

Sixth Schedule and its implementation: Understanding the case of Bodoland (BTAD) in Assam

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Abstract: Sixth Schedule to the constitution of India and the structure of autonomous council forwarded by the Bordoloi Committee was the outcome of discussions and debates in the constituent assembly in 1949. The purpose of the Sixth Schedule was to grant self-rule to the tribal communities in the hill areas of undivided Assam. Sixth Schedule was implemented in Assam, Meghalaya, Mizoram and Tripura to provide autonomy and to initiate development efforts in the region. However, Sixth Schedule failed to provide structural and institutional development of the region. Sixth Schedule and the autonomous structure which was meant for the administration of hilly tribal areas in Northeast India was amended in 2003 to form Bodoland Territorial Council (BTC) in Assam. This paper will try to understand the performance of the Sixth Schedule and address the question whether it has addressed the long-standing grievances by the amended Sixth Schedule in the Constitution of India in Bodoland area. The paper will also throw light on the pros and cons of Sixth Schedule with special reference to BTAD.

Keywords – Backward, BTC, Development, Sixth Schedule, Tribal.

Date of Submission: 25-11-2017

Date of acceptance: 09-12-2017

I. INTRODUCTION

Sixth Schedule to the constitution of India came into the constitutional framework after many debates in the constituent assembly that were held in 1949. The constitutional provision which is to administration of Northeast India was put forwarded by Bordoloi Committee to retain tribal administrative structure and to promote the culture of the communities. When the sixth schedule was debated and recommended in the constituent assembly, it was only meant for administrations of the tribal communities living in hill areas of undivided Assam. Division of Assam into many parts has shaped the constitutional provision to administration in hill areas of Assam, Meghalaya, Mizoram, and Tripura. But further development and quest for autonomy of tribal communities in plain areas forces to set up adjustment in the constitution to implement in plain areas after amendment. Sixth schedule was implemented in the plain areas in 2003 in the form of creation of Bodoland Territorial Council (BTC) for administration of Bodo dominated areas after a long movement for autonomy and separatist violence. Though sixth schedule was implemented to grant self-rule and to initiate development effort in the area, it shows a mixed outcome of development and underdevelopment. In other words, there are pros and cons in the implementation of sixth schedule which could not address the long standing grievances. So, this paper argues that there are pros and cons in the implementation of the schedule in Bodoland Territorial Area District (BTAD), popularly known as Bodoland and it will analyze both effects of implementation of the sixth schedule in the BTAD.

II. HISTORY OF THE SIXTH SCHEDULE

Idea and aim behind the sixth schedule to the constitution of India was to provide power to tribal communities to administer the tribal areas of Northeast under the provision of article 244(2) and 275(1) of the constitution. It empowered for creation of autonomous structure for the tribal areas under the part X of the Indian constitution. Under the Assam Autonomous District Rules 1951, the tribal areas under administration were Garo Hills, the United Khasi-Jaintia Hills, Mikir Hills, North-Cachar Hills, Lushai Hills and the Naga Hills.¹ The provisions of the sixth schedule have the recommendation made by the North-East Frontier Tribal and Excluded Areas Sub-Committee of the Constituent Assembly, popularly known as Bordoloi Committee as it was under the chairmanship of the then Chief Minister of Assam Gopinath Bordoloi. The places which were recommended to administer under the sixth schedule were earlier known as ‘backward tracts’ during the days of

¹ Assam Autonomous Districts (Constitution of District Councils) Rules, 1951 which provided with the rules for the autonomous districts council and the area specified where it will be implemented.

British administration. Under the division of 'backward and partially backward tracts' administration of these areas were different from other areas. People living in these areas were considered as primitive and assumed that no political institution can govern them. Therefore, under such provisions, the primitive communities were kept aside so that they cannot interact with the plain people and difference was maintained by dividing in the line of different administrative structure (Reid, 2013). These areas were designated as Tribal Areas and later it was named sixth schedule which was under the provisions contained in the Government of India (Excluded and Partially Excluded Areas) Order 1936. The provisions for administration of tribal areas in the Government of India Order of 1936 and Government of India Act, 1935 were taken up in the Indian Order, 1947 which says that there will be a different administrative structure for the tribal communities of Assam (Hansaria, 1983).

When Northeast India was debated in the Constituent Assembly the aim was to make an arrangement by which people of the region can be assimilated with rest of the country and at the same time to provide a constitutional set up for administration of the tribes and hill areas. To fulfill the purpose, Sub-Committee was formed to report on the Northeast Frontier under the chairmanship of Gopinath Bordoloi. The committee was formed on 27th February 1947 and they submitted the report on 28th July 1947 to Ballabhbai Patel who was the Chairman of Advisory Committee on Fundamental Rights.² After many debate and discussions, there were amendments to the provisions and draft was adopted by the Constituent Assembly on 7th September 1949. Focus of such provision was that when Bordoloi committee toured the regions of hill tribes it was found that there were some efficient local institutions for administration of hill tribes which were well structured and destroying such institution would be wrong. Therefore, to retain such institution of local governance provisions in the sixth schedule were proposed by Bordoloi Committee. The committee recommended for autonomy in the hill areas for administration and accordingly autonomous hill district council were set up under Assam in 1952.

