

The cornerstone of all law in a given jurisdiction is constitutional law. It creates governmental authority and power, as well as rights restrictions and awards. Although each area has its own set of rules, the Indian Constitution provides for consistent governance across the country. These regulations ensure that the cultural identities, practises, and economic and political interests of the original occupants are protected. These places include the tribal highlands of Assam, Arunachal Pradesh, Manipur, Nagaland, Mizoram, Meghalaya, and Tripura, together known as the “Scheduled Areas.” Due to cultural, historical, economic, and political considerations, special provisions contained in the Indian Constitution are intended for certain areas of the country.

Our Constitution has the following special provisions for the North-East:

- **THE VI SCHEDULE FOR THE NORTH- EAST:**

According to Article 244 of the Constitution, the VI Schedule of the Constitution contains measures for the protection of the hill tribes of the North’s interests and cultural identity. The VI Schedule’s most important provision is the creation of autonomous district councils. Although tribals in various North-Eastern states have Autonomous District Councils, Arunachal Pradesh, Nagaland, and the greater part of Mizoram do not. Three states, Arunachal Pradesh, Mizoram, and Nagaland, as well as Assam’s North Cachar area, are covered by the Inner Lines Regulation. Article 244 A discusses the establishment of an independent state in Assam that includes some tribal territories and is governed by a council of ministers.

- **WHAT IS THE SIXTH SCHEDULE?**

- The Sixth Schedule of the Indian Constitution provides provisions for the government of tribal areas in Assam, Meghalaya, Tripura, and Mizoram, according to Article 244 of the Constitution.
- Passed by the Constituent Assembly in 1949, it attempts to protect indigenous people’s rights by establishing Autonomous District Councils (ADC).
- ADCs are entities that represent a district inside the state legislature, with different degrees of autonomy granted by the Constitution.

- The governors of these states have the authority to rearrange the tribal territories' boundaries.
- To put it another way, she or he can choose to include or omit any region, change the boundaries, and merge two or more independent districts into one.
- They can also modify the titles of autonomous areas without having to pass new laws.
- **AUTONOMOUS DISTRICT AND REGIONAL COUNCILS:**

Tribal and Excluded Area Sub- Committee of the Advisory Committee of the Constituent Assembly of India-

The Bordoloi subcommittee was called after its chairman, Gopinath Bordoloi, a member of the Constituent Assembly and the Prime Minister of Assam at the time. The Bordoloi Sub-major committee's proposal was for the creation of Autonomous District Councils and Regional Councils in the tribal areas of Assam. Autonomous District Councils were established throughout the hill districts of Assam with the start of the Constitution on January 26, 1950, except for the Naga Hills (which had been subjected to separatist strife) and the very backward Frontier Tracts. Following the reorganisation of North-East India, the District Council was restructured. Tripura was added to the VI Schedule in 1984.

- District councils were established in the tribal districts of North-East India under the VI Schedule of the Constitution to safeguard the tribals' cultural identity and political interests. The Autonomous District Councils are elected entities in the contemporary era. They are ruled by a new generation that has benefitted from contemporary educational methods.
- The ADCs have civil and judicial powers, allowing them to establish village courts within their authority to hear disputes affecting the tribes.
- Governors of states covered by the Sixth Schedule identify the high court's authority in each of these situations.
- The Sixth Schedule establishes separate Regional Councils for each area designated as an independent region, in addition to ADCs.
- Ten autonomous districts have been established in the Northeast: three in Assam, Meghalaya, and Mizoram, and one in Tripura.

- These areas are known as the district council of (district name) and the regional council of (district name) (name of region).
- Each autonomous district and regional council has a maximum of 30 members, four of whom are appointed by the governor and the others are elected. For the next five years, they will all be in power.

This pitted the new elite against the traditional elite, who saw it as a threat to their power. In fact, they have been clamouring for it to be repealed. A group of non-tribals has also been lobbying for the abolition of the Autonomous District Councils. They believe that the VI Schedule was created to preserve the tribals' interests while they were still part of Assam. However, with the creation of independent states, the Autonomous District Councils became obsolete.

Furthermore, there is no clear delineation of the ADCs' jurisdiction, resulting in overlap in the ADCs' authority. The citizens are inconvenienced by the state legislature and village governments. Under the Bengal Eastern Frontier Regulation, 1873, a system of inner lines has been put up since the British days. It forbids outsiders from entering the region beyond the Inner Line without the consent of the governments. It was designed primarily to protect the residents of the covered region from plainsmen exploitation. This maintained British authority in the area and hampered the assimilation of the people from the hills and plains.

