

1. B.com.LL.B five years  
course second semester  
constitution -2  
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The schedule areas and tribal areas  
(part -16 art 330-342)

# Introduction

- Article 244 in part X deal with the administration of the scheduled areas .
- Schedule 5 of the constitution deals with the control of the scheduled areas and scheduled tribes except the four states of Assam, Mizoram Tripura and Meghalaya .
- It is the sixth schedule that deals with the administration of these areas in these four states .
- Different treatment is given to the scheduled areas for one reason as the inhabitants of these areas are treated as aboriginals and who are socially and economically backward.

# Administration of Scheduled areas (Schedule 5)

- **Tribal Advisory Council :**

1. Each state has to appoint a tribal advisory council to advise on the welfare and advancement of the scheduled tribes.
2. There are 20 members in this council , 15 of them being belonging to the scheduled tribes in the state legislative assembly.
3. A similar council can be made in the states having just scheduled tribes but not scheduled areas , if the president so directs.

# Administration of Scheduled areas (Schedule 5)

- Law applicable to scheduled areas:
  - 1) The government is empowered to direct that any particular act of parliament or state legislature does not apply to the scheduled areas or apply after suitable modifications and exceptions.
  - 2) Such modifications can be made after the advice from the tribal advisory councils . These may include :
    - a) Restriction of transfer of land
    - b) Regulate the allotment of land
    - c) Regulate the business of money lending to the scheduled tribes .
- All such regulations need assent of the president .
- The president can appoint commissions to report on the administration of the scheduled areas and welfare of the scheduled tribes. First such commission was in 1960 under UN Dhebar and the second in 2002 under the chairmanship of DS Bhuria .





# Administration of Scheduled areas (Schedule 5)

- **Executive power of the state and centre:**
- The executive power of the state and centre extends to these areas, the centre gives the state directions in regards to the administration of these areas .
- It is the special responsibility of the governor of the state
- A report has to prepared by him and submitted to the president in regards to these areas annually.

## THREE VIEWS TO SOLVE TRIBAL PROBLEMS

1. Assimilation
2. Isolation
3. Integration

Committees and Commissions.

Economic programmes and facilities

Educational Facilities

Medical Facilities

Role of voluntary organizations