On the issue of provisions of autonomy to the hill areas, Dr. B.R. Ambedkar insisted that tribal communities of Assam were different from tribal population of rest of the country and, therefore, they should have a different administrative structure. Though these provisions were implemented, but in the later part there were many amendments while implementing it into the State of Meghalaya on 2nd April 1970 and later to Mizoram. In later phase of amendment, Tripura got its autonomous structure as the Tripura Tribal Areas Autonomous District Council (TTAADC) under TTAADC Act 1979. First it came under Seventh Schedule of the constitution and then it was transferred to Sixth Schedule under the Constitution (Forty-Ninth amendment) Act, 1984. In the case of Assam, Karbi and Dimasas got their District Councils in 1952 (Hansaria, 1983). But it could get status under the provision of Sixth Schedule only in 1995 from where they are known as Karbi Anglong Autonomous District Council (KAADC) and Dima Hasao Autonomous District Council (DHADC).

A further amendment was made in the Sixth Schedule of the constitution in 2003 to meet the demands of plain tribes of Assam under Sixth Schedule to the Constitution (Amendment) Act, 2003. It came when Government of India signed the Memorandum of Settlement (MoU) with surrendered BLT leaders to form BTC. Sixth Schedule which was planned for the hill tribes had to amend because of demands from the Bodo community for separate state. Administrative powers were granted for local administration of the area with different setup. Bodos were granted the amended Sixth schedule, with fewer powers compared to their demands of statehood, almost after their two decades of ethnic mobilization and violence (Saikia, 2011).

III. UNDERSTANDING MERITS AND DEMERITS OF IMPLEMENTATION OF SIXTH SCHEDULE IN BODOLAND

When we discussed the implementation of Sixth Schedule in plain area, i.e. on Bodoland, it has merits and demerits. In some way, it has fulfilled aspirations of the group though it has its demerits as well. Before understanding the merits and demerits of the implementation of the provisions we will look into the provisions of BTC accord which was signed in 2003 to accommodate the Bodo community providing them a politico-administrative setup.

A. Powers and functions of BTAD

Before formation of BTAD and signing of BTC accord, there was another accord signed on 20th February 1993 which was known as Bodo Accord or Bodoland Autonomous Council (BAC) Accord. Many provisions were provided along with general council of 40 members to make bye-laws. It consisted of 23 subjects and 2,750 villages along with 25 tea plantations. But, Bodo leaders were demanding 515 more villages to be included in the BAC (Bhattacharjee, 1996). However, government was not in the support of the demands made by the leaders to include more villages to the agreements as these villages did not have 50 percent population of Bodo community. Secondly, there were restraints from non-Bodo communities for creation of such autonomous institutions and finally implementation of the accord was held up (Saikia, 2011). When there

² See, Report of the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee. Source- Appendix 13 of *Sixth Schedule to the Constitution of India- A Study* by B. L. Hansaria, Jyoti Printers, Guwahati, 1983.

was resistance from other groups in the 515 villages, Bodo extremist groups resorted to violence, killing a lot of people in Kokrajhar and Bongaigaon during September and October 1993 (George, 1994). When the BAC failed, insurgent groups such as BSF (Bodo Security Force) reorganized itself as the National Democratic Front of Bodoland (NDFB) to mobilize themselves for more aggressive attacks supporting their demands of statehood. A rival group of NDFB emerged with their demands of separate state which was formed in 1995 named by Bodo Liberation Tigers (BLT) (Lacina, 2009). Ideological and structural difference started to emerge within the Bodo communities and leaders of the community which resulted into splits of different political parties like, Bodoland Legislature Party (BLP) and Bodoland People's Party (BPP) in the politics of Bodo community.

After the failure of BAC, different groups including extremist groups fights for Bodoland which led to violence and discontent within the community. The second agreement was made after the BLT members surrendered, and on 10th February 2003 an accord was signed in New Delhi among central government, state government and BLT to create Bodoland Territorial Council (BTC). The objective of the agreement was to create an autonomous self-governing institution empowering the Bodo community under the provision of Sixth Schedule to the constitution of India to fulfill economic, educational and linguistic aspirations of the community along with land rights and infrastructural development of the region. There are 3082 villages which will be divided among four districts. The status of BTC was to be based on provision of Para 1 (2) of Sixth Schedule for the safeguards of non-tribal communities living in the area. The seats for the members of the BTC was increased to 46 from which 30 are reserved for STs, 5 non-STs, 5 open and other 6 are nominated members. Settlement rights, transfer, and inheritance of property etc. of non-tribals were also included in the Para 3 of the amended schedule. Council got the power to change medium of instruction in educational institutions. Along with that, all powers exercised by Panchayat-Raj earlier are exercised by the council and panchayat system is withdrawn from the area. The accord also facilitates for the development of Bodo language, establishment central universities and other all round development of the region.³

The second agreement which was signed in 2003 provided more power and functions to the area with more representation and subjects to exercise its power compared to BAC which resulted in the success of survival of the BTC Accord. The working of BTAD has led to the development of the region. In the next section, we will see the development that took place after the formation of BTAD.

