# Understanding Meghalaya Constitutional Provisions Under the Sixth Schedule

The constitutional framework governing Meghalaya presents a fascinating case study in how federal systems accommodate regional diversity. When I first studied the Sixth Schedule of the Indian Constitution, I was struck by how carefully it balances autonomy with national integration. For anyone working in governance, legal practice, or tribal affairs, understanding the Meghalaya constitutional provisions is not just academic. It shapes everyday realities about land, resources, and community decision-making.

Meghalaya, along with Assam, Mizoram, and Tripura, falls under Article 244(2) of the Constitution. This provision extends the Sixth Schedule to tribal areas in these northeastern states. The Schedule creates Autonomous District Councils (ADCs) with legislative, executive, and judicial powers over specified matters. Unlike regular states, these councils can make laws on land use, inheritance, marriage, and social customs. They also manage primary education, health, and local infrastructure within their districts.

## The Origins of Special Provisions

The Sixth Schedule was not an afterthought. It emerged from the Bordoloi Sub-Committee's recommendations during the Constituent Assembly debates. The committee recognised that tribal communities in the hills needed protection from domination by more populous plains groups. They also wanted to preserve distinct customary laws and landholding systems. The result was a tier of self-government that operates below the state level but above village councils.

In Meghalaya, three ADCs exist: the Khasi Hills Autonomous District Council, the Jaintia Hills Autonomous District Council, and the Garo Hills Autonomous District Council. Each council has between 20 and 30 members, mostly elected, with a few nominated by the governor to represent unrepresented communities. The councils can establish courts to try cases under customary law, though serious criminal offences remain under state jurisdiction. This dual system often creates tension, but it also allows communities to adapt their traditions without rejecting the modern legal system entirely.

## How the Meghalaya Constitutional Provisions Work in Practice

One area where these provisions show real impact is land governance. In Meghalaya, most land is owned communally by clans or villages. State laws cannot simply acquire it for development projects without council approval. This has led to heated debates about mining, tourism, and industrialisation. I recall a discussion with a council official in Shillong who

explained that every land deal involving non-tribal entities must pass through multiple layers of consent. The process is slow, but it prevents the kind of land alienation seen in other parts of India.

Another example is the regulation of intoxicating substances. The ADCs have the power to prohibit or restrict the sale of liquor within their districts. This authority is used unevenly. Some councils maintain complete prohibition, while others license shops under strict conditions. The variation reflects local social norms and economic realities. A blanket state law would ignore these differences. The Meghalaya constitutional provisions allow each district to find its own balance.

Education is a third domain where the councils exercise meaningful control. They manage primary schools, set curricula in local languages, and recruit teachers. Central and state schemes still provide funding, but the councils decide how to adapt them. For instance, the Khasi Hills ADC runs a scholarship programme for students from poor families that supplements national schemes. Local accountability is stronger because council members face elections every five years. Parents know whom to approach when a school lacks a teacher or a classroom needs repair.

## Challenges and Criticisms

No system is perfect. Critics point out that the ADCs sometimes overlap with state departments, leading to confusion about who is responsible for what. A health centre might receive funds from both the state government and the council, yet neither coordinates properly. The result is delayed construction, absent staff, and poor service delivery. I have seen this in rural Garo Hills, where a primary health centre stood half-built for two years because the council and the state could not agree on who would complete the plumbing.

There is also the issue of political dominance by traditional elites. Council elections often favour established clans and families. Women and younger candidates struggle to win seats. This can make the councils resistant to change, especially on matters like inheritance customs that disadvantage women. Some communities have reformed their customary laws, but the process is slow and uneven across districts.

Financial constraints are another persistent problem. The ADCs rely on grants from the state government, which are often delayed or reduced. They can levy certain taxes, but the base is narrow. Land revenue, professional taxes, and market fees do not generate enough to cover council salaries, let alone development work. Many councils have become dependent on centrally sponsored schemes, which come with their own conditions. This limits the autonomy that the Sixth Schedule supposedly guarantees.

## Recent Amendments and Their Impact

The Constitution has been amended several times to refine these provisions. The most significant changes came through the 73rd and 74th Amendments, which added Part IX and Part IXA to the Constitution, dealing with panchayats and municipalities. However, the Sixth Schedule areas were excluded from these amendments. Instead, Parliament passed the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, which applies to Fifth Schedule areas but not to Sixth Schedule areas. The reasoning was that ADCs already performed similar functions. In practice, this exclusion has kept the ADCs as the sole grassroots governance bodies, for better or worse.

More recently, the central government has pushed for greater financial devolution. The 15th Finance Commission recommended higher grants for tribal areas. Some of that money has reached Meghalaya's councils, though the process remains bureaucratic. Local activists argue that the state government should transfer more departments to council control, such as forestry and public works. The state resists, citing capacity constraints. The debate continues, and it is unlikely to be settled soon.

## Lessons for Other Regions

The Meghalaya constitutional provisions offer lessons for other parts of India and indeed for other countries grappling with ethnic diversity and regional autonomy. The key insight is that special provisions work best when they are tailored to local conditions. A uniform national framework cannot capture the nuances of every community's land systems, social structures, and political traditions. At the same time, autonomy without adequate resources and institutional capacity becomes hollow.

For scholars and practitioners, the experience in Meghalaya shows the importance of regular review. The Sixth Schedule was designed in the 1940s. India's economy, society, and political landscape have changed dramatically since then. Yet the basic structure of the ADCs remains largely unchanged. Some adaptations have happened through judicial interpretation and executive orders, but a more systematic evaluation might identify areas where the provisions need updating. For instance, should the councils have a role in regulating digital services or e-commerce that affect local markets? Should customary laws be codified to prevent arbitrary application? These are questions worth asking.

## Final Thoughts

When I visit Meghalaya, I am reminded that law is not just text on paper. It is lived experience. The constitutional provisions that govern this region shape how people farm, marry, inherit, and govern themselves. They create a space where tradition and modernity can coexist, though not

always comfortably. For anyone interested in federalism, indigenous rights, or constitutional design, the Meghalaya example is rich with insight. It shows that the success of special provisions depends on political will, administrative capacity, and community participation. The framework itself is only a starting point.