

## **FUNCTIONING OF SIXTH SCHEDULE OF INDIAN CONSTITUTION: A STUDY OF KARBI AUTONOMOUS COUNCIL**

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### **Introduction**

The Karbi Anglong Autonomous Council (KAAC) was established as a governing and protective body for the tribal population of Karbi Anglong and West Karbi Anglong district, Assam<sup>1</sup>. It was first established back in 1951, under the name Karbi Anglong District Council which in 1952 assumed its current status as an autonomous body, operating along with the Central Indian government. It was initially established to preserve the traditional identity and political stability among the Karbi Anglong tribal communities. Under the 6th schedule of the Indian constitution, it is allowed to form autonomous entities for the administration of specific tribal areas which is provided under 244(2) and 275(1) Articles of the Indian constitution<sup>2</sup>. The paper aims at analysing the functioning of the 6th schedule of the Indian constitution by studying The Karbi Anglong Autonomous Council (KAAC).

The sixth schedule of the Indian Constitution maintains that autonomous regions and districts can be governed under autonomous administrative bodies. Certain administrative power is allocated to the governors of these districts. For example; in the case of different scheduled tribes inhabiting the autonomous district, the governing areas within the district into autonomous regions are made by public notification<sup>3</sup>. A district Council will be formed for each autonomous district consisting of 30 members among which 4 persons must be nominated by the Governor and the rest will be selected based on adult suffrage<sup>4</sup>. These professions along with the others mentioned in the 6th schedule are followed for establishing an effective administrative autonomous body for ensuring that the tribal community is provided with proper protection and opportunities for preserving their unique identity as a tribe.

The aggressive movement for demanding autonomy by Autonomous State Demand Committee (ASDC) in North Cachar Hills and Karbi Anglong had led to the incorporation of Territorial Councils in the 6th schedule of the Indian Constitution since 1995 which indicates a certain lack of acknowledgement for the necessity to provide scheduled tribes of India

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with proper provisions for preserving their unique identities. However, certain interferences between the functions of the sixth schedule and KAAC can be traced which is further examined in the paper, identifying the functional areas of KAAC.

### **Establishment of the Karbi Anglong Autonomous Council**

Karbi Anglong District was created in 1976 in the state of Assam as a separate district within the country. Prior to separation, its geographical origins are traced to The United Mikir and North Cachar Hills District, established in 1951. Initially, under the British regime, it was constituted of parts of Sivasagar District, Nagaon District, Jaintia Hills District, United Khasi and Cachar District. Initially, the KAAC was established in 1952 along with North Cachar Hills District Council. Both councils were provided with executive, judicial and legislative functions under the provisions of the 6th schedule of the Indian Constitution. The implementation of 244(A) article was attributed to the collected grievances and explicit protest from the tribal youths, demanding a certain degree of economic power. Intense protest movements in these districts for gaining political autonomy led to the recognition of both North Cachar Hills and Karbi Anglong as Autonomous Councils in 1995. The established autonomous council comprises 26 members elected by the people and 4 nominated members for the representation of minorities. Elected members of the autonomous council serve for a 5 year period after which re-elections are conducted as per the provisions of the sixth schedule.

The purpose of gaining political and economic autonomy for Scheduled tribe districts is to eradicate inequalities and discrimination as the Karbi Anglong tribe is a minority in India. In recent years, the creation of new territories and States as autonomous councils based on different Northern Indian tribes is attributed to the equal sharing of political powers for maintaining proper development and socio-cultural identities<sup>6</sup>. KAAC and the Dima Hasao Autonomous Council were one of the first councils to be recognized as autonomous councils within the Northeast region. Initially, the Council was established with 14 members by the government of Assam to exercise the power provided under Paragraph 6 (2) of the Sixth Schedule, prior to its up gradation to the current status back in 1970. In 1976, the Council was provided with 8 additional schemes. Contrarily, it is often related to an excessive focus on gaining autonomous political powers at the expense of community conflicts and improper division of regions which may fuel the unrest and political crisis in Northeast India. Thus, tracing the history of KAAC since its establishment, it is seen that political corruption prevented the council from achieving its expected goals of obtaining political and economic strength and autonomy as an individual district of India.

## **Functions of KAAC**

The primary function of KAAC is to protect and develop the tribal community living in Karbi Anglong and West Karbi Anglong districts. Under the sixth schedule, the autonomous council may establish and manage primary schools, roads, transportation, fisheries, markets, dispensaries, cattle ponds, ferries and waterways situated within the district<sup>7</sup>. The power to administer these important elements within the district establishes an opportunity for economic and cultural protection and development. Furthermore, the KAAC may also prescribe specific languages and manners or curricula based on which primary education will be important in schools within the district. Thus, it provides the opportunity to impart knowledge to the tribal community that may uplift their cultural diversity by introducing them to their rich tribal histories and language from a primary level.

