

Fifth Schedule of the Indian Constitution

October 7, 2023 • [vajiramandravi.com](https://www.vajiramandravi.com)

CONSTITUTION OF INDIA



सत्यमेव जयते

- It deals with provisions related to the **administration and control of Scheduled Areas and Scheduled Tribes** in any State, **other than the States of Assam, Meghalaya, Tripura, and Mizoram**.
- These areas are **treated differently from the other areas in the country because they are inhabited by the aboriginals**, who are socially and economically rather backward, and special efforts need to be made to improve their condition.

Declaration of Scheduled Areas:

- **Article 244(1):** The **President of India** is empowered to **declare an area a Scheduled Area**.
- He **can direct that the whole or any specified part of a Scheduled Area shall cease** to be a Scheduled Area.
- The President **can increase or decrease the area** of any Scheduled Area in a State **after consultation with the Governor** of that State **and also alter its boundary lines**, but only by way of rectification of boundaries.

The criteria followed for declaring an area as a Scheduled Area are

- **preponderance of the tribal population;**
- compactness and reasonable **size of the area;**
- **under-developed nature** of the area; and
- marked **disparity in economic standard** of the people.
- These **criteria are not spelt out in the Constitution** of India but have become well established.
- **Special Provisions:**
- The **executive power of a State extends to the Scheduled Areas** therein.
- The **Central Government can give directions to the State** regarding the administration of such Areas.
- The **Governor annually**, or whenever required by the President, **makes a report to the President** regarding the administration of the Scheduled Areas.

Tribal Advisory Council (TAC):

- A TAC has to be **established in each State, having Scheduled Areas** to deal with the welfare and advancement of Scheduled tribes in states.
- A similar council **can be established in any State having Scheduled Tribes but not Scheduled Areas if the President directs**.
- It consists of **not more than twenty members of whom, three-fourth shall be the representatives of the Scheduled Tribes in the Legislative Assembly** of the State.
- The **TAC shall advise on such matters** pertaining to the welfare and the advancement of the STs in the State **as may be referred to them by the Governor**.
- The **Governor may make rules** prescribing or **regulating the number of members of the Council, the mode of their appointment** and the appointment of the Chairman of the Council and of the officers and servants thereof, **the conduct of its meetings, and its procedure in general**.

Applicability of Laws in Scheduled Areas:

- **The Governor may**, by public notification, **direct that any particular Act of Parliament or of the Legislature** of the State shall or **shall not apply to a Scheduled Area** or any part thereof in the State, **subject to such exceptions** and modifications as specified.
 - The **Governor may make regulations for the peace and good government** of any area in the State, which is for the time being a SA.
 - **Such regulations may prohibit or restrict the transfer of land by or among members of the Scheduled tribes** in such area;
 - **regulate the allotment of land** to members of the STs in such area;
 - **regulate the carrying on of business as money-lender** by persons who lend money **to members of the STs in such area.**
 - **In making such regulations, the Governor may repeal or amend any Act of Parliament or of Legislature** of the State or any existing law **after obtaining assent of the President.**
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Q1: What are Particularly Vulnerable Tribal Groups (PVTGs)?

They are considered the most disadvantaged and marginalized among the tribal communities. On the recommendation of the Dhebar Commission (1973), in 1975 Government of India created a sub-category called Primitive Tribal Groups (PTGs), later renamed as Particularly Vulnerable Tribal Groups (PVTGs). Now there are total of 75 PVTGs spread over 17 states and one Union Territory (UT).

Source: Parliamentary Or State Law Wouldn't Apply To Scheduled V Area Only If The Governor Notifies So: Supreme Court

Source: <https://vajiramandravi.com/current-affairs/fifth-schedule-of-the-indian-constitution/>

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