

Sixth Schedule, Art 371 & Autonomous District Council election in Meghalaya: Issues & Challenges

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Abstract: The paper analyses the evolution of the Autonomous District Council (ADC) under the Sixth Schedule of the Constitution of India and some of the issues in the recent 2025 ADC elections in the state of Meghalaya. The paper also tries to make a comparison of the provisions of Art 371 vis-à-vis Sixth Schedule as it was an important issue in the ADC election. The paper also discusses the manifestoes of the different political parties for ADC election in Meghalaya. The significant factor in the ADC election was the emergence of the Voice of the People Party at the local level in both the ADCs in Meghalaya, after its thumping success in the Shillong Lok Sabha election last year. The paper also discusses the 125th Constitutional Amendment Bill that is pending for amending some provisions of the Sixth Schedule.

Keywords: Sixth Schedule, Art 371, Autonomous Development Council, Political Party, Amendment to Sixth Schedule

Introduction

The framework of the Sixth Schedule even though was created by Babasaheb B R Ambedkar and Gopinath Bardoloi, the concept was given by Rev J J M Nichols Roy, a Khasi socio-political leader and Jaipal Singh from Bihar for preserving indigenous tribal autonomy *vis-a-vis* assimilation of the tribe into mainstream. The Bordoloi Sub-Committee of the Drafting Committee of the Constituent Assembly submitted report for the formation of District Councils in all autonomous districts of undivided Assam. This led to the creation of the United Khasi-Jaintia Hills District Council in 1952, which was bifurcated in December 1964. In order to preserve the cultural distinctiveness of the tribal communities in north-east India based on “unique socio-cultural practices, geographical isolation and historical marginalization, Babasaheb supported the idea of giving tribal areas special status to allow their gradual development without disrupting their traditional systems” (Mohrmen, 2025).

The sixth Schedule to the Constitution of India provides provision for the administration of tribal areas in the four North-Eastern states of Assam, Meghalaya, Mizoram & Tripura. The fifth Schedule is meant for all the other scheduled areas and scheduled tribes of India. Both the Schedules cater for the preservation & protection of the tribal population. As per the Constitutional provision of sixth Schedule, these four states have a total of ten Autonomous District Councils (ADC). These are Dima Hasao ADC (1952), Karbi Anglong ADC (1952),

& Bodoland Territorial Council (2003) in Assam; Khasi Hills ADC (1973), Jaintia Hills ADC (1973), & Garo Hills ADC (1973) in Meghalaya; Mera ADC (1972), Lai ADC (1972), & Chakma ADC (1972) in Mizoram; and Tripura Tribal Areas ADC (1982) in Tripura. All the ADCs have 30 members from the tribal community, out of which 29 members are elected by adult franchise and one is nominated by the concerned state Governor, except the Bodoland Tribal Council that has a total of 46 members out of which 40 members are elected and six are nominated by the Governor of Assam from the non-represented non-tribal community. The elections are held in every five years, unless there is any exigency where the term can be extended to one year maximum, or in case of national emergency, within a period of six months of the revocation of national emergency.

The ADCs are a form of self-governance institution set up in order to safeguard the cultural and social traditions of indigenous people with an aim to undertake development efforts, maintain the tribal identity, and can administer to conserve their cultural-traditional practices. The ADCs have legislative, judicial, and executive powers over certain specified matters, thus allowing localized governance and autonomy. It is supported with a secretariat and other administrative staff to assist in its working. It has a Chief Executive Member (CEM), apart from the other members, both elected & nominated. It can collect specific taxes and generate resources on professions, trades, entertainment, and on the consumption of article-producing industries. The legislative function is within the prescribed jurisdiction of the sixth Schedule, pertaining to land management, forest conservation, public health, primary education, water-course for the purpose of agriculture, *jhum* or shifting cultivation, property inheritance, marriage & divorce, social customs, mining & minerals, trading, and appointment or succession of Chiefs or Headmen. It is noteworthy that all legislations shall be submitted to the Governor for his assent, otherwise it shall have no effect. The Schedule under paragraph 12A for the state of Meghalaya states, “any provision of any regulation made by a District Council...., is repugnant to any provision of a law made by the legislature of the State of Meghalaya with respect to that matter, then, the law made by the Legislature of the State of Meghalaya shall prevail” (Bakshi, 2017;433). There is a District Council Affairs Department (DCDA) to coordinate between the ADCs and state government and to examine all bills passed by the ADCs and presents it to the Governor for assent. The judicial function is to set-up village councils and district courts for trial on disputes based on local customary law & usages.

