

AUTONOMOUS GOVERNANCE UNDER THE INDIAN CONSTITUTION: THE SIXTH AND FIFTH SCHEDULES AND ARTICLE 370

by

Samhita Anil Adya

BBA LL.B. (Hons.),

Faculty of Law,

PES University, Bengaluru.

ABSTRACT

The legal basis for autonomous regions in the Indian Constitution is examined in this study, with particular attention to Articles 1, 2, 3, 370, the Sixth and Fifth Schedules, and the historical context behind them. It furthermore talks about article 370 which gave special status to the state of Jammu and Kashmir, and what happened to this special authority when the article was revoked. Of particular importance is the Sixth Schedule, which describes the financial and administrative aspects of autonomous regions. This research adds to the growing body of knowledge about how constitutional provisions are tailored to meet the needs of different regions within the diverse nation of India.

Keywords: Autonomous Regions; Indian Constitution; Sixth Schedule; Fifth Schedule; Article 370; Federalism

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Introduction

India, renowned for its vibrant diversity in let's say languages, culture, and geographic landscapes, presents a unique constitutional framework that acknowledges and addresses the distinctive needs of various regions. In the Indian constitution the term “autonomous regions” may not be explicitly enshrined but the legal landscape offers a nuanced and flexible framework to recognize and accommodate the regional aspirations, cultural identities, and administrative complexities inherent in this vast nation.

The recognition of autonomy is not uniform; rather it manifests through diverse constitutional provisions, legal statutes, and historical contexts. The constitutional status of regions seeking autonomy, as well as those enjoying unique privileges, reflects the delicate balance between the unity of the nation and the preservation of local customs and identities.

Articles such as 1, 2 and 3 establish the Union of States and delineate the power of Parliament to admit new states or alter boundaries. The now-abrogated Article 370, which granted special autonomy to Jammu and Kashmir, serves as a pivotal historical reference. The fifth and sixth schedules, specifically address the administration of scheduled areas and tribal regions.

The reach of these two schedules is far from symmetrical. The Sixth Schedule presently applies to only ten specified tribal areas spread across Assam, Meghalaya, Tripura and Mizoram, whereas Tribes Advisory Councils under the Fifth Schedule have been constituted in ten separate states, among them Odisha, Madhya Pradesh, Chhattisgarh, Jharkhand and Rajasthan. This asymmetry reflects a deliberate constitutional choice to grant the north-eastern tribal areas a more robust, legislatively empowered form of self-governance than that made available to scheduled tribes elsewhere in the country.¹

Furthermore, Article 371 plays an important role in providing special provisions for certain states, acknowledging their unique historical and cultural aspects. These when come to gether will illustrate how our constitution has been tailored on need to need basis.

¹ PRS Legislative Research, 'The Constitution (One Hundred and Twenty-Fifth Amendment) Bill, 2019: Standing Committee Report Summary' (5 March 2020) <<https://prsindia.org/billtrack/prs-products/prs-standing-committee-report-summary-3175>> accessed 21 August 2026; Press Information Bureau, 'Tribes Advisory Councils (TAC) Have Been Constituted in All the Ten States Having Scheduled Areas' (Ministry of Tribal Affairs, 6 December 2021) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1778540>> accessed 21 August 2026.

- Autonomous region-

“An autonomous country, organization, or group governs or controls itself rather than being controlled by anyone else. They proudly declared themselves part of a new autonomous province”²

The name “autonomous” has been taken from the Greek word “autonomous” which refers to having one’s laws. An autonomous region gets and has nearly complete control over its affairs and has the freedom to make decisions independent of external oversight. They are sections of a nation that have a degree of independence in several issues. An area can become an autonomous region if it is a sizable distance from the rest of the nation and has people from minority communities.³

These regions play a very important and significant role for some Regions. They allow communities to have their own unique identity and grant residents the ability to have a distinct political identity separate from the main country.

- Constitutional status-

“Power or action in compliance with the provision of the constitution; related to the constitution.”⁴

The term “Constitutional status” refers to the legal standing and recognition given to a particular entity, organization, or region in a country. It outlines the rights, power, and responsibilities of that entity, organization, or region in accordance with the constitutional framework. Constitutional status defines the position and role of the entity within the broader legal and political structure of the nation.

