

MEGHALAYA AND THE SIXTH SCHEDULE: WHY THE CONSTITUTIONAL PROTECTION NEEDS TO BE REVISITED

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

The hill state of Meghalaya swings between waves of communal violence and an uneasy peace. Recently, members of the Khasi Students' Union (KSU), a student body only in name, which has long been accused of fomenting violence against non-tribals in the state, declared all Bengalis in Meghalaya as Bangladeshis. It is also spearheading an agitation for an Inner Line Permit (ILP) to regulate outsiders coming into the state. The Centre has so far refused to yield to this unreasonable demand — at stake is also the Prime Minister's Act East Policy for the success of which seamless connectivity and exchange within the Northeastern states is essential.

An ILP might deter tourists from this beautiful hill state where tourism industry is a major source of income, as well as investors it badly needs for its economic development. The tourism industry that employs thousands of local youth has been hit hard by the [pandemic](#). Driving their divisive agenda, the KSU is hardly bothered. The government too has agreed to open a series of entry and exit posts on the state's border — in the absence of an ILP — to tackle the "outsider" influx in a few weeks from now.

Meghalaya has a unique administrative structure among all Indian states. The entire state — save a tiny area within the capital Shillong — is covered by the Sixth Schedule to the Constitution of India under Article 244 of the Constitution. The Sixth Schedule which applies to the Tribal Areas of Assam, Meghalaya, Tripura and Mizoram, provides for autonomy in the administration of these areas through [Autonomous District](#) Councils (ADCs) and the Regional Councils empowered to make laws in respect of areas under their jurisdiction, which cover land, forest, cultivation, inheritance, indigenous customs and traditions of tribals, etc. and also to collect land revenues and certain other taxes. ADCs are like miniature states having specific powers and responsibilities in respect of all the three arms of governance: Legislature, executive and judiciary.

The Sixth Schedule, however, discriminates against the non-tribal residents in various ways and infringes upon their fundamental rights, like the right to equality before law (Article 14), right against discrimination (Article 15), and the right to settle anywhere in India (Article 19). Special constitutional protections are indeed required for marginalised sections to ensure that historical wrongs done to them are reversed and not repeated, but it has denied justice to the non-tribals, who have lived in Meghalaya for generations but ended up marginalised.

Repeated bouts of riots allegedly orchestrated by the KSU have driven many non-tribals out of the state, with their share of population dwindling from 20 per cent in 1972, when the hill state was carved out of Assam, to 14 per cent in 2011. It is a tale of forced migration like the Kashmiri Pandits — only this tale has remained untold and unknown to most Indians. The victims belonged to all communities — Bengalis, Biharis, Nepalese, Punjabis, Sindhis, Marwaris, Assamese — who had lived in the state for many generations.

The non-tribal population of the state is a product of its history. In the 19th century, the British administration had brought the Bengalis, one of earliest to gain English education, into Shillong which was then the capital of the composite state of Assam, for assisting the administration. The contiguous district of Sylhet which was made a part of Assam by the British before it went to

East Pakistan at Partition always had close ties and warm relations with the Khasi and Jaintia people of Meghalaya based on trade and other exchanges since the early 19th century.

When Partition forced the Hindu Bengalis out of Sylhet, many came naturally to Meghalaya, especially to Shillong, where they contributed richly to its educational, economic and cultural life. The colonial administration had also encouraged the Biharis, Nepalese and Punjabis to settle in the city and they all eventually became assimilated into the state's mainstream. But once Meghalaya was born, the new-born state promptly reserved 85 per cent of jobs for natives and prohibited transfer of any land to non-tribals.

In later decades, the state's abject failure to provide protection to the minority non-tribals or punish those responsible for violence against them relegated them to the status of second-class citizens, who continue to live in the shadow of violence, making a mockery of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution.

The Sixth Schedule was incorporated to protect the rights of the minority tribals living within a larger state dominated by the majority. But in these largely tribal-dominated states, the indigenous enjoy overwhelming majority and a major political voice, with 90 per cent of the Assembly seats (55 out of 60 in Meghalaya) reserved for the tribals. Indeed, it is now the rights of minority non-tribals that need protection. The existence of the Sixth Schedule in a full-fledged state with all powers is thus not only unnecessary but also illogical. It undermines social harmony, stability and economic development of the state and the region. Shouldn't this be revisited?

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