- **THE V SCHEDULE FOR SCHEDULED AREAS:**

Special provisions in the Indian Constitution safeguard the interests and cultural identity of tribals living in areas outside than the North-hills. East's These are known as Scheduled Areas, and the laws governing them are incorporated in our constitution's V Schedule. Without changing the constitution, Parliament has the authority to change things through regular legislation. The following are the key provisions:

1. The states' executive power extends to the designated regions.
2. The governors of these states shall provide a report to the president on a regular basis or whenever they are obliged to do so, on the management of these areas.

3. Tribes Advisory Councils should be formed to advise the government on matters relating to the welfare and advancement of Scheduled Tribes, including those submitted to the councils by the Governor.
 4. The Governor can direct the state administration not to apply any Act of Parliament or the state legislature in the designated regions, or to implement it with exceptions or changes.
 5. The Governor has the authority to issue rules prohibiting or restricting land transfers by or among members of Scheduled Tribes, as well as regulating land allocation and moneylending. The President must give his approval to any rules issued by the Governor.
 6. The President establishes a Commission to investigate the state's treatment of scheduled regions and tribes.
 7. The first Commission was established in 1960, as it was required to do so at the end of the first 10 years of the Constitution's implementation. In 1961, the Commission issued its report.
- **THE NORTH-EAST**–

The Indian Constitution's VI Schedule created Autonomous Districts in Assam to protect tribal autonomy and the cultural and economic interests of the hill tribes. The hill areas of North-East India have a history of being ruled by diverse criteria in comparison to the rest of India. While the bulk of India was under the jurisdiction of the formal colonial administration, the British ruled Assam indirectly. The existing authority system was not tampered with by the British. Land, inheritance, forest management, dispute resolution, and other issues were handled according to customary laws and through clan and tribal chief arbitration. According to the Government of India Act of 1919, they were designated as "backward regions." They were designated as "excluded" and "partially excluded" regions under the Government of India Act of 1935. The "excluded" and "partially excluded" areas differed in various ways.

Despite being in Assam's province, the former was not represented in the state assembly. Within the state of Assam, the "partially excluded" regions were fortunate to have some legislative experience. The "The Governor-in-"reserved" Council's jurisdiction was managed by the Governor-in-Council. The provincial legislature had some jurisdiction over the "partially excluded" districts. In such cases, British India's courts had limited jurisdiction. Assam's hill area was included in the British Indian government's "Because of the practicality of their policy

direction, they have been placed in the 'excluded' category. Because the expense of administration was not covered by income, the British decided it was more cost effective not to conduct the administration of this territory.

Rather, the hills were left to govern themselves according to their ancient customs, which cost them nothing. Besides, the locals had been wary of any stranger reigning over them with their lotion. Any interference into their business, or its perception, is met with rejection and hatred. To maintain their separate identity, the British proposed creating a "Crown Colony" that would encompass all the North-East, as well as the highlands of Burma. The "Coupland Plan," named after - Reginald Coupland, was a top-secret plan to establish a "Crown colony." The Indian National Congress rejected this proposal. However, the necessity to preserve the region's uniqueness was recognised by planning for its governance. These measures were included in response to the North-East Frontier Commission's recommendations (Assam).

- **SPECIAL CATEGORY STATUS**–

Special Category Status (SCS) is a status provided by the Centre to states that suffer physical and socioeconomic obstacles such as mountainous terrains, critical international borders, economic and infrastructural backwardness, and non-viable state finances to help them grow. The concept of a special category status was first introduced in 1969, when the fifth Finance Commission sought to provide certain disadvantaged states with preferential treatment in the form of central assistance and tax breaks, as well as the establishment of special development boards, reservation in local government jobs, and educational institutions, among other things.

Initially, three states were awarded special status: Assam, Nagaland, and Jammu & Kashmir; however, between 1974 and 1979, five more states were added to the special category. Himachal Pradesh, Manipur, Meghalaya, Sikkim, and Tripura are among them.