Research question

1. *How do Articles 1, 2, 3, and 370, together with the Fifth and Sixth Schedules, structure the relationship between regional autonomy and national unity in the Indian Constitution?*

² Autonomous, COLLINS ENGLISH DICTIONARY, <https://www.collinsdictionary.com/dictionary/english/autonomous> (last visited Aug. 20, 2026).

³ Joseph Kiprop, What Is an Autonomous Region?, WORLD ATLAS (Sept. 10, 2018), <https://www.worldatlas.com/articles/what-is-an-autonomous-region.html>.

⁴ ConstitutionNet, Glossary of Constitutional Terms, INTERNATIONAL IDEA, <https://constitutionnet.org> (last visited Aug. 20, 2026).

2. *In what ways do the Fifth and Sixth Schedules differ in the degree of self-governance, financial autonomy, and administrative control they confer on tribal areas?*
3. *How effectively does the Sixth Schedule framework of District, Regional, and Village Councils translate constitutional autonomy into practice?*

Objective of study

Through a thorough literature review, the study aims to contribute insights into the nuanced balance between national unity and regional autonomy, providing a deeper understanding of the legal intricacies governing diverse cultural identities within India's constitutional framework. Specifically, the research seeks to understand the administrative structures of autonomous regions those which are separated from the mainland. The study focuses on key constitutional provisions and historical contexts. Articles 1, 2, 3, and 370 will be thoroughly explored. Additionally, the Fifth and Sixth Schedules will be thoroughly examined. Finally, the research seeks to understand the administrative structures of autonomous regions

Literature review

1. *Functioning of Autonomous Councils in Sixth Schedule Areas of Northeastern States- Natural Resource Hub and Democratization Hub, ActionAid India-*

The writer here tries to explain the schedules that govern autonomous regions of scheduled tribes. The author also explains the structure of the councils that are set up in autonomous regions. The history and its impacts also are discussed by the author.

2. *What Is an Autonomous Region? -Joseph Kiprop, World Atlas-*

The writer here wants to try to explain that autonomous regions are important worldwide and have many sides. They talk about more than just well-known places like Hong Kong and the Alad Islands. They also look at places in China and the USA. These places show different levels of autonomy. The main goal is to understand the complicated relationship between a big government and a local leader. It also talks about how these regions help keep different identities safe, let

unique political ideas happen, and play a part in how areas and countries work together. In the end, the writer wants people to get what autonomous regions do and why they matter in the world.

3. *What changed in Kashmir in four years after abrogation of Article 370?- Zulfikar Majid*

The abrogation of Article 370 in Jammu and Kashmir on August 5, 2019, marked a significant shift in the region's political landscape. In the four years since, there has been a noticeable emphasis on restoring peace and fostering developmental activities. Despite challenges and criticisms, including concerns over human rights and political tensions, the literature suggests a mixed picture of progress and ongoing efforts towards sustainable peacebuilding and inclusive development in Jammu and Kashmir.

4. *Article 370: A Short History of Kashmir's Accession to India- Engage*

Article 370 of the Indian Constitution holds a pivotal position in discussions surrounding the special status of Jammu and Kashmir within the Indian Union. Its historical roots in Kashmir's accession to India in 1947 underscore its significance in accommodating the unique legal status of the region. Scholars highlight Article 370's role in assuring autonomy to Kashmir by providing a framework for the extension of constitutional provisions, while also drawing comparisons with similar provisions in international constitutional frameworks. This literature review encapsulates the multifaceted dimensions of Article 370, emphasizing its historical context, its implications for Kashmir's autonomy, and its parallels with constitutional provisions elsewhere.

5. *Working a Democratic Constitution: The Indian Experience- Granville Austin*

Austin's authoritative history of the working of the Indian Constitution devotes sustained attention to the tension between national unity and federal accommodation, tracing how the Constituent Assembly and subsequent governments balanced central authority against demands for regional self-governance. His account of the role of Governors and the machinery of federal relations provides the historical and institutional backdrop against which the Fifth and Sixth Schedule arrangements, and provisions such as Article 371, can be properly understood, situating this paper's doctrinal analysis within a wider constitutional narrative.