B. Development in BTAD

With the increasing of powers and functions of the council, there is the flow of funds as well for the development of the region. The fund provided by the federal government was implemented for development works. There are constructions of roads, electrification to villages, subsidies for the poor. Though these facilities are under the central government, these are properly implemented for the development of the region. Northeast India, which is a hub of tourist for its natural beauties, could gather attraction of people from outside to explore the unexplored beauty of the region. For the accomplishment of such ecotourism different schemes were made to preserve endangered species especially in the Manas National Park that is situated in Baksa district of BTAD. Along with that, systematic investment in different sites for tourism has boosted revenue earned especially in Manas National part from Rs. 743890 in 2007-08 to Rs. 1696766 in 2009-10 (Brahma, 2014).

Development took place in terms of construction of roads and other infrastructure. In Kokrajhar district, the black topped roads increased in 2011-2012 compared to 2006-07. In the sector of handloom development took place from 13.16 Sq. MM in 2008-09 to 14.518 Sq. MM in 2010-11. Because of the infrastructural facilities provided by the government, fish production also increases from 14,777.07 tons in 2010 to 15,857.94 tons in 2011.

In recent years, BTAD has developed in the infrastructural sector for providing people services in the social sector. There is the establishment of hospitals; construction of school buildings all around four districts has shown the development of the sector of health and education. For agricultural development, there are provisions from development blocks to supply seeds, machinery and agricultural subsidies for the needy farmers. Such initiative was taken and implementation has developed the agricultural sector in the areas of BTAD.

C. Post implementation challenges of BTAD

But, critics of such development argued that insurgency impedes the proper development of the region. Because of increasing insurgency and violent mobilizations there are no industrial and developmental investment made by big firms (Verghese, 1996). In the same way, post-BTC accord has also shown violence in the region between groups residing in the territory. It has experienced two major violence in 2008 and 2012 which costs life and property in BTAD area. Implementation of the sixth schedule has neutralized one extremist

³ Document of "Memorandum of Understanding" (Bodoland Territorial Council Accord) collected from BPF office Kokrajhar.

group but it has intensified actions of another group especially the actions of National Democratic Front of Bodoland (NDFB).⁴

If we see other sectors such as education in BTAD area, it has not improved a lot after the formation of BTAD. Because of poor infrastructural facilities in the educational sector and the high cost of education, poor inhabitants of the region could not afford to educate their children. On the other hand, lack of higher educational institutions is also one of the great challenges of development in higher education in these rural areas (Dasgupta, 2015; Saha, 2013).

In BTAD area, handloom is well known and it has potential in the domestic market and for export as well. But, lack of structured market, documentation of market change, insufficient raw material supply and lack of proper knowledge, handloom products has not touched the margin to compete in the market. If funds will be properly implemented by authority providing necessary information and knowledge to local people, handloom and other industry can boom in the region (Narzary, 2013). Lack of local and regional market has impeded in the development process by not providing the local traders and small scale producers to sell their product at good price.

Locals of the area argue that for the production of agricultural goods there is no sufficient land and their land were alienated because of heavy debts. Secondly, it is claimed that there is migration issue to the area acquiring the jobs of the unskilled labor of the locals. So, from this point of view, it can be seen that though there is a bit of infrastructural development of the region, which is not totally structured to develop the economic and social status of the people inhabiting in the area.⁵

IV. DISCUSSION AND CONCLUDING REMARKS

This article has analyzed the structure of BTAD and the power granted in the form of semi-autonomy structure for administration. This paper has argued that inclusion of Bodoland into provisions of Sixth Schedule to the constitution of India have both merits and demerits in the administrative structure. Though the region has developed its political atmosphere and infrastructural mechanism, it could not develop its economic and social needs of the people. Roads were constructed and hospitals were made to facilitate basic health facilities ignoring the living standard of the community. Secondly, education plays a crucial role in the development of the region, but in the case of BTAD education facilities are not up to the mark. There are schools without teachers in the region and no facility for higher education of children. Lack of higher educational institutions, increasing fees of education and privatization of educational sector has burdened the poor class of the area and, as a result, lack of proper education has impeded development in the region. Lack of proper education and knowledge has created misunderstanding/mistrust among communities in the conflict-ridden period which resulted in violence in the region. So, this paper concluded that instead of having infrastructural development in the region it could not develop to meet the aspirations and addressed the long-standing grievances of the region. For a proper development of the region, autonomous council and administration should take care of development issues for education, health issues and social security of the communities living in the region.

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⁴ Interview taken in the BTAD area revealed that implementation of BTAD could not resolve the problem of insurgency and extremism in the area.

⁵ Ibid

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IOSR Journal Of Humanities And Social Science (IOSR-JHSS) is UGC approved Journal with Sl. No. 5070, Journal no. 49323.

Aniruddha Kumar Baro "Sixth Schedule and its implementation: Understanding the case of Bodoland (BTAD) in Assam." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 22 no. 12, 2017, pp. 05-09.