



## The Sixth Schedule of the Indian Constitution

### KEYWORDS

Sixth Schedule, Constituent Assembly, Advisory Committee, Gopinath Bordoloi Sub-Committee, Naga Hills, N.E.F.A.

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### ABSTRACT

*The Constituent Assembly of India was constituted on the proposal made by the Cabinet Mission. The Mission had proposed that there should be an Advisory Committee on the rights of the citizens, minorities and Tribal Excluded Areas. Sir Stafford Cripps, the Chairman of the Cabinet Mission, was of the view that a powerful committee should be set up to make proposals for the administration of the tribal areas. Following this suggestion the Constituent Assembly set up an Advisory Committee on the Tribal Areas under the chairmanship of Sardar Vallabhai Patel with a view to considering the problems of Assam as well as of the tribal people of India. The Advisory Committee, for the convenience, further constituted a Sub-Committee under the chairmanship of Sri Gopinath Bordoloi, the then Chief Minister of Assam, with a purpose to assess and advise the Constituent Assembly on the future administration of the Tribal and Excluded Areas inhabited by the hill tribes.*

### 1. Introduction:

Great care had been bestowed when the question of providing a proper constitutional set up for the Tribal areas of North East was debated in the constituent assembly. The desire was to see that the aspiration of the people of the area are met on the one hand, and on the other, these areas are assimilated with the main stream of the country. To assist the Assembly in this purpose, a Sub-Committee was formed to report on the North East Frontier (Assam) Tribal and Excluded Areas. The Sub-Committee is popularly known as The Bordoloi Sub-Committee with Shri. Gopinath Bordoloi as its Chairman. Other persons who acted as full members of the Committee to start with were:

- Shri. J.J.M Nicholas Roy,
- Shri. Rup Nath Brahma,
- Shri. A.V Thakkar and
- Shri. Mayang Nokcha, who was later on replaced by Shri. Aliba Imti.

### 1.1: The Bordoloi Sub-Committee:

The Sub-Committee, later on, became very much popular and known by the name of Bordoloi Sub-Committee in the constitutional history of India. The Bordoloi Sub-Committee co-opted two more members from each of the Hill Districts of Assam, but no member was co-opted from the Sadiya, Balipara, Lakhimpur and Tirap Frontier Tracts.

The members of the Bordoloi Sub-Committee took the trouble to make hectic tours to different places of the hill areas of Assam and met the leaders of

the tribal people to study their view-points in future administration of India. The members while discussing the problems with the hill tribal leaders patiently heard their opinions. The hill leaders submitted petitions and memorandums to the Sub-Committee enlisting a number of demands concerning their economic, political, administrative, cultural and educational matters. Some of the hill leaders, especially from the Naga Hills, expressed their doubts about the attitude of the plains people towards the hill

men, demanded separation of their hill districts from the Province of Assam.

**1.2:** The Naga leaders placed the demand before the Sub-Committee stating that the Nagas should be given a separate State under the Republic of India at least for ten years and after the expiry of the period, the Nagas would be free to decide the future political status of the country. Even the people of the Khasi and Jaintia Hills expressed their desire to be separated from Assam. When the members of the Sub-Committee met the leaders of the Frontier Tracts (NEFA), present Arunachal Pradesh, they, too, came ahead with several demands including their separate administrative status under the Union Republic of India. The Singphos of the Tirap Frontier Tract demanded educational facilities, roads, hospitals etc., for their economic progress and prosperity. The Khamptis, the Mishmis and the Adis expressed their mind that they should be represented in the Assam Legislative Assembly. The Mingyong and the Padam desired separate representation in the Hill Council and also in the Legislative Assembly of Assam. Moreover, they wanted a separate Tribal council for each tribe under the internal affairs. They all expressed the view that there should not be any outside interference in their cultural, social and religious practices.

**1.3:** The Khasis suggested the Sub-Committee that a new state should be constituted for them comprising the areas of the Khasi Hills, Jaintia Hills and Sardarship. It could be called as the Jaintia Federated State. This State should have been federated with the Province of Assam. It was further suggested that the Federated State should have a National Council and its members should be elected on the basis of universal adult franchise. To represent the people of the Khasi Federated State, four elected representatives should have been sent to the Legislative Assembly of Assam. However, the Provincial Legislature should be debarred from the authority to legislate on the subjects given to the Federated State. The National Council should have the authority to apply or not apply any Provincial legislation.

When the members of Bordoloi Sub-Committee visited the Lushai Hills, they noted that the Mizo people had no unity in regard to their future political status of their territory. The Mizo Union was a divided house and split into two factions. Both the factions appeared before the members of the Sub-Committee where the former was in favour of having a District Conference while the latter opposed such proposal. The Mizo Union was a divided house and split into two factions. The first group was led by the Pachhunga and the second one by the Dengthuama. Both the factions appeared before the members of the Sub-Committee where the former was in favour of having a District Conference while the latter opposed such proposal. In fact, the Mizos wanted more autonomy for their internal administration and more financial support from the Government of India, but no interference in their internal affairs. The anxiety of the Mizo leaders was how to protect the Lushais from exploitation by the plains people.