The Governor is also provided with the consent of the District Council to specify the officer's responsibilities regarding, animal husbandry, agriculture, cooperative societies, community projects, village planning, social welfare or any other functions that may extend to the State's power of execution. In essence, these matters are dictated by the Governor and the council to ensure that the funds entrusted to the council are being utilised with accountability. The council is working towards the development of the tribal community on a multidimensional level.

## **Methodology**

The research methodology for the paper followed a qualitative approach to analyze the gathered information. Along with that, a deductive approach was also established for analysing secondary information comprehensively. The study design followed a descriptive design that further supports the qualitative approach which constructs the foundation for the research. The rationale for the selection of these particular methods for the paper was to ensure that all the available secondary resources are appropriately screened and selected for reliable and comprehensive data analysis. Considering the existence of the KAAC since the early 20th century and the evolution of political and economic significance in the Karbi Anglong districts, these research methods had been beneficial for tracing the changes as reflected in various existing literature on the subjects.

The data collection process was conducted by the initiation of a targeted internet search in various electronic databases such as ProQuest, Google Scholar and so on. The selection of resources which included journal articles, newspaper articles, and government websites, was conducted with a purposive sampling technique to ensure that only relevant and reliable resources are gathered and analysed. A thematic analysis was performed based on the gathered data, following the qualitative approach. Hence, the overall research

methodology supported the study to explore the chosen topic in-depth and arrive at reasonable conclusions.

## **Findings and discussion**

### **Functions of the 6th Schedule and its provisions for KAAC**

The functions of the sixth schedule of the Indian constitution establish the providence for gaining autonomy for scheduled tribal regions. The 6th schedule serves to provide opportunities for developing and preserving the regional tribal communities by entrusting both political and economic autonomy to the District Council. In essence, the functions of the 6th schedule are implemented for the establishment of KAAC. The functions of the 6th schedule provide the power of making the law to the KAAC for8 -

F Industries (subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule).

F Communications specified in List I of the Seventh Schedule and the provisions of List I and List III of the Seventh Schedule such as roads, ferries, vehicles, waterways, municipal tramways and so on.

F Protection, prevention and improvement of stock, cattle pounds, veterinary training, practices, and prevention of animal ailments.

F Agriculture- protection and prevention against plant disease and pests, agricultural research and education.

F Fisheries

F Water (supply, irrigation, drainage, water power, water shortage and so on).

F Primary and secondary education

F Social security, insurance, employment and unemployment

F Flood control schemes

F Theatrical performances, drama, cinema, entertainment, and sports.

F Hospitals, sanitation, public health and dispensaries.

F Trade and commerce

F Minor irrigation

F Institutions financed by the state such as museums, libraries, historical monuments and so on.

F Alienation of land.

The law is to be submitted to the Governor who will send it for the consideration of the

President who will decide upon the passing of specified legislation. In essence, the 6th Schedule functions as the constitutional representative for the scheduled caste and tribal communities. The struggles of being recognised as a separate political, geographical and cultural entity in northeast India is evident since the Independence. Often these regions are neglected by the Central government and by the population of India due to their cultural and geographical differences, creating inequality. The adverse geography of such regions hinders the process of proper economic activities as well, creating disadvantages for the community which can be addressed by the KAAC.

### **Contribution of KAAC to protecting and developing tribal communities**

The power of local self-governance in the Karbi Anglong district contributes to the development and protection of tribal communities by allocating resources and utilising economic funds. The KAAC, since the time of its establishment, had contributed to policy-making related to the preservation of the political, economic and linguistic identity of the tribal community<sup>9</sup>. However, identified as one of the most disadvantaged regions in India, the autonomous council had failed to develop the community as expected due to internal corruption. On the other hand, the council also contributed to attracting attention to the lack of funds allocated to the community that hindered the path of development. Thus, the functions of the 6th schedule offer support to the council to manage and execute necessary functions for uplifting the tribal population.

KAAC has also successfully constructed systematic structures for the Karbi Anglong districts which helped the process of administration. The Karbi district is divided into 11 developmental blocks, 4 sub-divisions and 4 revenue circles<sup>10</sup>. The council has a 700-employee power among which the Governor appoints officers directly for the development of blocks and sub-divisions. Additionally, KAAC presently manages several developmental projects and schemes which include the improvement of Dokmoka Phongbrik Dentaghat Road, the improvement of Amsoi-Baithalangso Road, the improvement of NH-36 Phuloni Bazar to Lamba Teron Gaon Road and the new road construction from Dhansiri to Missibalium in Karbi Anglong district<sup>11</sup>. The government of Assam further supports the Karbi district council through the introduction of irrigation benefits programmes, water resources schemes and so on. Therefore, KAAC contributes to the development and protection of the tribal community by allocating resources and funds for all areas of development- road transport, water transport, communications, education, trade and commerce and so on. The spectrum of its contribution is seen further with a collaboration with the state government of Assam.