6. *Autonomous District Councils and the Governor's Role in the Northeast India- J.K. Patnaik, Indian Journal of Public Administration*

Patnaik examines the discretionary powers vested in the Governor under the Sixth Schedule, arguing that these powers occupy an unusual position: broader than the Governor's role in ordinary states, yet meant to safeguard tribal autonomy rather than override it. He questions whether the Governor's authority to annul or suspend acts of District and Regional Councils, and to order their dissolution, has in practice been exercised even-handedly, or whether it has instead become a channel for greater central control over the very autonomy the Sixth Schedule was designed to protect. This directly informs this paper's discussion of the Governor's powers under Paragraphs 14 to 16 of the Sixth Schedule.

7. Federalism, "Permanent Changes" and the Article 370 Judgment: An Interpretive Note-
Gautam Bhatia, Constitutional Law and Philosophy

Writing days after the Supreme Court's decision in In Re: Article 370 of the Constitution, Bhatia offers a critical doctrinal reading of the judgment, arguing that the Court's approval of "permanent" constitutional changes made by the Union while a State was under President's Rule sets a troubling precedent for federalism, since it allows the Centre to take irreversible decisions affecting a State without an elected State government's participation. This critique complicates any straightforwardly celebratory reading of the abrogation and is essential reading alongside the judgment itself.

Analysis

Areas that are given the title of "autonomous regions" have the power to govern or control themselves rather than being controlled by anyone else. There are two types of Autonomous councils in Northeast India in terms of the status granted by the central and state governments. In the first category, are the Autonomous District Councils established by the central government under the sixth schedule of the constitution, while the second category consists of the Autonomous Districts Councils established by the state Legislature.

The schedules of the Indian constitution are integral components that supplement and elucidate the overarching principles outlined in the main body of the constitution. Functioning as appendices, they furnish granular details, specifications, and specialized arrangements pertaining to diverse factors of governance. These schedules enhance and refine the constitutional framework by

providing explicit provisions and guidelines tailored to specific subjects, contributing to the nuanced and comprehensive governance structure of India.

Embedded within these schedules are provisions addressing a spectrum of issues, ranging from the delineation of legislative powers among different tiers of government to the delineation of reserved seats for scheduled tribes in political bodies. Each schedule serves a distinct purpose, encapsulating the constitutional vision for domains of governance and societal welfare.

In practical terms, this two-tier structure of centrally and state-created councils remains a small institutional universe: only ten autonomous districts presently exist under the Sixth Schedule itself, three each in Assam, Meghalaya and Mizoram and one in Tripura, with each governed by its own District Council. The comparatively limited number of such bodies means that the constitutional design examined below has had to accommodate a wide range of local circumstances within a fairly compact institutional framework.⁵

– The legal framework

The legal framework for entities with special autonomy within the Indian Constitution is meticulously laid out in specific constitutional provisions and articles. While the term "autonomous regions" is not explicitly used, the Constitution recognizes the need for flexibility to address the unique historical, cultural, and administrative aspects of various regions. Here is a comprehensive exploration of the legal framework for entities with special autonomy in the Indian Constitution:

- Article 1 and 2: Territorial Integrity and Formation of States:

Article 1 establishes India as a Union of States, emphasizing territorial integrity. Article 2 empowers Parliament to admit new states, demonstrating the constitutional flexibility to recognize and accommodate regional aspirations. This principle supports the idea that while regions may

⁵ PRS Legislative Research, 'The Constitution (One Hundred and Twenty-Fifth Amendment) Bill, 2019: Standing Committee Report Summary' (5 March 2020) <<https://prsindia.org/billtrack/prs-products/prs-standing-committee-report-summary-3175>> accessed 21 August 2026.

have special administrative statuses or autonomy, the overall unity of the nation remains paramount.

- Article 3: Formation and Alteration of States:

Article 3 outlines the process for the formation of new states and the alteration of existing state boundaries. This constitutional provision allows for the recognition and delineation of regions seeking autonomy or distinct administrative setups.

- Article 370 (historically):

Historically, Article 370 granted special autonomy to the state of Jammu and Kashmir, allowing it to have its constitution and significant autonomy over internal matters. However, this article has been abrogated, illustrating the dynamic nature of the constitutional framework.