Meghalaya

The state of Meghalaya has three ADCs in the three distinct autonomous areas, viz: Garo Hills, Khasi Hills & Jaintia Hills. The Garo and Khasi Hills have been divided into three districts each, while the Jaintia Hills remains as a single unit. Meghalaya is the only State in the North East where the entire area is governed by the provisions of Sixth Schedule (except Cantonment and Municipality of Shillong). The ADC concept has evolved in Meghalaya prior to the colonial period and it was some sort of a voluntary institution in the past.

While interpreting the evolution, Fabian Lyngdoh (2025c) writes, “the primary political community in the Khasi-Jaintia Hills was the Reid or Shnong ruled by Lyngdoh and the Basans independently as unique city-states. A number of adjacent Reids confederated together to form Hima, and a Syiem family was adopted and consecrated as a neutral and common rallying point. The confederation concerned mainly for common judicial administration, and defense purposes, but did not affect the territorial autonomy of the Reids. Hence, the Syiem was not a territorial ruler at all”. The Federation of the Khasi states was only a voluntary association of the Syiem of the Himas and was not a politically binding traditional entity (*ibid*). It was on this basis that Rev. J J M Nichols Roy gave a Constitutional status “through a popularly elected democratic structure” (*ibid*) to the United Khasi-Jaintia Council under the Sixth Schedule of the Constitution.

The British colonial power understood the uniqueness of the north-eastern part of India from the rest of the mainland India and so managed it by framing the Bengal Eastern Frontier Regulation 1873 and united all the areas under the Scheduled Districts Act, 1874 granting necessary autonomy. This tradition continued with the subsequent legislations namely Government of India Acts, 1919 and 1935 that identified “excluded backward tracts included most of the Scheduled districts including the Khasi, Jaintia and Garo hills” (Blah K H, 2025) and “no federal legislature or provincial legislature shall apply to the excluded and partially excluded areas unless the Governor so directs” (*ibid*).

The elections to the two KHADC & JHADC was due in March 2024, but due to the delimitation exercise, the dates of the elections were extended twice, once in March 2024 and again in September 2024, for a period of six months each, totalling one year, as per the rules. The delimitation bills were passed by both the Councils and were sent to the DCDA for examination and then ratified by the Law Department and finally assented by the Governor. The elections to the two ADCs of Khasi Hills & Jaintia Hills were notified on 27 January 2025 with the election date on 21 February. The election to the GHADC was last held in April 2021. The numbers of candidates contested from various parties in both the ADCs election are shown in Table 1.

Table 1

Number of candidates contested from the political parties in 2025 ADC elections

ADC	VPP	NPP	UDP	HSPDP	INC	BJP	KHNAM	Ind.	Total
KHADC	29	25	23	09	28	14	11	19	158
JHADC	29	29	17	02	19	05	-	14	114

Source: Dept. of District Council Affairs, Govt. of Meghalaya

The results of the ADCs election of February 2025 voted the new political party, Voice of People Party (VPP), to form the Executive Committee (EC) in KHADC, while the alliance of National People’s Party (NPP) and United Democratic Party (UDP) with Hill State People’s Democratic Party (HSPDP) retained the JHADC. The details of the different party position are as follows:

Table 2**Elected Members in KHADC & JHADC**

ADC	2019						2025					
	Political Party						Political Party					
	NPP	UDP	HSPDP	INC	AITC	Ind.	VPP	NPP	UDP	HSPDP	INC	Ind.
KHADC	12	06	02	06	03	00	17	04	05	01	00	02
JHADC	12	10	00	04	03	00	08	13	03	00	03	02

