119th meeting of the National Commission for Scheduled Tribes

News

Under the Chairmanship of Dr. Nand Kumar Sai to deliberate the issue of inclusion of UT of Ladakh under Fifth/Sixth Schedule of the Constitution of India.

Difference between 5th and 6th Schedule:

The Fifth Schedule of the Constitution deals with the administration and control of scheduled areas and scheduled tribe many state except the four states of Assam, Meghalaya, Tripura and Mizoram. The Sixth Scheduled of the Constitution on the other hand deals with the administration of the tribal areas in the four northeastern states of Assam Meghalaya, Tripura and Mizoram.

The various features of administration contained in the Fifth Schedule are as follows:

Declaration of Scheduled Areas: The president is empowered to declare an are to be a scheduled area. He can also in crease or decrease its area, alter its boundary lines, rescind such designation make fresh orders for such redesignation on an area in consultation with the governor of the state concerned.

Executive Power of State and Centre: The executive power of a state extends to the scheduled areas therein. But the governor has a special responsibility regarding such areas. He has to submit a report to the president regarding the administration of such areas, annually or whenever so required by the president. The executive’ power of the Centre extends to giving directions to the states regarding the administration of such areas.

Tribes Advisory Council: Each state having scheduled areas has to establish a tribes advisory council to advise on welfare and advancement of the scheduled tribes. It is to consist of 20 members, three-fourths of whom are to be the representatives of the scheduled tribes in the state legislative assembly. A similar council can also be established in a state having scheduled tribes but not scheduled areas therein, if the president so directs.
The various features of administration contained in the Sixth Schedule are as follows:

- The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as autonomous districts. But, they do not fall outside the executive authority of the state concerned.
- The governor is empowered to organise and re-organise the autonomous districts. Thus, he can increase or decrease their areas or change their names or define their boundaries and so on.
- If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.
- Each autonomous district has a district council consisting of 30 members, of whom four are nominated by the governor and the remaining 26 are elected on the basis of adult franchise. The elected members hold office for a term of five years (unless the council is dissolved earlier) and nominated members hold office during the pleasure of the governor. Each autonomous region also has a separate regional council.
- The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The governor can appoint a commission to examine and report on any matter relating to the administration of the autonomous districts or regions. He may dissolve a district or regional council on the recommendation of the commission.