

SIXTH SCHEDULE

[Articles 189 (b) and 190 (2)]

PROVISIONS AS TO THE ADMINISTRATION OF THE
TRIBAL AREAS IN ASSAM1. Autonomous districts and autonomous regions.—(1) 5

The tribal areas in each item of Part I of the Table appended to paragraph 19 of this Schedule for the time being included in that Part shall be an autonomous district.

(2) If there are different scheduled tribes in an autonomous district, the Governor may, by public notification, divide 10 the area or areas inhabited by them into autonomous regions.

(3) The Governor may, by public notification—

(a) include any area in Part I of the said Table,

(b) create a new autonomous district,

(c) increase the area of any autonomous district, 15

(d) exclude any area from Part I of the said Table,

(e) diminish the area of any autonomous district:

Provided that no order shall be made by the Governor under clause (b) or clause (c) of this sub-paragraph except after consideration of the report of a Commission appointed 20 under sub-paragraph (1) of paragraph 14 of this Schedule:

Provided further that no order shall be made by the Governor under clause (d) or clause (e) of this sub-paragraph unless a resolution to that effect is passed by the District Council of the autonomous district concerned. 25

2. Constitution of District Councils and Regional Councils.

(1) There shall be a District Council for each autonomous district consisting of not less than twenty and not more than forty members of whom not less than three-fourths shall be elected on the basis of adult suffrage. 30

(2) The territorial constituencies for elections to each District Council shall be so delimited that as far as possible the areas inhabited by the different scheduled tribes of the district and the areas, if any, inhabited by other persons shall form separate constituencies: 35

Provided that no constituency shall be formed which has a total population of less than five hundred.

(3) There shall be a separate regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule. 40

(4) Each District Council and each Regional Council shall be a body corporate by the name respectively of "the District Council of (name of District)" and "the Regional Council of (name of Region)", shall have perpetual succession and a common seal and shall by the said name sue and be sued. 5

(5) Subject to the provisions of this Schedule the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous Re- 10
gion shall be vested in the Regional Council for such region.

(6) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition 15
to the powers conferred on it by this Schedule with respect to such areas.

(7) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Councils or other representa- 20
tive tribal organisations within the autonomous districts or regions concerned and such rules shall provide for—

- (a) the composition of the District Councils and Regional Councils and the allocation of seats therein;
- (b) the delimitation of territorial constituencies for the 25
purpose of elections to those Councils;
- (c) the qualifications for voting at such elections and the preparation of electoral rolls;
- (d) the qualifications for being elected at such elections as members of such Councils; 30
- (e) any other matter relating to or connected with elections or nominations to such Councils;
- (f) the procedure and the conduct of business in the District and Regional Councils;
- (g) the appointment of officers and staff of the District 35
and Regional Councils.

(8) The District or the Regional Council may after its first constitution make rules with regard to the matters specified in sub-paragraph (7) of this paragraph and may also make rules regulating— 40

- (a) the formation of subordinate local Councils or Boards and their procedure and the conduct of their business; and

- (b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be:

Provided that until rules are made by the District or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (7) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council:

Provided further that the Deputy Commissioner or the Sub-Divisional Officer, as the case may be, of the Mikir and North Cachar Hills shall be the Chairman ex-officio of the District Council in respect of the territories included in items 5 and 6 respectively of Part I of the Table appended to paragraph 19 of this Schedule and shall have power for a period of six years after the first constitution of the District Council, subject to the control of the Governor, to annul or modify any resolution or decision of the District Council or to issue such instructions to the District Council, as he may consider appropriate, and the District Council shall comply with every such instruction issued.

3. Powers of the District Councils and Regional Councils to make laws.—(1) The Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

- (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:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land whether occupied or unoccupied for public purposes by the State of Assam in accordance with the law for the time being in force authorising such acquisition;

- (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; 5.
- (g) the appointment or succession of Chiefs or Headmen;
- (h) the inheritance of property;
- (i) marriage; 10.
- (j) social customs.

(2) In this paragraph, a "reserved forest" means any area which is a reserved forest under the Assam Forest Regulation, 1899, or under any other law for the time being in force in the area in question. 15.