Source: *Shillong Times*, 25 February 2025

The emergence of the VPP as an alternative for the voters, particularly in Khasi-Jaintia region was somewhat on expected lines as the party had an astounding victory in the Shillong Lok Sabha election of 2024. Earlier, VPP in the 2023 Assembly elections got four seats with a vote share of 7.49%. “The party was formed on 19th November 2021 in Shillong with the vision based on the three pillars to-revive, restore, and transform Meghalaya. The party President, Ardent Miller Basaiawmoit said that the party’s foundation is in clean politics and that it looks to protect and safeguard the interest of the people of the state to deliver clean and good governance without any partiality” (Dash, 2024; 3). It was with this mission of clean politics that voters gave mandate to the debutant party in KHADC and good victory in JHADC. *Shillong Times* in an editorial stated, “VPP enunciated its principles of fighting for clean election and clean governance and demonstrated it with visible action” (25 February 2025). Notably, VPP’s rise can be attributed to the mis-governance of the NPP, reflecting growing dissatisfaction among voters (Ranjan, 2025). The Meghalaya Congress working President Pynshngain N Syiem said, “We are seeing a new thing in Meghalaya politics, especially in the Khasi Hills region. People in the past would vote by looking at the candidates. Now they vote in favour of a party-the VPP” (*Shillong Times*, 25 February). UDP working President Paul Lyngdoh acknowledged VPP “as a key player in state politics” after its performance in both ADCs election (*Shillong Times*, 26 February 2025). Basaiawmoit later on the future of the VPP’s expansion plans in Meghalaya said, “We are not a party restricted to a specific area or neighbourhood. We will put in a lot of effort to make sure that the VPP is present throughout the entire state as a registered and acknowledged state regional party” (*Shillong Times*, 8 March 2025). On the electoral success of the VPP in the ADC election, Toki Blah (2025) writes,

Is the VPP once again hitting the right chord of public sentiment? One has to say this for it has now become quite apparent that the VPP call for no corruption in politics; more transparency and accountability in public life; educated and enlightened party candidates together with the party’s experiment with ‘no money power in elections’ had found immense traction with the electorate of these Hills the manner in which the VPP carried itself in the recently concluded

MDC elections, is what the general public wants from politicians-the readiness for change in the demeanor and behavior of its public servants.

The ADCs primary responsibility is administration of the traditional authority like Dorbar Shnong, Raid and Hima, which are all clan based. These traditional heads have a primary responsibility for the development of the rural area. Even after more than fifty years since the state's establishment, except for the JHADC, the other two ADCs have yet to enact any laws defining the powers and functions of traditional heads, including the Syiem (Mohrmen, 2025a). The JHADC passed the Act in June 2015 and it received Governor's assent in December 2015, specifying the powers, elections, appointments, functions and jurisdiction of all the traditional heads in villages/rural area.

CAG Report

The Comptroller & Auditor General (CAG) in its audit report for the years ended March 2018 and March 2019, reported gross financial irregularities in the audit of KHADC. The CAG in its report for March 2018 stated that fifteen MDCs of KHADC have not submitted utilization certificates for funds of Rs. 168 lakhs disbursed out of Rs. 182 lakhs under the Council Scheme on Special Town and Rural Welfare Programme to provide assistance to below poverty line families. In its March 2019 report stated that the KHADC is highly dependent on state government for release of funds. The dependency becomes even more critical considering that the total revenue receipts of KHADC decreased 49% from Rs. 127.85 crore in 2017-18 to Rs. 64.66 crore during 2018-19 (Mawroh, 2025a). The CAG also found delay in depositing the revenue collected in the state treasury, violating the District Fund Rules, 1952. The findings of the CAG were examined by the Public Accounts Committee (PAC) of KHADC that was constituted for the first time under the Chairmanship of the Opposition Leader Titosstarwell Chyne. The PAC suggested for proper maintenance of Cash Register and for utilization certificates of the grants disbursed to the Council Members in the year 2018 and 2019. There was also report of 82 illegal appointments in the Council for which the PAC recommended for constituting a recruitment committee for bringing transparency in appointments through advertisements and interviews, and adhering to seniority in promotions. "The ADCs are not known for transparency and they are unwilling to change their mode of functioning. This is what the CAG has been relentlessly pointing out to" (Mukhim, 2025a). The new Council will have to get into better financial management and be accountable for use of public funds-a demerit that has been pointed out by the CAG time and again (Editorial, *Shillong Times*, 22 February 2025).

