

Autonomous District Councils Under the Sixth Schedule of the Constitution of India: Challenges and Prospects

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Abstract—The Sixth Schedule of the Constitution of India provides a unique framework of autonomous governance for tribal communities in the northeastern states of Assam, Meghalaya, Tripura, and Mizoram. Established under Articles 244(2) and 275(1), Autonomous District Councils (ADCs) were envisioned as instruments of self-governance that would protect the cultural identity, customary laws, and social practices of indigenous tribal peoples. However, more than several decades after their inception, ADCs continue to grapple with formidable challenges that impede their effective functioning. This paper provides a comprehensive analysis of the structural, financial, administrative, and socio-political challenges confronting ADCs, while simultaneously examining their considerable prospects in the context of India's evolving federal framework and the growing global discourse on indigenous rights. Drawing on constitutional provisions, legislative records, judicial interpretations, and scholarly literature, the paper argues that with meaningful reforms in financial devolution, administrative capacity, and intergovernmental relations, ADCs can serve as robust institutions for tribal self-determination and sustainable development in India's northeastern frontier.

Keywords: Sixth Schedule, Autonomous District Councils, tribal self-governance, Northeast India, indigenous rights, federalism, customary law, financial devolution

I. INTRODUCTION

India's northeastern region is home to one of the world's most diverse concentrations of ethnic, linguistic, and cultural communities. The tribal populations inhabiting the forested hills and valleys of Assam, Meghalaya, Tripura, and Mizoram have long maintained distinctive social institutions, customary legal systems, and land tenure practices that predate the modern Indian state. Recognising the imperative of protecting these communities while integrating them into the constitutional framework of independent India, the framers of the Constitution crafted the Sixth Schedule—an instrument of asymmetric federalism that carved out zones of autonomous governance within the larger territorial framework of individual states (Baruah, 2005).

The Sixth Schedule, inserted under Articles 244(2) and 275(1) of the Constitution of India, provides for the creation of Autonomous District Councils (ADCs) and Autonomous Regional Councils (ARCs) in tribal areas. These bodies are vested with legislative, executive, and judicial powers that allow them to govern their territories on matters relating to land, forests, the use of waterways, the regulation of shifting cultivation, the establishment of village and town administration, the inheritance of property, marriage and divorce, and social customs (Constitution of India, 1950, Sixth Schedule, para 3). In terms of the breadth of devolved authority, the Sixth Schedule represents one of the most far-reaching experiments in subnational autonomy within any Asian democracy.

Yet the promise of the Sixth Schedule has been only incompletely fulfilled. Scholars, policymakers, and civil society actors have consistently pointed to a wide gap between constitutional intent and institutional reality. The ADCs and ARCs that operate across

the northeastern states are frequently characterised by inadequate finances, capacity deficits, jurisdictional ambiguities, political interference from state governments, and tensions between elected representative bodies and traditional authority structures (Goswami, 2014; Nongkynrih, 2002). At the same time, there are compelling reasons for optimism: the strengthening of democratic processes within ADCs, growing awareness among tribal communities of their constitutional rights, the emergence of regional civil society movements, and India's engagement with international indigenous rights frameworks all point towards the potential for meaningful transformation (Shimray, 2007).

This paper is organised as follows. Section 2 provides a historical and constitutional background of the Sixth Schedule. Section 3 offers a detailed analysis of the structure and jurisdiction of ADCs. Section 4 examines the principal challenges confronting ADCs. Section 5 explores prospects for reform and institutional strengthening. Section 6 situates ADCs within the broader framework of indigenous rights and comparative autonomy arrangements. Section 7 concludes with policy recommendations.

II. HISTORICAL AND CONSTITUTIONAL BACKGROUND

The intellectual and administrative foundations of the Sixth Schedule lie in the colonial encounter between the British Indian state and the tribal communities of northeastern India. The Government of India Act, 1919 and its successor, the Government of India Act, 1935, designated tribal-inhabited hills as 'Excluded Areas' and 'Partially Excluded Areas,' thereby shielding them from the operation of ordinary provincial legislation and placing their administration directly under the Governor (Chaube, 1999). This policy of administrative segregation, while paternalistic in conception, had the unintended consequence of preserving indigenous institutions and land systems that would otherwise have been disrupted by commercialisation and migration.