### **Corruption in KAAC**

Various allegations of internal fraud and corruption surround the KAAC, being perceived as the primary reason for not being able to develop the Karbi Anglong district as expected. The tribal district still faces issues regarding the preservation of economic independence. Political disturbances are witnessed in this district as well. The corruption scandal for both KAAC and NCHC for siphoning funds of more than 1,000 crores for district development by the politicians was taken the spotlight<sup>12</sup>. Furthermore, after the 2017 election win by BJP for the Karbi Council, the party was criticised heavily for electing an ex-congress leader accused of corruption as a council member<sup>13</sup>. The general public of the district further protested against this corruption which reduces the possibility of development and protection for the community. The council members are mostly concerned with gaining financial benefits through misconduct which is reported time and again without proper information from the authorities.

Exposure to corruption has become critical due to the internal connections of the politicians residing in the Council. The exploitation of forest resources is also part of the corruption faced by the community. In 2022, Bhupen Kumar Borah, the President of the Assam Pradesh Congress Committee (APCC), expressed resentment towards the ongoing corruption such as illegal stone and sand businesses and coal mining across Karbi Anglong district and stated that a strong protest is necessary for the exposing the corruption of natural resource exploitation<sup>14</sup>. BJP party was accused of massive corruption, indicating that the political sphere which was initially established for the development of the region is exploiting its autonomous power to achieve personal gains. The politicians are hardly concerned about the development and protection of the Karbi Anglong region and the general public, caught in the crossfire of political and economic corruption, is suffering the most.

### **Discussion**

Based on the above findings represented through thematic analysis are discussed here. KAAC was established to develop and protect the political, economic, cultural and linguistic identity of the tribal community of Karbi Anglong and West Karbi Anglong district. The functions of the 6th schedule of the Indian Constitution supported the establishment of an autonomous administrative body to ensure allocation of resources and funds is utilised properly for improvement. The 6th schedule provides numerous provisions, enabling the council to make and execute laws to specifically address the developmental areas of the district. The 11 developmental blocks of the district are administered by officers and employees of the secretariat. Studying the functions of the sixth schedule concerning KAAC further emphasizes that the permissions of 6th schedule are upheld.

However, the political barriers are evident for the Council as well. The initial protest for gaining the ability to autonomously administer the Karbi Anglong region by the youth Council was prolonged due to the lack of proper representation of regional tribal communities in the central government. The discontent of general population residing in the Northeast Indian region continues to protest against the discrimination faced by them. They are not provided with sufficient support and resources and the stance of the Central government was inactive for a long time. Thus, the political ground for the Karbi Anglong district was surrounded by demands for autonomy, desire for development and preservation of unique tribal identity.

After its recognition as a separate and autonomous entity in 1995, followed by a prolonged process, the KAAC was given all the legislative, judiciary and executive powers to conduct its administration as an independent entity and as a representative of the backwards Karbi Anglong tribal community. The establishment of the council gave the equal opportunity for the people, upheld by the constitution, to monitor and manage all spheres within its geographic boundary such as road transport, markets, agriculture, hospitals, animal husbandry, tourism, entertainment, education and so on. However, it is also seen that the development process is hindered significantly due to various scandals of corruption against politicians. The exploitation of forest resources, engagement with corrupted political leaders and siphoning of received financial funds have hindered the process of development. The general public, already a victim of discrimination and political negligence, express feelings of discontent as they witness the corruption rising day by day.

Therefore, analysing the functions of the 6th Schedule of the Indian constitution in alignment with the evaluation of KAAC, it can be stated that the provisions for resources and administrative capacity are given adequately to the autonomous council. The primary barriers lie in corruption, public discontent and lack of mitigation strategies. Presently, the council is working on several projects related to road transportation development, irrigation development, and water resource improvement. However, the presence of corruption in the council hinders the process of linear development. The political dissonance currently merely contributes to enhancing the feeling of differences among these regions as the obtain political and economic autonomy is not the sustainable solution for the current corruption issues seen in the council.

## **Conclusion**

The functions of the 6th schedule of the Indian Constitution establish the provisions to allow the creation of autonomous administrative bodies for tribal areas and regions. The purpose of the 6th schedule is to ensure that the tribal community with unique cultural and

linguistic identities is protected without any discrimination. Under the provisions of the 6th Schedule, the Karbi Anglong Autonomous Council (KAAC) was established in 1952 and officiated in 1995 after prolonged protests from the tribal youth community to gain political and economic autonomy. The paper studies KAAC specifically to highlight the purpose of its establishment, its alignment with the 6th Schedule, its contributions and barriers.

Under Paragraph 6 (2) of the Sixth Schedule, the council was provided with exercisable power by the State of Assam, for all legislative, executive and judiciary processes. The primary function of KAAC is to protect and develop the tribal community living in Karbi Anglong and West Karbi Anglong districts. Under the sixth schedule, the autonomous council may establish and manage primary schools, roads, transportation, fisheries, markets, dispensaries, cattle ponds, ferries and waterways situated within the district. However, political corruption prevented the council from achieving its expected goals of obtaining political and economic strength and autonomy as an individual district of India.

**End notes:**

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