Political Parties

In a prelude to the ADCs elections, the UDP General Secretary Jemino Mawthoh on 2 January 2025, suggested that the "state government must work to gain the trust and confidence of the people, and needs to be more

transparent, accountable, and responsive to the needs and expectations of the populace, specifically to the urban poor, farmers, women, and children. With a sizeable youth population, priority should be given to creating job opportunities and improving infrastructure such as roads and connectivity, as well as enhancing quality education, healthcare services, tourism, power and agriculture sectors. The government must adopt innovative methods and fresh ideas to benefit the population, and should be people-centric and pro-poor. We need to understand the pulse of the people and ground realities” (*Shillong Times*, 3 January 2025). It is pertinent to mention that the UDP is very much a part of the National People’s Party led Meghalaya Democratic Alliance (MDA) government in Meghalaya and has three ministers with important departments. Such prescriptions to the state government would have been conveyed better internally within the cabinet rather than going to the public in the media. Now that election to the ADCs is close at hand and all coalition partners of the MDA government are going it alone it is customary for the finger-pointing to start once the campaign season begins (Editorial of *Shillong Times*, 4 January 2025). The UDP put the demand for the “extension of tribal areas to non-Sixth Schedule areas falling under European Ward including Police Bazaar, under the municipality and the Jhalupara area falling under Shillong Cantonment Board”, and “would also try to urge the Centre to consider the expansion of the tribal areas” (*Shillong Times*, 5 February 2025).

The UDP in its manifesto for the ADC election promised to empower the councils in the matter of ownership of land with reference to para-3 of the Sixth Schedule, change the criteria of Governor’s assent to bills passed by the councils with reference to Art. 200 of the Constitution, 3 percent job reservation for persons with disabilities in councils. Among other promises was opposition to uranium mining and inclusion of one nominated member from the unrepresented tribe in the Council. “With reference to minerals, the mining of minerals should be in consonance with the land bill, especially the right of ownership of the indigenous tribe. The party would encourage 54 Himas or Elakas to have their own Act because most of them don’t have it. Only 24 have their own Act. To strengthen their powers, functions and objectives, it is better for each and every Elaka and Hima to have its own Act” (*Shillong Times*, 6 February 2025).

The HSPDP is another political party that strategically contested in the KHADC and expected to win more seats from the West Khasi Hills as stated by its General Secretary Panbor Ryntathiang. He said that the party is contesting in those seats where their “grass-roots presence is solid” (*Shillong Times*, 5 January 2025). It is to be noted that at the state level, both the HSPDP and UDP have formed the Regional Democratic Alliance (RDA), but are contesting independently in the ADC election.

Both the UDP and HSPDP had formed the Regional Democratic Alliance in 2017 and had fought three elections together, 2 Assembly elections of 2018 and 2023, and the ADC election of 2019. However, both the parties decided to contest the 2025 ADC election independently in the best interest of the respective parties. The RDA Chairman and UDP President Metbah Lyngdoh said, “the two parties will continue to jointly address

important and critical issues affecting the state” (*Shillong Times*, 12 December). The issues like, inter-state boundary disputes with Assam, inclusion of Khasi language in Eighth Schedule, etc.