The architects of independent India's constitution were acutely aware of the delicate balance that needed to be struck between the integration of tribal communities into the national mainstream and the protection of their cultural distinctiveness. The Constituent Assembly debates reveal deep deliberations on the appropriate constitutional mechanism for northeastern tribal areas. B.R. Ambedkar, the principal drafter of the Constitution, recognised that a uniform framework of governance would be ill-suited to the complex ethnographic landscape of the northeast. The report of the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee, chaired by Gopinath Bordoloi, provided the empirical and normative foundations for the Sixth Schedule (Misra, 2011).

The Bordoloi Sub-Committee's recommendations reflected a commitment to institutionalising tribal self-governance rather than simply preserving the colonial policy of exclusion. The Sub-Committee envisaged tribal councils as bodies possessing genuine legislative and judicial competence over matters of customary life, with the Governor serving as a constitutional safeguard against arbitrary state legislative action (Shullai, 2006). These recommendations were substantially incorporated into the Sixth Schedule as adopted in 1949.

Since its original enactment, the Sixth Schedule has been amended multiple times, most significantly by the Constitution (Forty-Second Amendment) Act, 1976, which extended its coverage to certain areas of Tripura and Mizoram, and by subsequent state-specific legislation creating additional ADCs. The currently operative ADCs include the Bodoland Territorial Council (BTC) and the Karbi Anglong Autonomous Council in Assam; the Khasi Hills, Jaintia Hills, and Garo Hills ADCs in Meghalaya; the Tripura Tribal Areas ADC (TTAADC); and the Chakma, Mara, and Lai ADCs in Mizoram (Ministry of Tribal Affairs, Government of India, 2022).

III. STRUCTURE AND JURISDICTION OF AUTONOMOUS DISTRICT COUNCILS

III.I. COMPOSITION AND ELECTORAL FRAMEWORK

Each ADC under the Sixth Schedule consists of not more than thirty members, of whom not more than four may be nominated by the Governor and the remainder are to be elected on the basis of adult suffrage (Constitution of India, 1950, Sixth Schedule, para 2). The elected members serve a term of five years, and elections are conducted under the supervision of the State Election

Commission or a specially constituted authority depending on the state. In practice, the composition of ADCs often reflects the complex interplay of tribal sub-group affiliations, political party loyalties, and traditional leadership structures (Goswami, 2014).

III.II. LEGISLATIVE COMPETENCE

The legislative competence of ADCs under paragraph 3 of the Sixth Schedule spans a range of subjects intimately connected with tribal life and custom. ADCs may make laws with respect to: (a) the allotment, occupation, or use of land, other than reserved forests; (b) the management of forests other than reserved forests; (c) the use of waterways; (d) the regulation of jhum (shifting) cultivation; (e) the establishment of village and town administration; (f) the regulation of money lending; (g) the regulation of trade and commerce by persons not being citizens of India; and (h) matters relating to inheritance of property, marriage and divorce, and social customs. Laws made under (a) to (f) require the assent of the Governor to take effect, while those under (g) and (h) require the assent of the President of India (Shullai, 2006).

III.III. JUDICIAL AND EXECUTIVE POWERS

ADCs and ARCs are also empowered to constitute village courts for the trial of suits and cases between parties belonging to scheduled tribes within the autonomous district. The jurisdiction of these courts extends to cases involving customary law, marriage, divorce, and inheritance. Appeals from village courts lie with the District Council Court, and thereafter with the High Court of the respective state (Constitution of India, 1950, Sixth Schedule, para 4). In the executive domain, ADCs possess powers over the management of primary schools, dispensaries, markets, ferry services, and public roads within their territories.

