



Meghalaya tribal council to revisit Instrument of Accession (IoA)

For Prelims: Six schedule, Tribal council, Hill Council, Instrument of Accession

For Mains: Socio-religious and customary issue of North-Eastern Tribes with changing times, federalism, issue related to North-East

Why in News?

A tribal council in Meghalaya has **called for a meeting of traditional heads to revisit the Instrument of Accession** that made the Khasi domain a part of the Indian Union more than seven decades ago.

Why does Meghalaya tribal council want to revisit IoA?

- The need to **revisit the Instrument of Accession and Annexed Agreement** was stressed by leaders in the Khasi Hills Autonomous District Council (KHADC). According to them, it is important to understand the paragraphs of the agreement, since many provisions are missing from the Sixth Schedule of the Constitution.
- The Federation of **Khasi States had sought special status, like Nagaland has under Article 371A**, which **protects socio-religious and customary practice of Nagas with right to administration of civil & criminal justice as per Naga Customary laws**.
 - Under Article 371A, Nagas also enjoys **ownership and transfer of land and its resources**.
- Recently, introduced the '**Khasi Inheritance of Property Bill, 2021** might have infuriated few leaders of KHADC, as an interference to social and customary practices of Khasi people. The bill called for "equitable distribution" of parental property among siblings in the Khasi community.
- The **KHADC said the provisions can be added to the Sixth Schedule**, which "can be amended **by Parliament**".

Note

- **KHADC** is a body **under the Sixth Schedule** of the Constitution.
- It does not have the power to legislate.
- Paragraph 12 A of the **Sixth Schedule gives the final right of passing a law to the state legislature**.
- The **Sixth Schedule** of the Constitution provides **for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram** to safeguard the rights of the tribal population in these states.
- This **special provision** is provided **under Article 244 (2) and Article 275 (1)** of the Constitution.
- It provides for autonomy in the administration of these areas through **Autonomous District Councils (ADCs)**, which are empowered to make laws in respect of areas under their jurisdiction.

What is loA?

▪ About:

- The **Instrument of Accession was a legal document** first introduced by the Government of India Act 1935 and used in 1947 to enable each of the rulers of the princely states under British paramountcy to join one of the new dominions of India or Pakistan created by the Partition of British India.
- The **instruments of accession executed by the rulers**, provided for the accession of states to the Dominion of India (or Pakistan) on three subjects, namely, defence, external affairs and communications.

▪ loA and Meghalaya:

- loA with the **Khasi hills state was signed with the Dominion** of India between 15th December, 1947, and 19th March, 1948.
 - Meghalaya is **divided into three regions dominated** by as many matrilineal communities – the Khasis, Garos and Jaintias.
 - The **Khasi hills straddle 25 Himas or States** that formed the Federation of Khasi States.
- The **conditional treaty with these States was signed** by Governor General of India, Chakravarty Rajagopalachari on 17th August, 1948.

What is Sixth Schedule?

- The **Sixth Schedule** under **Article 244** provides for the **formation** of autonomous administrative divisions — **Autonomous District Councils (ADCs)** — that have some **legislative, judicial, and administrative autonomy** within a state.
- The **Sixth Schedule** contains **special provisions** for the administration of tribal areas in the **four north-eastern states of Assam, Meghalaya, Tripura and Mizoram**.
 - The tribal areas in **these four states** have been **constituted as autonomous districts**. The **governor** is empowered to **organise** and re-organise the **autonomous districts**.
- The **acts of Parliament** or the **state legislature** do **not apply to autonomous districts** or apply with specified modifications and exceptions.
 - The power of direction, in this regard, lies either with the President or Governor.
- **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 **at pleasure of the governor**.
- Each autonomous region also has a separate regional council.
 - 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, the inheritance of property, marriage and divorce, social customs and so on. **But all such laws require the assent of the Governor**.
 - **They can constitute village** councils or **courts** for trial of suits and cases between the tribes. They hear appeals from them. The **jurisdiction of the high court over these suits and cases is specified by the governor**.
- The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district.
- They are empowered to assess and collect land revenue and to impose certain specified taxes.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to: (2015)

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

Ans: (a)

Exp:

- The Fifth Schedule lays out provision for Administration and Control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram.
- The Sixth Schedule deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram. **Therefore, option (a) is the correct answer.**

Source: TH

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