The Meghalaya Congress President Vincent H Pala opined that the party will not repeat the mistake of the Assembly election of 2023 by giving candidates in all the sixty constituencies and performing miserably by getting 500 to 1000 votes, and winning only five Assembly seats. He said that since the party does not have strong candidates, it will be contesting 28 seats out of 29 in KHADC and 20 seats in JHADC. Congress candidate in KHADC Pynshnogain N Syiem said to amend United Khasi-Jaintia Hills Autonomous District (Management & Control of Forests) Act 1958 so as to empower the Council to protect the water bodies and catchment areas, and the Meghalaya government should impress upon the Centre to bring an amendment to the Constitution (Scheduled Tribes) Order, 1950, for recognizing only the indigenous communities as STs in Meghalaya. This can cease the land purchase by the non-indigenous STs in the border areas.

The Congress in its manifesto pledged to improve the financial position of the ADC by strengthening the revenue generating departments, direct funding to the ADCs on the pattern of Panchayati Raj institutions through the proposed 125th Constitution amendment, employment policy of local youths, strengthen village court and district council courts, protection of land rights, traditional culture and practices of the indigenous tribes.

The BJP planned for strategic selection of candidates. The party contested in 14 seats in KHADC so as to strengthen the district council. The party Convener Sabyasachi Ghose said that the party would push for direct funding to the village administration so as to empower the Dorbar Shnongs. He said, “The BJP feels that the ADCs serve as the perfect base to promote local traditions and administrative wisdom that have stood the test of time and served the local tribes for centuries” (*Shillong Times*, 12 December 2024). The BJP state Vice-President Bernard N Marak “accused the Congress party for stalling negotiations for over a decade and systematically weakening the ADCs during their tenure by introducing municipalities in the Hill districts thereby violating Art. 243 ZC of the Constitution” (*Shillong Times*, 14 February 2025). To highlight party’s commitment to strengthen the ADCs in Sixth Schedule, he cited the Garo Agreement of 2014 signed in Delhi in the presence of the then Home Minister.

The VPP contested in all the constituencies of both the ADCs for the first time. The party released its manifesto focusing on “governance reforms, protection of indigenous rights and environmental conservation” (*Shillong Times*, 5 February 2025). It also pledged “to strengthen traditional institutions, safeguard land & natural resources, oppose uranium mining, and enhance transparency in administration. Its manifesto also highlights economic empowerment, digital governance, and cultural preservation as key areas for sustainable development and progress, emphasizing accountability and community welfare” (*ibid*). The manifesto also

contained to resolve the border dispute with Assam, protect water bodies, community forests, job recruitment policy and support local entrepreneurship with industries for local people employment.

Basaiaawmoit, the VPP President, in an election meeting, alleged that the “regional parties speak against the Congress, BJP and NPP before elections but do not miss any opportunity to align with them to be in power” (*Shillong Times*, 7 February 2025). He was confident for the ADCs election after the sweeping victory of the party in Shillong Lok Sabha election of 2024, which he considered as quarter-final, the ADC election as semi-final to the 2028 Assembly election.

The Khun Hynniewtrep National Awakening Movement (KHANM) decided only to contest in eleven constituencies in KHADC and not in JHADC, as the party is yet to establish its base in Jaintia Hills. The party also did not form any pre-poll alliance due to differences in ideology as stated by its working President Thomas Passah. The KHANM General Secretary James M A Neng emphasizing the importance of the ADC described it as critical to preserving and protecting the rights, culture and traditions of the indigenous tribes of the state and the party’s commitment to function it as mandated by the Constitution (*Shillong Times*, 5 January 2025). Passah called for amendments in the Assam & Meghalaya Autonomous District (Constitution and the Procedure & Conduct of Business) Rules, 1951, Sec 128, which allows non-indigenous people to vote in Council election. He said, “It is not adult suffrage but tribal adult suffrage because the district council is for the tribal people” (*Shillong Times*, 4 January 2025), and this will one of the agenda for the party manifesto. He further sought amendments to the Constitution (Scheduled Tribes) Order, 1950, to ensure that only indigenous communities are recognized as ST in Meghalaya, as the local tribes of Meghalaya do not receive similar recognition in other north eastern states. He also criticized the KHADC executive order of Khasi Hills District (Trading by non-Tribals) Regulations, 1954, primarily as a revenue generating tool rather than as measure to protect the business interests of indigenous tribes, and viewed that if KHANM becomes a part of ruling Council it will establish a committee to review and re-examine all trading licenses issued by the Council. He said, “We will cancel all licenses issued illegally. There could be over hundred such licenses requiring cancellation after a thorough review” (*Shillong Times*, 4 January 2025).