IV. CHALLENGES CONFRONTING AUTONOMOUS DISTRICT COUNCILS

IV.I. FINANCIAL CONSTRAINTS AND DEPENDENCE

Perhaps the most pervasive challenge confronting ADCs is the acute inadequacy of financial resources relative to their constitutional mandate. The Sixth Schedule provides that the Governor may direct that a portion of revenues collected in an autonomous district shall be paid to the respective ADC, but this provision has rarely translated into substantial or reliable fiscal transfers (Nongkynrih, 2002). ADCs are overwhelmingly dependent upon grants-in-aid from both the state government and the central government, and these grants are frequently subject to arbitrary reduction, delayed disbursement, and conditionalities that undermine institutional autonomy.

The Fifteenth Finance Commission acknowledged the fiscal vulnerability of institutions under the Sixth Schedule and made specific recommendations for enhanced grants to ADCs, but implementation has been uneven across states (Fifteenth Finance Commission, 2021). The financial incapacity of ADCs is compounded by their limited own-source revenue generation. Most ADCs lack robust mechanisms for taxation, fee collection, or resource monetisation, with the result that they remain structurally dependent on transfers that are subject to the discretion of state governments whose political interests may not always align with those of tribal communities (Baruah, 2005).

Research by Misra (2011) and Goswami (2014) demonstrates that the per capita public expenditure in ADC-governed areas is substantially lower than in comparable non-tribal districts within the same states, suggesting that fiscal marginalisation is a structural feature of the present arrangements rather than a transient problem. This financial squeeze has direct consequences for the quality of service delivery in health, education, infrastructure, and livelihood programmes—the very domains in which tribal communities are most vulnerable.

IV.II. JURISDICTIONAL AMBIGUITIES AND CONFLICTS WITH STATE GOVERNMENTS

A recurrent source of institutional dysfunction is the ambiguity surrounding the jurisdictional boundaries between ADCs and the state governments within which they are embedded. The Sixth Schedule specifies that state legislation does not apply to autonomous districts and regions except to the extent that the respective District Council directs, but in practice state governments have frequently encroached upon subjects that fall within the ADC's constitutional domain (Chaube, 1999). This encroachment

takes multiple forms: the deployment of state executive agencies in areas under ADC jurisdiction; the extension of state-level welfare schemes in ways that bypass ADC structures; and the exercise of state police and administrative authority in ways that undermine ADC governance.

The relationship between ADCs and the state government is further complicated by the fact that the Governor, who serves as the principal constitutional interlocutor for ADCs, acts on the aid and advice of the elected state government in most circumstances. Critics have argued that this structural dependence effectively places the constitutional safeguard of ADCs in the hands of the very authority whose legislative expansion poses the greatest threat to ADC autonomy (Shimray, 2007). Judicial clarification of jurisdictional boundaries has been sought on multiple occasions, but the courts have generally been reluctant to adjudicate broadly in this politically sensitive domain.

IV.III. ADMINISTRATIVE CAPACITY DEFICITS

ADCs face severe deficits in administrative capacity that constrain their ability to exercise the powers vested in them by the Constitution. The professional civil service cadres deputed to ADC-governed areas are typically drawn from state services and owe their career advancement to state government authorities, creating divided loyalties and limiting the effective control of ADCs over the implementing machinery. Technical and managerial expertise necessary for planning, project implementation, and public financial management is in chronically short supply within ADC secretariats (Ministry of Tribal Affairs, Government of India, 2022).

The weakness of ADC administrative capacity is particularly acute in the domains of planning and budgeting. Most ADCs lack the analytical infrastructure to formulate evidence-based development plans, evaluate programme effectiveness, or engage meaningfully with state and central planning processes. This has meant that even where financial resources are available, they are often absorbed by administrative overhead, diverted to patronage networks, or expended on schemes whose design is ill-matched to local needs (Nongkynrih, 2002).

