

The Constitution (125th Amendment) Bill

9th Feb, 2019



What to study?

For Prelims: Overview and key features of 125th amendment bill, the need for financial autonomy.

For Mains: Overview of autonomous councils constituted under 6th schedule of the constitution, measures announced for the strengthening of these institutions.

Context: The government has introduced **Constitution (125th Amendment) Bill** in Rajya Sabha to increase the financial and executive powers of the 10 Autonomous Councils in the Sixth Schedule areas of the northeastern region. The amendment will impact one crore tribal people in Assam, Meghalaya, Tripura and Mizoram.

Key facts:

1. The proposed amendments provide for **elected village municipal councils, ensuring democracy at the grassroot level.**
2. The **village councils** will be empowered to prepare plans for economic development and social justice including those related to agriculture, land improvement, implementation of land reforms, minor irrigation, water management, animal husbandry, rural electrification, small scale industries and social forestry.
3. The **Finance Commission** will be mandated to recommend devolution of financial resources to them.
4. The **Autonomous Councils** now depend on grants from Central ministries and the State government for specific projects. At least one-third of the seats will be reserved for women in the village and municipal councils in the Sixth Schedule areas of Assam, Mizoram and Tripura after the amendment is approved.

6th schedule:

The Sixth Schedule of the Constitution deals with **the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram.**

Key provisions:

1. **The governor is empowered to organise and re-organise the autonomous districts.** Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.
2. If there are different tribes in an autonomous district, **the governor can divide the district into several autonomous regions.**
3. **Composition:** Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise. The elected members hold office for a term of five years (unless the council is

dissolved earlier) and nominated members hold office during the pleasure of the governor. Each autonomous region also has a separate regional council.

4. **The district and regional councils** administer the areas under their jurisdiction. They can make laws on certain specified matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs and so on. But all such laws require the assent of the governor.
5. **Village councils:** The district and regional councils within their territorial jurisdictions can constitute village councils or courts for trial of suits and cases between the tribes. They hear appeals from them. The jurisdiction of high court over these suits and cases is specified by the governor.
6. **Powers and functions:** The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district. It can also make regulations for the control of money lending and trading by non-tribals. But, such regulations require the assent of the governor. The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.
7. **The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.**
8. **The governor can appoint a commission to examine and report on any matter relating to the administration of the autonomous districts or regions.** He may dissolve a district or regional council on the recommendation of the commission.

To be looked in UPSC Paper 2 Topic:

1. Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.
2. Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and bodies constituted for the protection and betterment of these vulnerable sections.