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Q50

Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (a) Third Schedule (b) Fifth Schedule (c) Ninth Schedule (d) Twelfth Schedule Official key: B.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a)**

(a) **Third Schedule**. This Schedule holds oaths and affirmations of office, not tribal-land transfer rules, so it is not the key.

(b) Official key

(b) **Fifth Schedule**. Scheduled Areas under the **Fifth Schedule** empower the Governor to regulate (and prohibit) transfer of tribal land to non-tribals; mining leases that violate those regulations can be treated as void. That Schedule is the official key.

(c)

(c) **Ninth Schedule**. This is the protected-laws list under **Article 31B**, not the tribal-area land code, so it is not the key.

(d)

(d) **Twelfth Schedule**. This lists municipal functions (**Article 243W**), not tribal land alienation, so it is not the key.

Summary

Official key is (b) **Fifth Schedule**. Paragraph 5 of the **Fifth Schedule** lets the Governor make regulations on land transfer and allotment in Scheduled Areas, which is the constitutional hook to void illegal tribal-land transfers including for mining. **PESA**, 1996, sits beside it in **Fifth Schedule** areas. Honour the stored letter (b).

Related possible facts

These can be asked in a future Prelims paper.

Fifth Schedule

Scheduled Areas and Scheduled Tribes in specified States

Sixth Schedule

Autonomous councils in some NE States - neighbour, not this key

Panchayats (Extension to Scheduled Areas) Act (PESA)

1996; gram sabha in **Fifth Schedule** areas

Samatha

1997 Andhra mining-tribal land judgment often cited

Twelfth Schedule

Municipal list, 74th Amendment

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