IV.IV. POLITICAL FRAGMENTATION AND GOVERNANCE DEFICITS

The internal political dynamics of ADCs have frequently been characterised by fragmentation, factionalism, and instability that inhibit sustained governance. ADC elections, particularly in Assam and Tripura, have been marred by allegations of violence, booth capture, and manipulation, undermining their legitimacy in the eyes of tribal communities (Goswami, 2014). The intersection of sub-tribal identity politics, armed group interests, and electoral competition has produced unstable coalitions and frequent confidence crises within ADC bodies.

Corruption and nepotism within ADC administrative and political structures have been documented by investigative journalists, civil society organisations, and state government inquiries, though systematic empirical research on the scale and nature of governance deficits remains limited. The persistence of corruption erodes public trust in ADC institutions, fuels demands for reorganisation of administrative units along sub-tribal lines, and provides political ammunition for those who argue that tribal communities would be better served by direct administration from state capitals (Baruah, 2005).

IV.V. TENSION BETWEEN TRADITIONAL AND ELECTED AUTHORITY

A distinctive challenge that runs through the governance landscape of ADC areas is the tension between the elected representative structures mandated by the Sixth Schedule and the traditional authority systems—chiefs, village headmen, and community councils—that continue to command significant social legitimacy among tribal communities. In some areas, traditional authorities have been incorporated into the formal governance structure of ADCs, creating hybrid arrangements of varying effectiveness. In others, parallel authority structures coexist in an uneasy relationship, with disputes over land, marriage, and inheritance being adjudicated both in ADC courts and in customary forums (Shullai, 2006).

The gendered dimension of this tension deserves particular attention. Traditional authority systems in most northeastern tribal communities are patrilineal and male-dominated, and their incorporation into ADC governance structures has often reinforced

the marginalisation of women from formal decision-making. Women remain dramatically underrepresented in ADC electoral bodies—a situation that has attracted criticism from women's rights organisations, human rights bodies, and scholars of gender and governance (Longkumer, 2019). The absence of reserved seats for women in ADC electoral rolls under the Sixth Schedule, in contrast to the provisions for Panchayati Raj institutions under the Seventy-Third Amendment, is a particularly glaring lacuna.

IV.VI. LAND RIGHTS AND ENCROACHMENT ISSUES

The protection of tribal land rights is central to the rationale of the Sixth Schedule, yet land alienation and encroachment have proceeded at a troubling pace in many ADC areas. The inability of ADCs to effectively regulate the entry and economic activity of non-tribal migrants, combined with the absence of robust land record systems and the erosion of customary land tenure frameworks under the pressure of commercialisation, has rendered large segments of the tribal peasantry vulnerable to dispossession (Misra, 2011). The problem is particularly acute in Tripura, where large-scale post-Partition migration transformed the demographic composition of the state, leaving tribal communities as minorities in territories they had historically dominated.

The conflict between customary communal land tenure and the individual titling requirements of formal financial systems creates additional difficulties. Tribal communities holding land under customary arrangements cannot easily access formal credit, enter into enforceable contracts, or benefit from state investment programmes that require individual title as a prerequisite. Yet the formalisation of customary tenure through individual titling poses its own risks, potentially accelerating the fragmentation and sale of tribal landholdings to non-tribal buyers (Baruah, 2005).

IV.VII. ENVIRONMENTAL GOVERNANCE AND RESOURCE EXTRACTION

ADC areas in the northeastern states are characterised by high biodiversity and significant natural resource endowments, including forests, minerals, and water resources. The tension between the conservation and sustainable management of these resources on one hand, and the pressures of developmental extraction and commercial exploitation on the other, poses acute governance challenges for ADCs. State and central governments have in several instances overridden ADC objections to grant mining and extraction leases in areas under ADC jurisdiction, citing national economic interest (Shimray, 2007). The Forest Rights Act, 2006, while representing a significant legislative advance in the recognition of tribal forest rights, has been inconsistently implemented in ADC areas, and its relationship with the distinct framework of the Sixth Schedule remains a subject of legal debate.