4. Administration of justice in autonomous districts and autonomous regions.—

(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may constitute village Councils or courts for the trial of suits and cases other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply or those arising out of any law made under paragraph 3 of this Schedule, to the exclusion of any court in the State, and may appoint suitable persons to be members of such village Councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule. 20 25 30

(2) Notwithstanding anything in this Constitution the Regional Council for an autonomous region or any court constituted in this behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court constituted in this behalf by the District Council, shall exercise the powers of a Court of Appeal in respect of all suits and cases between the parties all of whom belong to scheduled tribes within such region or area, as the case may be, other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, and no other Court 35 40

in the State shall have appellate jurisdiction over such suits or cases and the decision of such Regional or District Council or Court shall be final.

5. Conferment of powers under the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1898 on the Regional and District Councils and on certain courts and officers for the trial of certain suits and offences.—(1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in this behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such region or district, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in this behalf by the Governor, such powers under the Code of Civil Procedure, 1908 or, as the case may be, the Code of Criminal Procedure, 1898, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

(2) The Governor may withdraw or modify any of the powers conferred on a District Council, Regional Council, court or officer under sub-paragraph (1) of this paragraph.

(3) Save as expressly provided in this paragraph the Code of Civil Procedure, 1908 and the Code of Criminal Procedure 1898, shall not apply to the trial of any suits, cases or offences in an autonomous district or in any autonomous region.

6. Powers of the District Council to establish primary schools, etc.—The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and waterways in the district and in particular may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

7. District and Regional Funds.—(1) There shall be constituted for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this Constitution.

(2) Subject to the approval of the Governor rules may be made by the District Council and by the Regional Council for the management of the District Fund or, as the case may be, the Regional Fund, and the rules so made may prescribe the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid. 5

8. Powers to assess and collect land revenue and to impose taxes.—(1) The Regional Council for an autonomous region in respect of all lands within such region and the District Council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of Regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed by the Government of Assam in assessing lands for the purpose of land revenue in the State of Assam generally. 15

(2) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of all areas in the district except those which are under the authority of Regional Councils, if any, within the district, shall have power to levy and collect taxes on land and buildings, and tolls on persons resident within such areas. 25

(3) The District Council for an autonomous district shall have the power to levy and collect all or any of the following taxes within such district, that is to say—

- (a) tax on professions, trades, callings and employments; 30
- (b) a tax on animals, vehicles and boats;
- (c) taxes on the entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries; and
- (d) taxes for the maintenance of schools, dispensaries or roads. 35

(4) A Regional Council or District Council, as the case may be, may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraphs (2) and (3) of this paragraph. 40

9. Licences or leases for the purpose of prospecting for, or extraction of, minerals.—(1) No licence or lease shall be granted by the Government of Assam for the purpose of prospecting

for, or the extraction of, minerals in any area comprised within an autonomous district, save in consultation with the District Council for that district.

(2) Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by the Government of Assam in respect of any area within an autonomous district as may be agreed upon between the Government of Assam and the District Council of such district shall be made over to that District Council. 10.

(3) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (2) of this paragraph to the District Council and the decision of the Governor shall be final. 15.

10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.—(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than scheduled tribes resident in the district. 20.

(2) Such regulations may—

- (a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending; 25.
- (b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;
- (c) provide for the maintenance of accounts by money-lenders and for the inspection of such accounts by officers appointed in this behalf by the District Council; 30.
- (d) prescribe that no person who is not a member of the scheduled tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council: 35.

Provided that no such regulations may be made under this paragraph unless they are passed by a majority of not less than three-fourths of the total membership of the District Council: 40.

Provided further that it shall not be competent under any such regulations to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulations. 5

11. Publication of laws, rules and regulations made under the Schedule.—All laws, rules and regulations made under this Schedule by a District Council or a Regional Council shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law. 10

12. Application of Acts of Parliament and of the Legislature of the State to autonomous districts and autonomous regions—Notwithstanding anything contained in this Constitution—

(a) no Act of the Legislature of the State in respect of any 15
of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State prohibiting or restricting the consumption of any 20
non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in 25
giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it 30
thinks fit;

(b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State to which the provisions of clause (a) of this paragraph do not apply shall not apply to an autonomous district or an autonomous region, or 35
shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may with the approval of the District Council for such district or the Regional Council for such region specify in the notification, if a resolution 40
recommending the issue of such direction is passed by such District Council or such Regional Council, as the case may be.

13. Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement.—The estimated receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the revenues of the State of Assam shall be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 177 of this Constitution. 5

14. Appointment of Commission to inquire into and report on the administration of autonomous districts.—(1) The Governor of Assam may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts in the State, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts in the State generally and in particular on— 10

(a) the provision of educational and medical facilities and communications in such districts;

(b) the need for any new or special legislation in respect of such districts; and 20

(c) the administration of the laws, regulations and rules made by the District and Regional Councils;

and define the procedure to be followed by such Commission.

(2) The report of every such Commission with the recommendations of the Governor with respect thereto shall be laid before the Legislature of the State by the minister concerned together with an explanatory memorandum regarding the action proposed to be taken thereon by the Government of Assam. 25

(3) In allocating the business of the Government of the State among his ministers the Governor of Assam may place one of his ministers specially in charge of the welfare of the autonomous districts in the State 30

15. Annulment or suspension of acts and resolutions of the District or Regional Councils.—(1) If at any time the Governor is satisfied that an act or resolution of a Regional Council or a District Council is likely to endanger the safety of India, he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the assumption to himself of all or any of the powers vested in or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution. 35 40

(2) Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before the Legislature of the State as soon as possible and the order shall, unless revoked by the Legislature of the State, continue in force for a period of twelve months from the date on which it was so made: 5

Provided that if and so often as a resolution approving the continuance in force of such order is passed by the Legislature of the State the order shall unless cancelled by the Governor continue in force for a further period of twelve months from the date on which under this paragraph it would otherwise have ceased to operate. 10

(3) The functions of the Governor under this paragraph shall be exercised by him in his discretion.

16. Dissolution of a District or Regional Council.—The 15 Governor may on the recommendation of a Commission appointed under paragraph 14 of this Schedule by public notification order the dissolution of a Regional or a District Council and—

(a) direct that a fresh general election shall be held immediately for the reconstitution of the Council, 20

(b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months: 25

Provided that when an order under clause (a) of this paragraph has been made the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the re-constitution of the Council on fresh general election: 30

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of being heard by the Legislature of the State. 35

17. Application of the provisions of this Schedule to areas specified in Part II of the table appended to paragraph 19.—

(1) The Governor of Assam may— 40

(a) subject to the previous approval of the President, by public notification, apply all or any of the foregoing provisions of this Schedule to any tribal area specified in Part II of the table appended to paragraph

19 of this Schedule or any portion of such area and thereupon such area or portion shall be administered in accordance with such provisions, and

- (b) may also with like approval exclude any tribal area specified in Part II of the said table or any portion thereof from the said table. 5

(2) Until a notification is issued under sub-paragraph (1) of this paragraph in respect of any tribal area specified in Part II of the said table or any portion of such area, the administration of such area or portion thereof, as the case may be, shall be carried on by the President through the Governor of Assam as his agent and the provisions of Part VIII of this Constitution shall apply thereto as if such area or portion thereof were a territory specified in Part IV of the First Schedule. 15

18. Transitional provisions.—As soon as possible after the commencement of this Constitution the Governor of Assam shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and until a District Council is so constituted for an autonomous district the administration of such district shall be vested in the Governor in his discretion and the following provisions shall apply to the administration of the areas within such district instead of the provisions contained in this Schedule, namely:— 25

- (a) no Act of Parliament or of the Legislature of the State shall apply to such area unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit; 30
- (b) the Governor may make regulations for the peace and good government of such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area. Regulations made under this clause shall be submitted forthwith to the President and until assented to by him shall have no effect; 35 40
- (c) the Governor shall exercise his functions under clauses (a) and (b) of this paragraph in his discretion. 40

19. Tribal areas.—The areas specified in Parts I and II of the table below shall be the tribal areas within the State of Assam, and any reference in the said table to any district or administrative area shall be construed as a reference to that district or area as existing on the date of commencement of this Constitution: 5

TABLE

Part I

1. The Khasi and Jaintia Hills District excluding the town of Shillong. 10
2. The Garo Hills District.
3. The Lushai Hills District.
4. The Naga Hills District.
5. The North Cachar Sub division of Cachar District.
6. The Mikir Hills portion of Nowgong and Sibsagar 15 Districts excepting the mouzas of Barpathar and Sarupathar.

Part II

1. The Sadiya and Balipara Frontier Tracts.
2. The Tirap Frontier Tract (excluding the Lakhimpur 20 Frontier Tract).
3. The Naga Tribal Area.