- Fifth Schedule: Administration of Scheduled Areas:

The Fifth Schedule is dedicated to the administration and control of scheduled areas, primarily inhabited by scheduled tribes. It empowers the Governor with special responsibilities to ensure the protection of tribal interests, showcasing a commitment to regional autonomy for tribal communities.

- Sixth Schedule: Administration of Tribal Areas:

The Sixth Schedule provides a detailed framework for the administration of tribal areas in specific states such as Assam, Meghalaya, Tripura, and Mizoram. It allows for the creation of autonomous districts and regional councils, offering a higher degree of self-governance for tribal communities.

- Article 371: Special Provisions for Certain States:

Article 371 grants special provisions for certain states, recognizing their unique historical and cultural contexts. These provisions may vary from state to state, addressing regional aspirations and preserving local customs. A notable illustration is Article 371A, inserted in 1962 to grant Nagaland special protection, under which no Act of Parliament touching Naga customary law, religious and social practices, or the ownership and transfer of land applies to the state unless its Legislative Assembly adopts it by resolution. Because land in Nagaland is thereby held

communally rather than by the state, commentators have observed that this same protection can complicate regulatory oversight of activities such as small-scale mining, illustrating the recurring tension between preserving local autonomy and ensuring effective governance.⁶

- Special Autonomous Bodies and Acts:

In addition to constitutional provisions, certain laws and acts may establish autonomous bodies or regions with a certain level of self-governance. For example, the Bodoland Territorial Region (BTR) in Assam was created through an accord, showcasing how legal frameworks can be adapted to address regional aspirations.

- 6th Schedule {Article 244(2) - 275(1)}-

Now let's talk about why the 6th schedule plays a very important role in providing constitutional status for autonomous regions and districts. The sixth schedule provides for the administration of tribal areas in specific states, namely Assam, Meghalaya, Tripura, and Mizoram. It allows for the creation of autonomous districts and regional councils within these areas. The Objective is to grant a certain degree of autonomy to tribal communities in managing their local affairs, preserving their customs and ensuring Socio- economic development.

“Autonomous Districts and Autonomous regions” Paragraph 1 of the sixth schedule talks about the power of the governor, by public notification, to divide the area or areas into Autonomous regions for the different Scheduled Tribes living in the region. It talks about how in an autonomous district if there are different scheduled Tribes, then the governor can divide the area inhabited by them into autonomous regions, and other, for example include any are into the district or exclude them or create a new autonomous district etc.⁷

Paragraph 14 [Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions.] It states that the Governor at any time appoints a commission to examine reports on any matter.

⁶ 'Special Constitutional Provisions for Northeast India: Articles 371A-H' (PolSci Institute, 25 May 2026) <<https://polsci.institute/democracy-and-development-northeast-india/special-constitutional-provisions-northeast-india/>> accessed 21 August 2026.

⁷ INDIA CONST. sch. VI, ¶ 1.

Paragraph 15 [Annulment or suspension of acts and resolutions of District and Regional Councils] states that if the governor is satisfied that an act of the district or Regional Council is likely to endanger India's safety then he has all the power to annul or suspend such act or resolution and take such steps that he considers necessary.

Paragraph 16 [Dissolution of a District or a Regional Council] the governor may on the recommendation of a commission, by public notification order the dissolution of a district or a Regional Council.⁸

“Constitution of district councils and regional Councils” Paragraph 2 of the sixth schedule mandates for an existence of a district Council for each Autonomous district consisting of not more than 30 members, out of which four shall be nominated by the Governor while the rest are elected based on adult suffrage.

→ **“Power of district Councils and regional councils to make laws”** Paragraph 3 states the powers district council and regional councils have in the autonomous regions-

They are given power to make laws with respect to the below mentioned purposes-

- Land use- The councils can legislate on land use, for agriculture, grazing, residential, or village/town development, allowing compulsory acquisition by the State Government. They have no power of legislation in matters related to the reserved forest.
- Forest Management: Councils have authority over the management of non-reserves, forests only.
- Water resources: The Council can regulate the use of canals and water courses for agricultural purposes.
- Shifting cultivation. The councils can regulate practices like jhum and shifting cultivation.
- Chiefs and head men: Authority over the appointment or Succession Of chiefs and headmen.
- Inheritance and family law: Legislation on inheritance, property, marriage, divorce and social customs will fall under the jurisdiction of the Council.