Art 371 & Sixth Schedule

The Sixth Schedule is a Constitutional provision whose design was very much inspired by Rev. James Joy Mohan Nichols Roy, a Khasi, who along with Jaipal Singh Munda fought for it against attempts made to incorporate the indigenous communities within the mainstream (Mawroh, 2025b). Similarly, Art 371A for Nagaland provides for protection of customary laws and procedure. With the formation of the state of Meghalaya on 21 January 1972 through the North Eastern Areas Reorganisation Act, 1971, the Sixth Schedule was amended with the insertion of paragraph 12A(a) that allowed the Meghalaya Legislative Assembly to override any of the provisions of the Acts passed by the ADCs in relation to all subjects under paragraph 3,

thereby limiting the autonomy of the ADCs. Meghalaya's unique customary tradition is its matrilineal society for the local Khasi and Garo communities, and its conservation. Making a comparative assessment between the two Constitutional provisions of Sixth Schedule and Art 371, Mawroh (2025b) writes, "the question is not about which Constitutional provision is better suited, but whether we are going to allow any dilution to our matrilineal traditions. Jeopardizing those traditions threatens our entire identity as a community and severs our connection to our ancestors who fought to maintain them".

The VPP strongly advocated for the implementation of Art 371 in place of Sixth Schedule. The provision of Art 371 can bring in special provision as is provided in Nagaland, Manipur, Assam, Mizoram, and Arunachal Pradesh. The Chief of VPP Ardent Miller Basaiawmoit had also moved a Resolution for implementation of Art 371 in the Meghalaya Assembly in 2015. It might be that the VPP that demand for Art 371, definitely see that paragraph 12A(b) of the Sixth Schedule i.e. "the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Meghalaya", cannot sufficiently protect from the Acts of Parliament, and hence demand for Art 371.

However, the manifesto to the ADC election 2025 was silent about replacing the Sixth Schedule with Art 371 in Meghalaya that was a long pending demand of VPP. The UDP leader and Cabinet Minister Paul Lyngdoh said, "It is very powerful and intelligent interpretation of their (VPP) manifesto. You can't have something in your platform and then omit it from your manifesto. This suggests that the party itself is unclear on the issue. As leaders, the first and foremost requirement is clarity of thought. You cannot aspire to enter the centre of power in the KHADC, advocate for Art 371 and then take an oath as MDCs-because the oath is to uphold the Sixth Schedule, which Art 371 contradict" (*Shillong Times*, 6 February 2025). He also said that "in Mizoram, Art 371 apply to the entire state except for the three ADCs, which were created to serve non-Mizo tribal communities. This means Art 371 and the Sixth Schedule cannot function simultaneously, which is precisely why Mizoram's ADCs exist" (*Shillong Times*, 6 February 2025). Similarly, Meghalaya's Land transfer Act is applicable to entire Meghalaya, and the Citizenship Amendment Act is exempted in Meghalaya, except the three municipal areas of Shillong. The out-going CEM of KHADC Pyniaid Sing Syiem and the NPP Nongthymmai MDC candidate said, "people of the eastern region of Nagaland, where Art 371 is applicable, now want the implementation of the Sixth Schedule of the Constitution" (*Shillong Times*, 4 February 2025). He also said that the NPP-led EC of KHADC had proposed to the Sixth Schedule amendment to include the municipal wards in the Khasi and Jaintia hills region to be brought under the Sixth Schedule, "so as to ensure that tribal areas receive uniform administrative attention, eliminating the dual structure of municipal and ADC" (*Shillong Times*, 8 February 2025).