**1.4:** The people of the Mikir Hills demanded formation of a separate district of their own so that all the Mikirs should be placed under a single administrative unit. So far the people of the North-Kachar Hills and the Garo Hills were concerned, they sent their representatives to meet the members of the Bordoloi-Sub-Committee and put ahead their demands. They also demanded autonomy in their local affairs and customary laws. The Tribal Council of the North-Cachar Hills demanded that forced labour and beggar system should be abolished and the right to follow one's own customs and usages should be guaranteed. There should not be any outside interference in their day-to-day local administration and the local officers must be appointed from among the local people. The Garo National Council representing the case of the Garo people demanded that the boundaries of the hill district should be so adjusted so as to include all the Garos living in other districts contiguous to the Garo Hills such as Goalpara, Kamrup and Mymensing. It also demanded to abolish the Zamindari system from the state.

## **2: Report of the Bordoloi Sub-Committee:**

After assessing and observing the various demands of the various tribal peoples and different political situations of North-East India, the Bordoloi Sub-Committee prepared its report wherein it included several recommendations for the constitutional and administrative adjustments for the tribal belt of the North-East region. The members of the Sub-Committee found that the entire territories of the North Eastern region were put under four categories by the British. These were:

1. the Plains districts of Assam,
2. the Excluded Areas,
3. the Partially Excluded Areas, and
4. the Frontier Tracts.

For the hills tracts, the Governor of Assam exercised his power as the agent of the Governor-General. The Central Government was responsible for meeting the cost of administration for these hill areas. The local British officers serving in the North-East India regarded the tribal areas up to the Inner Line as Excluded Areas. The Inner Line boundary roughly ran along the foot of the hills. The Naga tribal area (Tuensang), the Balipara, Sadiya, Lakhimpur and Tirap Frontier Tracts were very much backward and they required some extra measures of administration. The policy of the British Government was to take gradual steps to introduce administration in these areas with the consent of the tribal peoples.

**2.1:** The Bordoloi Sub-Committee, taking into view the backwardness of the tribal peoples and their attitudes, recommended that "All the tribes of Provinces other than Assam, whether living in the plains or in the Partially Excluded Tracts, should as a whole be treated as minority". It further recommended that the areas of the North-East Frontier should be classified into two regions: 1. Autonomous Region, and 2. Non-Autonomous Region.

The Khasi and the Jaintia Hills, the Naga Hills, the Lushai Hills, the Mikir Hills and the North-Kachar Hills should be put under the Autonomous Region while the Sadiya, Balipara and Tirap Frontier Tracts and the Naga tribal area (Tuensang) should be brought under the Non-Autonomous region. For the administration of non-autonomous region, recommendation was made that the Regional Council or Local Council should be formed for each Frontier Tract. Observing the strategic importance of the Frontier Tracts, the Bordoloi Sub-Committee wanted to give some extraordinary powers to the Governor of Assam. Therefore, a recommendation was made that the Governor may declare any Act of the Autonomous District Council null and void if he thought that such Act was against the national interest. The Governor of Assam was empowered to administer the areas mentioned in the Sixth Schedule Part II as the Agent of the President of India.

**2.2:** Almost all the recommendations of the Bordoloi Sub-Committee were considered and accepted by the Constituent Assembly. The makers of the Indian Constitution made such constitutional arrangements for the hill people of the North-East India that neither their autonomies were affected nor the integrity of the nation was put in stake. The provisions under the Sixth Schedule of the Indian Constitutions were made on the expectation that the creation of the District Council and Regional Council would not only satisfy the hill tribes of North-East India but also create a sense of participation in the mainstream of politics and administration among the hill people.

**Conclusion:** When the Constitution of India came into being in 1950 the District Councils were constituted in the entire hill Districts of Assam except the Naga Hills District because the Naga people had boycotted the first general elections held in 1952 at the instigation of A.Z. Phizo, the emerging Naga leader, who wanted complete independence for the Naga people. However, the Indian Constitution had no intention to assimilate these tribal people into main political and administrative current of the nation against their desire. However, they did not like to grant the tribal people independent status at the cost of India's integrity and unity. They believed that sufficient time and scope must be given to these tribal people to come ahead on their own accord to share in the mainstream of India's political and administrative systems. So the makers of the Indian Constitution provided enough scope for them in the Constitution to enjoy and practise their local autonomies on the one hand and to be adapting in the art of modern administration under the guidance and supervision of mainland India on the other. It was also expected that in due course of time they would gradually and willingly come ahead and merge in the mainstream of Indian nationalism.

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