⁸ INDIA CONST. sch. VI, ¶ 16.

→ **“Administration of Justice in Autonomous Districts and Autonomous regions”**

Paragraph 4 and 5 of the schedule talks about Administration of Justice in Autonomous Districts and Autonomous regions. There is a two-tier system for judicial administration at the district and village levels. The village council can hear cases where both the parties are scheduled tribes while the District Courts act as court of appeal.

→ **“Power of District council to establish primary schools etc,”** Paragraph 6 states that district councils have the power to “establish, construct, or manage primary schools, dispensaries, markets, cattle pounds, fisheries, ferries, road transport and waterways”⁹ in the district. But they must have the previous approval of the government.

Para 6 also states that with the consent of one of the district councils, entrust either conditionally or unconditionally to that Council or to its officers' functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State extends.¹⁰

→ **“District and Regional Funds”** Paragraph 7 states that for each Autonomous region there is a District Fund, the Governor can only make decisions regarding the funds that is “for the management of the funds, payment of money into the fund, withdrawal of money from the fund, custody of money, and other money related matters.”¹¹

Paragraph 13 talks about **“Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement”**

→ **“Power to assess and collect land revenue and impose tax”** Paragraph 8 states that the regional Council of an autonomous region and the District Council of an autonomous district have the authority to evaluate and gather land revenue, as well as levy taxes on lands and buildings, and impose tolls on residents within their respective areas. This power is exercised in alignment with the government’s principles for assessing lands for land revenue process.

⁹ INDIA CONST. sch. VI, ¶ 6.

¹⁰ INDIA CONST. sch. VI, ¶ 6.

¹¹ INDIA CONST. sch. VI, ¶ 7.

→ **“License or lease for the purpose of prospecting for, or extractions of minerals”**

Paragraph 9 talks about the ability of the autonomous District Councils to issue licenses and leases for the exploration and extraction of minerals. Additionally, they are entitled to receive a portion of the royalties generated for the state through the extraction of minerals.

→ **“Power of District Councils to make regulations for the control of money lending and trading by non-tribals”** Paragraph 10 talks about how the district council can regulate money lending and trading by non-residents or non-tribal people living in the area.

→ Paragraph 12,12[A] and 12[B] talk about **“Application of Acts of Parliament and of the Legislature”**

→ Paragraph 20 talks about all the autonomous districts or regions that are in India

The North Cachar Hills District	Khasi Hills District	The Chakma District.
The Karbi Anglong District	The Garo Hills District	The Mara District.
The Bodoland Territorial Areas District	Jaintia Hills District	. The Lai District

→ Paragraph 21 talks about Amendment of the schedule.

The scope of the Sixth Schedule has also been reshaped through political settlements outside the constitutional text itself. The Bodo Peace Accord of January 2020, signed between the Union and Assam governments and Bodo organisations, renamed the Bodoland Territorial Area Districts as the Bodoland Territorial Region and expanded the executive, legislative and financial powers available to the Bodoland Territorial Council, illustrating how negotiated settlements continue to recalibrate the practical autonomy that Sixth Schedule institutions enjoy.¹²

– 5th Schedule [Article 244(1)]

¹² Ajith Athrady, 'Five Years of Peace Put Bodoland on Aspirational Track' Deccan Herald (Kokrajhar, 27 January 2025) <<https://www.deccanherald.com/india/assam/five-years-of-peace-put-bodoland-on-aspirational-track-3397379>> accessed 21 August 2026.

The fifth Schedule of the Indian Constitution deals with the administration and control of Schedule Areas and scheduled Tribes residing in any State other than the states of Assam, Meghalaya, Tripura and Mizoram.

