



SVAMITVA Implementation paradigm in Schedule VI Areas

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Schedule VI : An introduction

- ▶ **SIXTH SCHEDULE** [Articles 244(2) and 275(1)] of the Constitution of India contains the provisions regarding the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.
- ▶ Also called as 'Autonomous Districts or Autonomous Regions'.
- ▶ The administration is vested in the District Council or the Regional Council comprising of members elected directly and nominated by the Governor.
- ▶ District/Regional Council 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.
 - 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;
 - (g) the appointment or succession of Chiefs or Headmen;
 - (h) the inheritance of property;
 - (i) marriage and divorce;
 - (j) social customs.

Schedule VI : Administration of justice

- ▶ Councils for an autonomous district/region, in respect of areas within the district/region, may constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of Schedule-VI apply, 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 Schedule-VI.
- ▶ A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating
 - (a) the constitution of village councils and courts and the powers to be exercised by them under this paragraph;
 - (b) the procedure to be followed by village councils or courts in the trial of suits and cases under sub-paragraph (1) of this paragraph;
 - (c) the procedure to be followed by the Regional or District Council or any court constituted by such Council in appeals and other proceedings under sub-paragraph (2) of this paragraph;

Tribal Areas:

The areas specified in Parts I, II, IIA and III are tribal areas within the State of Assam, the State of Meghalaya, the State of Tripura and the State of Mizoram.

PART I

- The North Cachar Hills District.
- The Karbi Anglong District.
- The Bodoland Territorial Areas District.

PART II

- Khasi Hills District.
- Jaintia Hills District.
- The Garo Hills District.

PART IIA

- Tripura Tribal Areas District.

PART III

- The Chakma District.
- The Mara District
- The Lai District

Implications for the SVAMITVA scheme:

- Any MoU for SVAMITVA with the States of Assam, Meghalaya, Mizoram and Tripura **will not extend automatically** to the Schedule-VI areas as land is a transferred subject and State Revenue Department is not automatically a Nodal Department.
- Similarly, Panchayati Raj institutions have altered forms.
- Most autonomous regions either do not have land maps or updated land records as either these areas were never surveyed or they have traditional systems of land ownership recognition.
- Most Tribal Areas have their customary land laws and dispute resolution mechanism.
- Thus, the standard definitions of nomenclature such as *Abadi, village areas, land titles, dispute resolution* may not apply *mutatis-mutandis* to them.
- Similarly, the monitoring mechanisms of State level Standing Committees, District Level Committees etc will not automatically cover these areas.

Why SVAMITVA is important in Schedule-VI areas?

- ▶ Most of these areas are not surveyed or simply do not have updated land maps, hence the SVAMITVA Scope for these areas should be modified to cover the entire districts/regions to get the high resolutions maps.
- ▶ Enhanced financial implication can be justified on the ground of strategic importance as most of these regions also share international boundaries.
- ▶ Preparation of record of rights, thereby formalizing an informal/semiformal arrangement that is also recognizable by financial institutions.
- ▶ Complete mapping will also help in reducing frequent boundary disputes between states, thereby reducing loss to life and property.



Way forward:

- ▶ A tripartite MoU respecting the autonomous nature of the Tribal Areas, their customary land laws and dispute resolution mechanism will need to be executed.
- ▶ A distinct mechanism of monitoring and reporting within the overall State Framework.
- ▶ As land is a transferred subject in most Autonomous areas, establishment of CORS will need coordination with District/ Regional Councils.