V. PROSPECTS FOR REFORM AND INSTITUTIONAL STRENGTHENING

V.I. Enhanced Fiscal Devolution

The most critical single reform needed to strengthen ADC governance is a significant enhancement of reliable, predictable, and unconditional fiscal transfers from both state and central governments. The recommendations of successive Finance Commissions in this regard have been only partially implemented, and there is compelling evidence that a more generous and consistent fiscal framework would substantially improve the capacity of ADCs to deliver public goods and govern effectively (Fifteenth Finance Commission, 2021). The establishment of dedicated ADC Finance Commissions at the state level, analogous to the State Finance Commissions for Panchayati Raj bodies, would create an institutional mechanism for periodic review and revision of fiscal transfers.

There is also considerable scope for expanding the own-source revenue base of ADCs through rationalised taxation of natural resource extraction, tourism, and commercial activity within their territories. Revenue sharing from central and state forestry operations, hydropower projects, and mining within ADC-governed areas would provide a more sustainable and dignity-consistent fiscal foundation than grant dependency (Nongkynrih, 2002). Legal and regulatory reform to enable ADCs to issue bonds, enter into public-private partnerships, and access capital markets would further expand their financial autonomy.

V.II. CLARITY IN JURISDICTIONAL ARRANGEMENTS

A comprehensive review of the jurisdictional architecture of the Sixth Schedule, including a delineation of the exclusive, concurrent, and cooperative legislative domains of ADCs and state governments, would go a long way towards reducing the institutional uncertainty that currently hampers ADC functioning. Such a review could be conducted by a high-powered commission with representation from ADCs, state governments, tribal civil society organisations, and constitutional law experts. The resulting framework, once enacted into law, should be backed by a robust dispute resolution mechanism with clear timelines and binding arbitration (Goswami, 2014).

V.III. CAPACITY BUILDING AND INSTITUTIONAL MODERNISATION

The administrative capacity of ADCs needs urgent and systematic strengthening. This requires not merely training programmes and technical assistance—though these are necessary—but a fundamental rethinking of the human resource architecture of ADC governance. The creation of a dedicated Sixth Schedule Service, analogous to the Indian Administrative Service but oriented to the governance needs of tribal autonomous areas, could provide a professional cadre with the knowledge, motivation, and career structure to sustain effective ADC administration over the long term (Ministry of Tribal Affairs, Government of India, 2022). Digital governance tools, geographic information systems, and modern financial management systems, adapted to the specific institutional context of ADCs, could substantially enhance planning and accountability.

V.IV. GENDER INCLUSION AND WOMEN'S REPRESENTATION

The dramatic underrepresentation of women in ADC bodies is not merely a matter of justice—it is a governance deficit that impoverishes the quality of decision-making and policy formulation. Constitutional amendment to introduce reserved seats for women in ADC electoral rolls, along the lines of the provision in Panchayati Raj institutions, is the most direct remedy. However, structural reservation alone is insufficient: complementary reforms are needed to enhance women's political capacity, ensure their safety in electoral participation, and create institutional environments within ADC bodies that are genuinely inclusive and responsive to women's interests (Longkumer, 2019).

V.V. STRENGTHENING CUSTOMARY LAW AND TRADITIONAL INSTITUTIONS

Rather than treating customary law and traditional institutions as obstacles to modern governance, ADC reform strategies should seek to integrate them constructively. The codification of customary law, undertaken through participatory processes that engage communities across generations and gender lines, can preserve the adaptive wisdom of traditional legal systems while providing the clarity and accessibility needed in a rights-conscious democratic society. The village council system can be reinvigorated as a mechanism of grassroots governance that complements rather than competes with elected ADC bodies (Shullai, 2006).

V.VI. ADCS IN INDIA'S EMERGING FEDERAL LANDSCAPE

There are broader structural reasons for optimism about the future of ADC institutions. India's federal landscape is in a process of ongoing negotiation, with asymmetric arrangements for regions with special needs gaining increasing constitutional and political legitimacy. The experience of Jammu and Kashmir's reorganisation, the growing salience of regional identity movements, and India's ratification of International Labour Organization Convention 169 (though not yet enacted into domestic law) all contribute to a political environment more receptive to the claims of subnational and indigenous autonomy than was the case in earlier decades (Baruah, 2005).