Scheduled Areas notified under the Fifth Schedule presently cover roughly one-ninth of India's total land area and are spread across ten states, including Odisha, Madhya Pradesh, Chhattisgarh, Jharkhand and Rajasthan. Unlike the Sixth Schedule, administrative power in these areas rests chiefly with the Governor and the President acting through the ordinary state machinery, with the Tribes Advisory Council performing only an advisory function rather than exercising the legislative and judicial powers vested in Sixth Schedule councils.¹³

The criteria for designating an area as a Scheduled area are based on several key factors, including a significant tribal population, the geographical compactness and reasonable size of the area, its underdeveloped nature, and the presence of a marked disparity in the economic standards of the people. Although these criteria are not explicitly outlined in the constitution of India, they have become well established principles. They draw inspiration from the practices used in declaring 'Excluded' and 'partially excluded' Areas under the Government of India Act, 1935, as well as the recommendations of the Excluded and partially Excluded Areas Sub Committee of the Constituent Assembly (Schedule B), and the scheduled areas and Scheduled Tribes Commission of 1961.

- **“Interpretation”** Paragraph 1 interprets the term “state”. The term “state” in this schedule excludes specific states that is, Assam, Meghalaya, Tripura, and Mizoram.
- **“Executive power in Scheduled areas”** Paragraph 2 talks about the executive power of a state that extends to the Schedule tribes within it, subject to the provisions of the schedule.
- **“Report by the Governor to the President”** Paragraph 3 states that the governor of each state with scheduled areas must annually report to the president about the administration of those areas, and that the executive power of the Union can extend to giving directions to the state regarding the administration of the scheduled areas.

¹³ Ministry of Tribal Affairs, Government of India, 'Scheduled Areas' <<https://tribal.nic.in/Clm.aspx>> accessed 21 August 2026; 'Schedule Areas Under Fifth Schedule of the Constitution' (Rau's IAS, 12 September 2024) <<https://compass.rauias.com/current-affairs/schedule-areas-under-fifth-schedule-constitution/>> accessed 21 August 2026.

- **“Tribes Advisory council”** Paragraph 4 states that in the states with Scheduled Areas, a Tribe advisory council is established. This council advises on matters related to the welfare and advancement of scheduled Tribes and only the Governor can make rules regarding the council’s composition, meetings and procedures.
- **“Law applicable to scheduled areas”** Paragraph 5 contains the laws applicable to scheduled areas. It states that the governor can, by public notification, specify the applicability of acts to scheduled areas, with or without modifications. It also states that the Governor can make regulations for the peace and good governance of scheduled Areas, with powers to prohibit or restrict land transfer and regulate money lending.
- **“Scheduled Areas”** The President can declare certain areas as "Scheduled Areas" by order. The President can modify the boundaries, cease or increase the area of Scheduled Areas, or declare new territories as Scheduled Areas. This has been stated in paragraph 6.¹⁴
- Paragraph 7 talks about the amendment of the schedule.

– Structure of Autonomous Council.

A General Council, Executive Council and the village councils form the Autonomous councils. Each term of the General council is for a period of 5 years and consists of 40 members, out of which 36 are elected directly by people who are residing within the council area, the remaining 4 are nominated by the government.

Executive Council, it is responsible for the execution or carrying out the functions of the general councils. The executive council consists of a chief councilor and the Executive councilors who are elected by the members of the general councils.

The village councils are established at the grassroot level. They consist of 10 members who are directly elected by the people within the Autonomous council.

– Article 370

¹⁴ INDIA CONST. sch. V, ¶ 6.

The region of Jammu and Kashmir has long been a focal point of geopolitical tensions and cultural diversity. The introduction of Article 370 into the Indian Constitution in 1949 marked the beginning of a unique legal and political relationship between the region and the Indian Union. This article granted special autonomous status to Jammu and Kashmir, allowing it to have its own constitution, flag, and autonomy over internal matters. However, this special status was not without controversy or consequence, leading to decades of political debates and security challenges.

- History -

Two months after independence, on 20 October 1947, Kashmir was attacked by many armed tribesmen, forcing Hari Singh, the ruler of Kashmir to write to Governor General, Lord Mountbatten, asking India to provide military aid. Attached to this letter asking for aid was the instrument of accession to India, which was signed by Singh. Mountbatten signed the instrument on 27 October 1947. As per the document, however, only defense, external affairs and communications would be handed over to the government of India, while control over all other sectors was to be retained by ruler, under the Jammu and Kashmir Constitution Act 1939. These conditions were peculiar to Kashmir's accession to India, unlike the 562 princely states that had already acceded to India by 15 August 1947. Article 370 was therefore introduced in the constitution to preserve the specific terms under which Kashmir had agreed to accede to India.¹⁵

