



Scheduled Areas in India

For Prelims: Scheduled Areas in India, [Scheduled Tribe](#), Scheduled Areas and [Scheduled Tribes Commission](#), Article 244(1), Article 244(2), [Sixth Schedule](#), [Local Self-Governance](#).

For Mains: Scheduled Areas in India, Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes.

[Source:TH](#)

Why in News?

India's [Scheduled Tribes \(STs\)](#) constitute 8.6% of the population, residing in various states and union territories. [Article 244](#) of the Indian Constitution is a critical provision for the administration of Scheduled and Tribal Areas.

What are Scheduled Areas?

▪ About:

- Scheduled Areas represent **regions covering 11.3% of India's land area**, inhabited by various **ST communities** comprising 8.6% of the country's population.
- They are **designated in 10 states under the Fifth schedule**: Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra, and Himachal Pradesh.
 - **4 States under the Sixth Schedule**: Assam, Meghalaya, Tripura and Mizoram.
 - In 2015, Kerala proposed to **notify 2,133 habitations, five-gram panchayats, and two wards in five districts as Scheduled Areas**; it awaits the Union government's approval.

▪ Criteria for Identification:

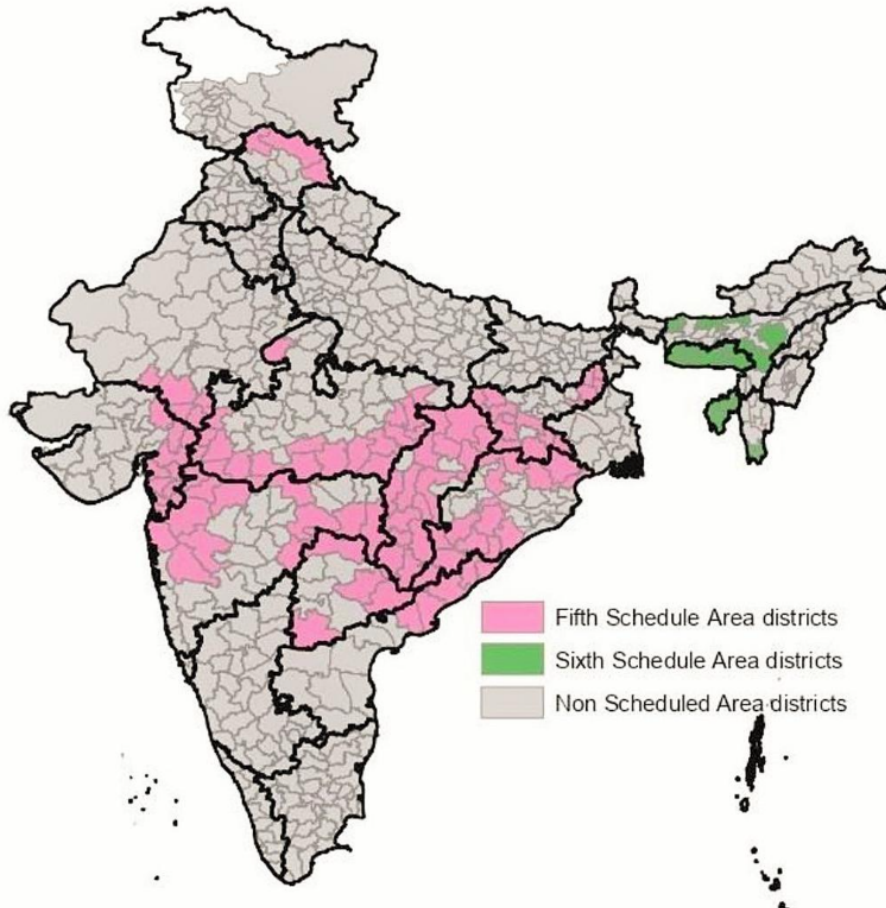
- The guiding norms for declaring an area as a Scheduled Area include **significant tribal population**, compactness, reasonable size, viability as an **administrative entity**, and economic backwardness compared to **neighboring areas**.
- The 2002 Scheduled Areas and Scheduled Tribes Commission or the **Bhuria Commission** recommended considering areas with **40% or more tribal population according to the 1951 Census as Scheduled Areas**.

