Fifth Schedule and Sixth Schedule

Why in news?

The candidates of all parties in the Assam's tribal majority Diphu Lok Sabha constituency have promised the implementation of Article 244(A) of the Constitution.

Diphu
• It is the headquarters of Karbi Anglong district in Assam. • **Diphu-** The world came from Dimasa language, meaning White Water (Di for Water, and Phu for White). • **Major tribes**- Karbi (3rd largest tribe in the State), Dimasa Kachari, Garo Kachari, Boro Kachari and Rengma Naga. • **Diphu constituency**- It is the most sparsely populated of Assam's 14 Lok Sabha constituencies that forms the part of autonomous district. • **Reserved seat-** It is reserved for Scheduled Tribes (STs), Diphu covers six legislative Assembly segments in three tribal-majority hill districts of Assam- - Karbi Anglong, - West Karbi Anglong, and - Dima Hasao. • **Sixth Schedule**- These three districts are administered under the provisions of the Sixth Schedule of the Constitution, which describes the "Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram". • **Autonomous council**- The region is managed by autonomous council namely - Karbi Anglong Autonomous Council (KAAC) and the - North Cachar Hills Autonomous Council • **Marat Longri Wildlife Sanctuary**- It is a protected reserve which is a part of the greater Dhansiri-Lunging Elephant Reserve. • **Singhason peak**- It is the highest peak in the district of Karbi Anglong. • **Diphu pass**- It is a mountain pass around the area of the disputed tri-point borders of *India, China, and Myanmar* that lies on *Mcmohan line* in Arunachal Pradesh.

What is Article 244 of the Constitution?

> *It is in Part X of the Constitution that deals with the application of the provisions of the Fifth Schedule and Sixth Schedule*

Key aspects	Fifth Schedule	Sixth Schedule

About	It shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than Assam, Meghalaya, Tripura and Mizoram	It shall apply to the administration of the tribal areas in Assam Meghalaya, Tripura and Mizoram.
Purpose	• To protect the interests and rights of the tribals in their land, habitat and economy • To preserve the communities customs and tradition and to ensure a faster socio-economic development in the “Scheduled Areas”.	Considering the distinct life and outlook of the tribals in the North-East (erstwhile State of Assam), the Constituent Assembly recognised the necessity of a separate administrative structure for the tribals in the region
Application	Scheduled areas are predominantly inhabited by tribes specified as “Scheduled Tribes” and located in the states of Andhra Pradesh, Telangana, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Jharkhand, Maharashtra, Orissa and Rajasthan	Currently there are 10 Autonomous District Councils in North East
Power	The President is the authority to declare any area as a Scheduled Area or renounce a Scheduled Area or part of a Scheduled Area as a non-Scheduled Area in consultation with the Governor of the concerned State	Governor of the State is empowered to determine the area or areas as administrative units of the Autonomous Districts and Autonomous Regions.
Special mechanism	Tribal Advisory Council is constituted by Governor of a State having Scheduled Areas to deal with the welfare and advancement of Scheduled tribes in states.	Autonomous District Councils, and Regional Councils endowed with certain legislative, executive, judicial and financial powers

- **Criteria for Fifth Schedule**- It is recommended by the First Scheduled Areas and Scheduled Tribes Commission also known as ***Dhebar Commission.***

- **Autonomous District Councils (ADCs)**- The Governor has the power under the Sixth Schedule to create a new Autonomous District/Region or alter the territorial jurisdiction or the name of any Autonomous District or Autonomous Regions.

Autonomous districts	
Pre Independence	**Post-Independence**

• **Colonial rule**- When the British took over the-then Assam, their imposition of formal laws on the land was resisted ferociously by tribal populations living in the hills, who had their own customary laws. • **Government of India Act 1935**- To avoid confrontation the British divided the hill regions of Assam into "excluded" and "partially excluded" areas as they were only interested in economic exploitation of the region. • **Aim**- To allow tribal populations to govern themselves. • **Limitations**- In these areas, federal or provincial laws would not apply until the Governor felt they were needed for peace and development.	• **Bardoloi committee**- It recommended to adopt GoI Act 1935 with improvements into the Sixth Schedule of the Constitution. • **ADCs-** It had recommended creation of autonomous district councils (ADCs) in the 6 hill districts of Assam. • **Regional council**- The Committee recommended creation of regional councils under ADCs to cater to the needs of minor tribes in the jurisdiction of those ADCs. • **Sixth Schedule-** It contains provisions related to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.

What is Article 244(1) of the Constitution?

- **Origin-** It is introduced by ***22nd Constitution Amendment Act, 1969*** that provides a framework for creation of an autonomous state within Assam.
- **Provision-** It deals with the formation of an autonomous state that comprises certain tribal areas of Assam and having a council of ministers.
- **Autonomous state-** It could include all or other part of the tribal areas specified such as Karbi Anglong.
- **Function-** The autonomous state would be endowed with its own legislature or Council of Ministers or both offering a degree of self-governance beyond what is available under the Sixth Schedule.
- **Need-** To enhance the autonomy of these region by potentially allowing for a more comprehensive governance structure that could address these limitations under Sixth Schedule.

Reference

[Indian Express- What is Article 244A of Indian Constitution?]

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