Schedule and in the function of the district
councils may make Sixth Schedule evenly more applicable and also ensures protection
of the tribes. To make the governance of the Sixth Schedule more democratic the
committee has suggested the following provisions-

1) Village level bodies: The Committee suggested for village level council to make
Sixth Schedule as well as District Council more democratic. The Committee
consists of ten to twenty members elected by local people on the basis of
universal adult franchise. There should be adequate representation from women,
youth and minorities. The responsibility of the Council would involve
understanding the problems of their concerned areas, planning, protection and
management of natural resources.

2) Need for State Finance Commission to grants for local body: The Committee
suggested financial grants to the local institution to implement their programmes
and plan.

3) Need to remove overlaps in functional responsibilities between the State and
District Council: Though the provision of Sixth Schedule gives importance on
the self administration system yet in most cases the State government also
continues a parallel machinery to control the District administration. This
overlapping function not only waste resources but also irritates both parties
when delivery of service failed. So the Committee strongly recommended
delineation of the department functions and responsibilities.

4) Need to improve planning and project formulation policy: The Committee feels
that the lack of professionals and technocrats in the planning mechanism leads to
the dysfunction of the Councils. So they recommend that planning mechanism needs to be instituted and professionalized for more effective implementation.

5) System for ensuring accountability through continuous monitoring and reform: The committee recommended direct funding system from the central government to District Councils. However the committee also advised monitoring the increased financial responsibility through the department of accountability. According to the Committee it would be necessary to consult the Comptroller and Auditor General of India regarding improvements in the system of auditing the accounts of the Councils.

6) Need to induct other partner in the development process: The committee encouraged the participation of private agencies and the NGOs in the development activities with the councils to improve the quality of services.

7) Need to clarify the role of the Governor: Governor plays a very important role in District Council. However the committee says “There have been conflicting views on whether the Governor exercises his role in respect of the Sixth Schedule States, on the basis of his individual discretion or based on the advice tendered by the Council of Ministers of the State concerned.” So the committee strongly recommended clarification of the role of the Governor.

Though there are lots of criticism against the performance of District Councils and the Provision of Sixth Schedule yet one cannot deny the role of it regarding the protection of the culture of the tribes. District Councils and Regional Councils under Sixth Schedule have provided a fair degree of autonomy for the tribal people living in the North Eastern States. However the criticism made against the Sixth Schedule lies on the principle of Democracy. So it is also time for the authority to reform some of the provisions of Sixth Schedule for deepening democracy.
References and Notes


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