

1. B.com.LL.B five years
course second semester
constitution -2
(28-3-2020)

ARTICLE 244(1) TO THE CONSTITUTION OF INDIA

**THE EXPRESSION 'SCHEDULED AREAS' MEANS
'SUCH AREAS AS THE PRESIDENT MAY BY ORDER
DECLARE TO BE SCHEDULED AREAS'.**

BASIC

- **Art. 244** In part X of the Constitution envisages a special system of administration for certain areas designated as scheduled areas & Tribal areas
- **The Fifth Schedule** Of the Constitution deals with the administration & control of Scheduled areas & Tribal areas in any state except Assam, Tripura, Meghalaya, Mizoram (ATMM)
- **The Sixth Schedule** of the Constitution deals with the administration & control of Scheduled areas & Tribal areas in Assam, Tripura, Meghalaya, Mizoram (ATMM)



5th&6th scheduled areas

-
- **Article 244** in Part X of the Constitution envisages a special system of administration for **scheduled areas** and "**Tribal Areas**",
 - **Basic thrust** of the Fifth and Sixth Schedule of the constitution is the protection of cultural distinctiveness of Tribal
 - Provides protection to the tribals on account of their economic disadvantages
 - Could maintain their tribal identity without any exploitation.
 - **Scheduled area** has more than 50 percent tribal population- **5th schedule**
 - **6th Schedule- Constitution of India administration of the tribal areas in four states -**
 - **Assam, Meghalaya, Tripura Mizoram.**
 - **Technically different from the Scheduled Areas under 5th schedule.**
 - **6th Schedule-** It has provisions for the formation of autonomous districts and autonomous regions within the districts as there are different schedule tribes within the district.

Various features of the scheduled 6 administered states

1. The tribal areas of the four states of Assam Meghalaya , Mizoram and Tripura have been constituted in to autonomous districts but do not fall outside the jurisdiction of the state authority concerned.
2. The government can organise and reorganise these districts. It can reduce boundaries , increase or decrease areas and so on.
3. If there are different tribes living in the same district the governor has the power to divide the district in to autonomous zones.
4. Each of these autonomous district has a district council consisting of 30 members, four of which are nominated by the governor and the remaining elected based on adult franchise. There is also a separate regional council for each district.



Various features of the scheduled 6 administered states

- 5) The district and regional councils administer the areas under their jurisdiction. They can make laws in specific matters however laws made need to have the assent of the governor .
- 6) These district and regional councils also constitute court of law to settle cases between different tribes. They hear appeals as well in these cases. However the jurisdiction of the high court over these cases is specified by the governor.
- 7) The district council can establish various institutions of public importance and can make laws in regards to various loan lending and trading by Non tribal . However these regulations need to have assent of the governor .
- 8) These district councils and regional councils have power to collect and impose land revenue and certain taxes .
- 9) The act of parliament and state legislatures do not apply to these autonomous districts and can be done with certain modifications and exceptions.
- 10) The governor can appoint a commission to examine and report a matter relating to the administration of these regions . He has the right to dissolve the district council on recommendation of such a commission .