Congress candidate in KHADC Pynshnogain N Syiem opined for inserting some of the provisions of Art 371 in the proposed 125th Constitutional amendment to the Sixth Schedule. He pointed out to bring back the

paragraph 12A that states that no Act of Parliament and the State Legislature should apply to the subjects that district council has been empowered with, which was done away in 1972, with inserting paragraph 12AA that states Acts of Parliament and the State Legislature will prevail over the laws of the Council; secondly, to insert 'mineral resources and land transfer' in paragraph 3 that only contains land allotment presently (*Shillong Times*, 9 February 2025). Further, Art 371 speaks of the legislative powers of the state, which also has non-indigenous representatives.

Responding to the criticism of not including the Art 371 demand in its ADC election manifesto by some parties, the VPP spokesperson Batskhem Myrboh said, "For the ADC election we have placed those issues that are the matters of the councils, and Art. 371 issue relates to the Parliament and our MP (from Shillong) will push for it with the centre" (*Shillong Times*, 7 February 2025).

The VPP candidate Strong Pillar Kharjana in a common platform meeting said the district council is weakened by paragraph 12A which allows the law of the state to prevail over the law of the district council, if there is any conflict. "The centre cannot impose the applicability of central laws if we have Art.371. We are going to prioritize Art 371 on our agenda for the 2028 Assembly polls" (*Shillong Times*, 9 February 2025). He cited the example of National Green Tribunal's non-interference in Nagaland coal mining activities due to Art 371, and said that Centre though has no immediate plans for uranium mining in Meghalaya, as uranium is now mined in Jadugoda and in Andhra Pradesh the largest uranium deposits in the world are said to be found. The centre will certainly push for it in another fifty years once the uranium deposits are exhausted.

Contrasting the provisions of Art 371 with the Sixth Schedule, the former "take into account the special circumstances of individual states, and lay down a wide range of specific safeguards that are deemed important for these northeastern states but Art 371 do not grant these states the power to make their own laws. The Sixth Schedule empowers district councils to frame rules and act as custodians of culture and indigenous people" (Lyngdoh, 2025). The Sixth Schedule, coming under Art 244 (2) and Art 275, protects the land rights of the people with safeguarding the traditional institutions, culture and practices of the indigenous community. While pointing to the shortcomings of Art 371 on account of "vague language and lack of dispute resolution mechanisms have led to legal and administrative challenges", Sutnga (2025) views that the "Sixth Schedule offers a structured and effective model, balancing tribal autonomy with national integration" and "strengthening governance under the Sixth Schedule, ensuring tribal rights and traditions are preserved within a Constitutional framework that promotes stability and progress".

The HSPDP was the only other party that supported the implementation of Art 371 in the Khasi & Jaintia Hills only and not for the entire state of Meghalaya that includes the Garo Hill region. The party general secretary P L Rynthathiang explained, "In 2022, both the Garo State Movement Committee and the HSPDP went to Delhi, demanding the creation of separate Khasi-Jaintia and Garo states at Jantar Mantar. The demand was

made under the leadership of the late H S Lyngdoh of HSPDP and late Clifford Marak of the GMC” (*Shillong Times*, 8 February 2025).

The difference with Sixth Schedule and Art 371 (A) & (G) for the states of Nagaland & Mizoram respectively, lies with the fact that the former gives autonomy with respect to the State government while the later gives autonomy with respect to Central laws unless the Legislative Assembly concedes it by a resolution. Paragraph 12A (b) of the Sixth Schedule states “the President may, with respect to any Act of Parliament, by notification, direct that such Act shall not apply, or shall apply in Meghalaya subject to exceptions and modifications, with retrospective effect”, and these alterations will be made by the Union government through an executive order and not by an Act of Parliament. So the relationship between the states of Nagaland & Mizoram with the Union of India, and the respective governments, is dynamic and active, while the relationship between the state of Meghalaya and the Union of India is passive and static (Lyngdoh, 2025a). For a tribal state to have the privilege to dispute with the Central government is indicative of dynamic and active autonomy (*ibid*). Even though the ADCs provide for a Constitutional protection for the tribe in the state of Meghalaya, there is no such provision for the state of Meghalaya as a whole in a like manner as provided in Art 371(A) & (G). However, based on historical experiences in Nagaland and Mizoram, it is clear that Art 371 does not guarantee absolute autonomy and may introduce administrative challenges (Sangma, 2025).