▪ Constitutional Provisions and Governance:

- **Article 244 (1)** applies the [Fifth Schedule](#) provisions to Scheduled Areas in states other than Assam, Meghalaya, Tripura, and Mizoram.
 - **Article 244 (2)** applies the [Sixth Schedule](#) to the aforementioned states.
- **Tribal Advisory Council**: The President of India notifies Scheduled Areas, and states with Scheduled Areas establish a **Tribal Advisory Council** to advise the Governor on ST welfare matters.
- **Panchayats (Extension to Scheduled Areas) Act (PESA) of 1996**: It empowers gram sabhas, **granting them substantial authority through direct democracy**, prioritizing [Local Self-Governance](#).

- **In 1995, the Bhuria Committee**, constituted to recommend provisions for the extension of panchayat raj to Scheduled Areas, recommended including these villages, but this is yet to be done.
 - The President of India notifies **India's Scheduled Areas**. States with **Scheduled Areas need to constitute a [Tribal Advisory Council](#)** with up to 20 ST members.
 - They will advise the **Governor on matters referred to them regarding ST welfare**. The Governor will then submit a report every year to the president regarding the administration of Scheduled Areas.

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What are the Concerns Related to Scheduled Areas?

- Despite demands from Adivasi organizations, a **significant portion (59%) of India's ST population is outside the purview of Article 244**, denying them rights protected under laws applicable to **Scheduled Areas**.
- The **absence of viable ST-majority administrative units** has been a common bureaucratic response, which has further led to demands for the denotification of parts of Scheduled Areas.
 - They are denied rights under the laws applicable to Scheduled Areas, including the **Right to Fair Compensation and Transparency in [Land Acquisition, Rehabilitation and Resettlement Act 2013](#)** and the [Biological Diversity Act 2002](#).

What are the Provisions Related to STs in India?

- **Definition:**
 - The Constitution of India does not define the criteria for recognition of STs. As per [Census-1931](#), STs are termed as "backward tribes" living in the "**Excluded**" and "**Partially Excluded**" areas.

- The [Government of India Act of 1935](#) called for the first time for representatives of "backward tribes" in provincial assemblies.
- **Constitutional Provisions:**
 - **Article 366(25):** It only provides a process to define STs:
 - "STs means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution."
- **Statutory Provisions:**
 - Protection of Civil Rights Act, 1955 against Untouchability.
 - [Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989.](#)
 - [Provisions of the Panchayats \(Extension to the Scheduled Areas\) Act, 1996.](#)
 - [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006.](#)

Way Forward

- All habitations or groups of habitations outside Scheduled Areas in all States and Union Territories where **STs are the largest social group** will need to be notified as **Scheduled Areas** irrespective of their contiguity.
- The geographical limit of **these villages will need to be extended to the 'community forest resource'** area on forest land under the [FRA \(Forest Rights Act\) 2006](#) wherever applicable, and to the **customary boundary within revenue lands** made possible through suitable amendments to the relevant State laws.
- The geographical limits of the revenue village, panchayat, taluka, and district will need to be redrawn so that these are fully Scheduled Areas.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q1. At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

Ans: (d)

Q2. Which Schedule of the Constitution of India contains special provisions for the administration and control of Scheduled Areas in several States? (2008)

- (a) Third
- (b) Fifth
- (c) Seventh
- (d) Ninth

Ans: (b)

Q3. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

Ans: (b)

Q4. The Government enacted the Panchayat Extension to Scheduled Areas (PESA) Act in 1996. Which one of the following is not identified as its objective? (2013)

- (a) To provide self-governance
- (b) To recognize traditional rights
- (c) To create autonomous regions in tribal areas
- (d) To free tribal people from exploitation

Ans: C

Q5. Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both? (2013)

- (a) State Forest Department
- (b) District Collector/Deputy Commissioner
- (c) Tahsildar/Block Development Officer/Mandal Revenue Officer
- (d) Gram Sabha

Ans: (d)

Q6. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to (2015)

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

Ans: (a)

Mains:

Q. Article 244 of the Indian Constitution relates to the administration of scheduled areas and tribal areas. Analyse the impact of non-implementation of the provisions of the Fifth schedule on the growth of Left wing extremism. **(2013)**

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

Q. Why are the tribals in India referred to as 'the Scheduled Tribes'? Indicate the major provisions enshrined in the Constitution of India for their upliftment. **(2016)**