- Article 370 and the Question of Autonomy-

Article 370 was the legal provision with which Kashmir was assured of autonomy. Under Article 370, the President can, with the Constitution (Application to Jammu and Kashmir) Order 1954, decide provisions of the Indian Constitution which could be applied to Jammu and Kashmir with or without modification. But as S P Sathe writes, this must be done in conference with authorities in Kashmir. The words “consultation” and “concurrence” that were used in Article 370 demonstrate the intent and the meticulousness of the drafters of the constitution in ensuring the

¹⁵ 'History of Instrument of Accession' (BYJU'S, 13 July 2022) <<https://byjus.com/free-ias-prep/instrument-of-accession/>> accessed 21 August 2026 (562 of the 565 princely states had acceded to India by 15 August 1947; Jammu and Kashmir, Hyderabad and Junagadh were the three that had not).

retention of Kashmiri autonomy. This order has been amended from time to time to make more and more provisions of the Indian Constitution applicable to Jammu and Kashmir.¹⁶

- Article 370- Before and After-

Article 370 of the Indian Constitution, in its original form, bestowed upon Jammu and Kashmir (J&K) significant autonomy and special privileges, including the right to its own Constitution, prime minister, president, and national flag. It held residuary powers for the state assembly, restricted Indian nationals' entry into J&K, imposed customs barriers on goods from India, and exempted the people of J&K from upholding India's sovereignty. Additionally, the Supreme Court's jurisdiction was limited, and the state government had control over taxes and financial matters.

These privileges narrowed considerably over the following decades, as successive Presidential Orders issued under Article 370(1) extended an increasing share of the Union's laws and constitutional provisions to Jammu and Kashmir, generally with the concurrence of the state government. By the time of the article's abrogation in 2019, its remaining practical effect lay chiefly in the procedural requirement that the Centre consult and secure the concurrence of Kashmir's authorities before extending laws to the state — a safeguard several scholars regarded as central to preserving a measure of federal balance between J&K and the Union, notwithstanding the provision's diminished substantive content by then.

Scholars disagreed on how the provision, and its eventual removal, should be assessed. Some argued that Article 370 had obstructed the extension of certain welfare legislation to J&K — the Right to Education Act being a commonly cited example — though such gaps could, in principle, have been closed through the same gradual, Presidential Order-based process used for other laws over the preceding decades. Unlike Article 371, which offers several other states constitutional protection over land ownership, Article 370 left land matters to state law, a distinction some commentators read as limiting the provision's protective scope. Others directed their criticism at the manner of the article's abrogation itself: writing shortly after the Supreme Court's 2023 judgment, Bhatia argued that the Court's approval of "permanent" constitutional changes made by

¹⁶ Article 370: A Short History of Kashmir's Accession to India, ENGAGE, ECON. & POL. WKLY. (Aug. 6, 2019), <https://www.epw.in/engage/article/article-370-short-history-kashmirs-accession-india>.

the Union while the state was under President's Rule set a troubling precedent for federalism, since it allowed the Centre to take irreversible decisions affecting a state without an elected state government's participation.¹⁷ As discussed below, the Supreme Court's 2023 ruling has since settled the constitutional question, even as the underlying federalism concerns these scholars raised continue to be debated.

- In Re: Article 370 of the Constitution (2023)

On 11 December 2023, a five-judge Constitution Bench of the Supreme Court delivered its judgment in *In Re: Article 370 of the Constitution*, unanimously upholding the President's power under Article 370(3) to declare the article inoperative and validating the reorganisation of the State into the Union Territories of Jammu and Kashmir and Ladakh. The Court held that Article 370 was always intended to be a temporary provision, that the State of Jammu and Kashmir did not retain any element of sovereignty after accession, and that the President could exercise power under Article 370(3) without the recommendation of the (by-then defunct) Constituent Assembly of Jammu and Kashmir, since that recommendation was never intended to bind the President's power indefinitely. The Court did, however, direct the Election Commission to conduct elections to the Jammu and Kashmir Legislative Assembly by 30 September 2024 and called for the restoration of statehood at the earliest. The Election Commission duly conducted the Jammu and Kashmir Legislative Assembly elections in three phases between September and October 2024, the first such polls in a decade and the first since the 2019 reorganisation, recording an overall voter turnout of 63.88 per cent.¹⁸ This judgment is the definitive constitutional word on the abrogation discussed below and ought to anchor this section's analysis rather than being treated as a footnote to it.