The digital revolution offers ADCs new tools for governance, accountability, and citizen engagement that were unavailable to their founders. E-governance platforms can make ADC administration more transparent and accessible; digital land records can secure tribal land rights against encroachment; mobile-based public service delivery can extend the reach of ADC programmes to remote communities. Used thoughtfully, these tools can substantially amplify the governance capacity of ADCs without displacing the human and institutional foundations of effective autonomous governance (Ministry of Tribal Affairs, Government of India, 2022).

VI. COMPARATIVE AND INTERNATIONAL PERSPECTIVES

India's Sixth Schedule arrangements invite comparison with autonomous governance frameworks in other diverse democratic polities. The Spanish system of Autonomous Communities, the Danish Greenlandic Self-Government Act, the Finnish framework for Åland autonomy, and the Canadian constitutional protections for Aboriginal and treaty rights all represent experiments in accommodating cultural and political distinctiveness within larger constitutional frameworks (Lapidoth, 1997). While each arrangement reflects the specific historical and socio-political circumstances of its context, comparative analysis reveals common lessons: the most effective autonomous governance systems are characterised by clearly delineated competences, robust fiscal foundations, strong accountability mechanisms, and genuine political will on the part of the central authority to honour the spirit of devolution.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 and endorsed by India, establishes international normative standards for the recognition and protection of indigenous political institutions, land rights, and cultural practices (United Nations, 2007). India's engagement with UNDRIP creates an external accountability framework that, while not directly justiciable in domestic courts, provides an important normative reference point for ADC reform advocacy. The principle of free, prior, and informed consent, which UNDRIP mandates for decisions affecting indigenous territories, is particularly relevant to the recurring conflicts over natural resource extraction in ADC areas.

Scholars of comparative federalism have observed that the long-term viability of asymmetric autonomy arrangements depends significantly on the extent to which the dominant society and its political institutions internalise the legitimacy of indigenous self-governance, rather than viewing it as a temporary concession or a problem to be eventually overcome through assimilation (Kymlicka, 1995). In the Indian context, this suggests that the future of ADC institutions is inseparable from the broader trajectory of India's relationship with its tribal communities—a relationship that has been shaped by complex intersections of development ideology, security concerns, electoral politics, and constitutional principle.

VII. CONCLUSION

Autonomous District Councils under the Sixth Schedule of the Constitution of India represent a constitutionally ambitious and historically significant attempt to reconcile the claims of tribal self-governance with the imperatives of democratic nation-building. Seven decades of experience reveal a profound tension between constitutional promise and institutional reality: the architecture of autonomy created by the Sixth Schedule has been systematically undermined by financial dependence, jurisdictional ambiguity, capacity deficits, political interference, and the structural marginalisation of women and traditional institutions.

Yet the case for strengthening and reforming ADC institutions, rather than abandoning or diluting them, remains compelling. The alternative to effective ADC governance in northeastern India is not some neutral administrative equilibrium, but rather the further erosion of tribal land rights, the progressive attenuation of cultural distinctiveness, and the deepening of the alienation that fuels conflict and instability in one of India's most geopolitically sensitive regions. The strengthening of ADCs is, in this sense, not merely a matter of tribal welfare but of national interest.

The reforms required are neither incremental nor cost-free: they demand constitutional amendment, significant fiscal reallocation, institutional restructuring, and above all a genuine political commitment to the principle of tribal self-determination. India's engagement with international indigenous rights frameworks, the growing political mobilisation of northeastern tribal communities, and the demonstrated adaptive capacity of ADC institutions in some contexts all provide grounds for cautious but genuine optimism. The Sixth Schedule remains an unfinished constitutional project—one whose completion is essential for a truly inclusive and plural Indian democracy.

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