With the inclusion of Arunachal Pradesh and Mizoram in 1990, the number of states grew to ten. Uttarakhand was designated as a special category state in 2001. The central government covers 90% of state spending on all centrally sponsored programmes and foreign aid, while the remaining 10% is handed to the state as a zero-interest loan.

- **BENEFITS–**

1. The central government covers 90% of state spending on all centrally sponsored programmes and foreign aid, while the remaining 10% is handed to the state as a zero-interest loan.
2. Preferential treatment when it comes to receiving funding from the government.
3. Excise duty reductions to entice businesses to the state.
4. Special category states receive 30% of the Centre's total budget.
5. Debt-swapping and debt-relief programmes are available to these states.
6. To encourage investment, states with special category status are free from customs duty, corporate tax, income tax, and other taxes.
7. If a special category state has money left over at the end of a fiscal year, it does not expire and can be carried over to the next fiscal year.

- **Who grants special status to states?**

The National Development Council, which is made up of the prime minister, union ministers, chief ministers, and members of the planning commission, makes the decision to award special category status.

The National Development Council (NDC) has previously given special category status for plan support to several states that have a variety of characteristics that require particular consideration.

- **CRITERIA FOR SPECIAL CATEGORY STATUS:**

1. The terrain is hilly and challenging.
2. Low population density or a significant proportion of the tribal people
3. The position is strategic, as it is near the borders of other nations.
4. Backwardness in terms of economics and infrastructure
5. The state's finances are unsustainable.

- **DIFFERENCE BETWEEN SPECIAL CATEGORY STATUS AND SPECIAL STATUS**

The constitution grants special status through an Act that must be enacted by a two-thirds majority in both houses of Parliament, whereas the National Development Council, a government administrative body, grants special category status.

Special status confers legislative and political privileges, whereas special category status is limited to economic, administrative, and budgetary considerations.

- **POLITICS RELATING TO THE SPECIAL PROVISIONS IN THE NORTHEAST**–

Even though unique provisions exist for certain locations, there has been discontent with their relevance or inefficiency in virtually all of the country's regions where such laws exist. Some argue that these measures are insufficient, while others argue that they are unneeded and violate minority rights.

On the VI Schedule, there is also a reserve from various quarters. Separatists in Nagaland have refused to recognise the VI Schedule because they believed it was a tool for integrating their district with India and Assam. The creation of Autonomous District Councils weakened the former governing elites of the tribal culture. The District Councils are overseen by the next generation of leaders. Consequently, it was they who stood up to the Councils. Finally, some people think that the Autonomous District Councils are constrained and that their position should be strengthened. The jurisdiction of the District Councils, village councils, and the state government all overlap. These groups have also been accused of being a breeding environment for corruption. Autonomous District Councils are essentially representative entities with legislative authority over topics such as unreserved forest management and property inheritance. The Governor may give these Councils the ability to try specific cases or charges, as well as marriage and social conventions. The Councils have the authority to assess and collect land revenue as well as levy certain taxes. It is a requirement that the Councils have the Governor's consent to their laws. These bodies are considered superfluous by non-tribals. They claim these are being utilised to harass them by tribal vested interests. A sizable portion of them wants them to be abolished.

Political experts argue that with the repeal of Article 370 of the Constitution, the ten states that have special category status, aside from

Jammu and Kashmir, have come into prominence. Arunachal Pradesh, Assam, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, and Uttarakhand are the states in question and that this abrogation might serve as a model for additional special category states.

- **CONCLUSION–**

There are numerous areas in India that are governed by special constitutional provisions. This group includes the hill regions of North-East India, Jammu & Kashmir, and the Scheduled Areas hill areas outside of the North-East. The VI Schedule, article 370, and the V Schedule of our Constitutions provide Special Provisions for the hill areas of North-East India. Assam, Arunachal Pradesh, Manipur, and Nagaland, as well as Mizoram, Meghalaya, and Tripura, are three Indian states whose hill territories are covered under the VI Schedule. The Special Provisions are designed to protect residents' cultural identities and rights, notably against outside encroachment, in the impacted regions. According to these restrictions, outsiders are not allowed to sell or buy the property of their inhabitants, and their affairs are governed by their customary laws. In North-East India, the VI Schedule is utilised to establish Autonomous District Councils and the Inner Lines Regulations. However, both supporters and opponents of the Special Provisions have questioned their necessity and efficacy in every impacted location. Nonetheless, these actions assisted in the execution of the purpose for which they were designed.