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Q8(a)

Write in detail various provisions provided by the Constitution of India for the scheduled tribes under Fifth and Sixth Schedules

UPSC Civil Services Mains 2016 · Anthropology GS 2 · 20 marks · Problems of exploitation and deprivation of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Constitutional safeguards for Scheduled Tribes and...

7.1 Problems of exploitation and deprivation of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Constitutional safeguards for Scheduled Tribes and Scheduled Castes.

Core demand of the question

- Write in detail various provisions provided by the Constitution of India for the scheduled tribes under Vth and VIth Schedules
- Keep the answer to a 20-mark length of about 250 words

Revision summary

Article 244 applies the Fifth and Sixth Schedules.

- **Fifth Schedule:** Governor, **Tribes Advisory Council**, land and credit restrictions.
- **Sixth Schedule:** autonomous councils with land, forest, and court powers in listed North-Eastern areas.

PESA tries to add gram sabha muscle to the Fifth.

FRA is a later statutory cousin, not a Schedule clause.

Introduction

The Fifth and Sixth Schedules are the Constitution's territorial law for many Scheduled Tribes. They sit under **Article 244** and are not the same machine.

Body

Fifth Schedule

- Applies to Scheduled Areas in listed states. The **Governor** may restrict or modify laws, especially on land and money-lending.
- A **Tribes Advisory Council** advises. The Governor reports to the President.
- Peace and good government regulations can create a special legal island against alienation.
- This is the **Central Indian shield** that **PESA** later tried to democratise through the gram sabha.

Sixth Schedule

- Applies to specified areas of Assam, Meghalaya, Tripura, and Mizoram.
- Autonomous district and regional councils legislate on land, forest (other than reserved), shifting cultivation, village courts, and local works.
- They assess some taxes and run primary services. The Governor still has a role, but the council is the government.

- This is the North-Eastern house of tribal regionalism.

Shared constitutional neighbourhood

- ST reservations in legislatures and jobs sit outside the Schedules but support them.
- **FRA** is statute, not Schedule text, yet it operationalises the same land ethic as **Panchsheel**.
- **Limits**: unscheduled tribal pockets, under-used Governors, and council-state clashes.

Flow diagram

Article 244 -> Fifth Governor TAC
Article 244 -> Sixth councils
Fifth Governor TAC -> Land credit bars
Sixth councils -> Land forest courts

Conclusion

The **Fifth Schedule** protects through Governor, TAC, and land-law bars. The **Sixth Schedule** governs through autonomous councils. Together they are India's tribal federalism on paper.

Facts & figures

Tribes Advisory Council

Fifth Schedule consultative body for Scheduled Areas.

Autonomous District Council

Sixth Schedule unit that legislates on land and local government.

PESA 1996

Extends panchayats to **Fifth Schedule** areas with extra community powers.