Amendment to Sixth Schedule

The Ministry of Home Affairs (MHA) drafted the Sixth Schedule (Amendment) Bill in 2019 that remains under process till date. The purpose is to strengthen the ADCs in the four states mandated in the Schedule so that certain benefits of the 73rd and 74th Amendment Acts provisions can be replicated in the said Schedule. These are the establishments of Village Councils formed by election with tenure, separate funds for the ADCs on the pattern of Panchayati Raj Institutions (PRI) with provision of State Finance Commission, reservation for women in the various traditional bodies like Dorbar Shnong, Hima, Reid, etc. Some of these were recommended by the National Commission to Review the Working of the Constitution (NCRWC) and the second Administrative Reforms Commission (ARC) report of 2008 (Lyngdoh, 2025). The Constitution (125th Amendment) Bill, 2019 aims to strengthen the financial resource allocation to the ten ADCs. It includes that the Finance Commission be mandated to recommend devolution of financial resources, and there is provision of transfer of additional subjects, like public works, public health engineering, health and family welfare, food and civil supply, urban development, etc, to the ADCs. However, the provision of elected village and municipal councils, and one-third reservation for women will not apply to the ADCs in Meghalaya.

The problem with Meghalaya is that it is placed under the Art 244A of the Constitution at the time of its formation in 1972, where the whole of the state is under Sixth Schedule, unlike the Art 244(2) for Nagaland and Mizoram that were included under special protective provisions of Art 371A & Art 371G respectively.

These special protective provisions for the tribal states cannot be obtained merely by amending the Sixth Schedule, because the whole Sixth Schedule itself is a mini-Constitution meant only for the establishment of ADCs within a larger non-tribal population of a State at a time when the Khasi and Jaintia hills were part of Assam (Lyngdoh, 2025b). The Sixth Schedule amendment will only bring more powers to the ADC from the state government, and “not bring more autonomy to the *Jaidbynriew* (Tribe) *vis-à-vis* the Government of India” (Lyngdoh, 2025b).

Conclusion

Politics is nothing but the ‘art of possible-the attainable’ as said by Bismarck, and the political parties are the agents of bringing all sorts of possibilities through their permutations and combinations. Politics is always focused for people’s welfare and the nation’s development thereby bring in a socio-economic transformation, and in this case, Meghalaya being no exception by the various political parties. However, it is pertinent that the citizenry should wisely utilize the power of franchise in choosing the best alternative. At times, certain parochial elements gain over the wisdom of the citizenry through their narrow interpretations aiming their emotion and sentiments. “People put politics at the centre of their psychological, emotional and even spiritual life. This is asking too much of politics. Once politics is reduced to our ethnic and moral identities, then it becomes impossible to compromise because compromise becomes a dishonor..... Politics is always about perception but perceptions are distant from reality” (Mukhim, 2025). In the case of Meghalaya there is a distinction in the sense that the ADCs are meant for the majority of the tribal population whereas in all other states in the North-East, the tribal population are in minority. In the electoral politics of Meghalaya, “the singular focus seems to be on protection or rather over protection of the *jaidbynriew* or community, but without explaining against whom, from what, and how this protection will be achieved” (Pyrtuh, 2025). The ADC are certainly democratic institutions for preservation, protection and promotion of the local tribal culture and at the same time provide a chance to accommodate with the dominant culture without losing their identity. Be it the autonomy provisions of the Sixth Schedule or the Art 371, genuine implementation with all commitments is required to achieve the desired goals of the founding members of the Constituent Assembly.

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