- After 370-

¹⁷ Gautam Bhatia, Federalism, "Permanent Changes" and the Article 370 Judgment: An Interpretive Note, CONSTITUTIONAL LAW AND PHILOSOPHY (Dec. 12, 2023), <https://indconlawphil.wordpress.com/2023/12/12/federalism-permanent-changes-and-the-article-370-judgment-an-interpretive-note/>.

¹⁸ 'Restoring Democracy: Jammu and Kashmir's Historic 2024 Assembly Elections' (Asian Network for Free Elections, 4 October 2024) <<https://anfrel.org/restoring-democracy-jammu-and-kashmirs-historic-2024-assembly-elections/>> accessed 21 August 2026.

The revocation of Article 370 by the Indian government led to the state being reorganized into two union territories: Jammu and Kashmir, and Ladakh. This move was aimed at integrating the region more closely with the rest of India and to foster development and peace. Following the abrogation, there has been a reported decline in terror activities and nepotism in the Valley. Official figures indicate a decrease in civilian deaths during protests and a reduction in the recruitment of locals into militancy¹⁹. Additionally, there has been a marked decline in terror-related incidents and an improvement in the security situation²⁰. The government has also focused on restoring administrative control and encouraging investment in the region.

The bifurcation that followed the abrogation has itself generated fresh constitutional demands. Since 2020, political and civil society groups in the union territory of Ladakh, carved out of the former state alongside Jammu and Kashmir, have campaigned for statehood and for inclusion under the Sixth Schedule, arguing that such status is needed to protect local land, employment and ecology from outside pressure. The Union government has thus far resisted extending the Sixth Schedule, which was designed for specified north-eastern tribal areas, beyond its existing four states, so the demand remains unresolved and illustrates that the constitutional settlement of autonomy questions arising from the 2019 reorganisation is still very much in progress.²¹

It's important to note that these changes are subject to various perspectives and interpretations, and the long-term effects are still unfolding. The situation in Jammu and Kashmir continues to be a topic of significant discussion and analysis within political and academic circles

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Conclusion

The present study concludes that the Indian Constitution's legal framework for autonomous regions is complex and multifaceted, considering the various cultural, historical, and administrative

¹⁹ Zulfikar Majid, What Changed in Kashmir in Four Years After Abrogation of Article 370?, DECCAN HERALD (Aug. 4, 2023), <https://www.deccanherald.com/india/what-changed-in-kashmir-in-four-years-after-abrogation-of-article-370-1243830.html>.

²⁰ Vinod Rai, Supreme Court of India Upholds Abrogation of Article 370, ISAS INSIGHTS, Inst. of S. Asian Studies, Nat'l Univ. of Singapore (Jan. 19, 2024), <https://www.isas.nus.edu.sg/?p=16610>.

²¹ 'Ladakh Protests: Demands for Statehood, Inclusion in 6th Schedule Amplify' Business Standard (New Delhi, 21 February 2024) <https://www.business-standard.com/india-news/ladakh-protests-demands-for-statehood-inclusion-in-6th-schedule-amplify-124022100447_1.html> accessed 21 August 2026.

contexts of various regions. It also clarifies the ways in which constitutional provisions, schedules, and particular laws contribute to the formation of autonomous regions.

The Sixth Schedule is a crucial tool that confers constitutional status and defines the authorities of autonomous districts and regional councils. The historical background of Article 370 emphasizes the dynamic nature of the constitutional framework. The administrative hierarchy of autonomous regions is represented by District Councils, Regional Councils, and Village Councils, as detailed in the Sixth Schedule.

The financial aspects, such as the establishment of District Funds and the authority to assess and collect land revenue, are essential components of these entities, which play a crucial role in local governance. In summary, this study adds to a comprehensive understanding of the legal complexities surrounding autonomous regions in India, shedding light on the delicate balance between national unity and regional autonomy. It also highlights the adaptability of legal frameworks in addressing evolving regional aspirations and preserving diverse cultural identities within the nation's constitutional fabric.

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