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# The Fifth Schedule of the Indian Constitution

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# The Fifth Schedule of the Indian Constitution

In a forest village in Odisha, a trader offers to buy a family's land. In most places that is just a sale. In a Scheduled Area it can be illegal. The Fifth Schedule exists for this reason. It gives tribal regions a shield, held by the Governor of the state.

> **Article 244(1)** Brings the Fifth Schedule into force.
> **10 states** Have notified Scheduled Areas.
> **President** Declares a Scheduled Area under paragraph 6.
> **Governor** Runs it. No special council is created, but Panchayats can be elected (PESA).

**Scheduled Area:** a tribal region that the President declares under the Fifth Schedule.

**Tribes Advisory Council (TAC):** a body that advises the Governor on tribal welfare.

**PESA:** the 1996 law that takes Panchayati Raj into Scheduled Areas.

## 1 What is the Fifth Schedule, and which article starts it?

- **Article 244(1)** brings the Fifth Schedule into force.
- It sets up a special system for Scheduled Areas and Scheduled Tribes.
- It covers states **other than** Assam, Meghalaya, Tripura and Mizoram. Those four have the Sixth Schedule.

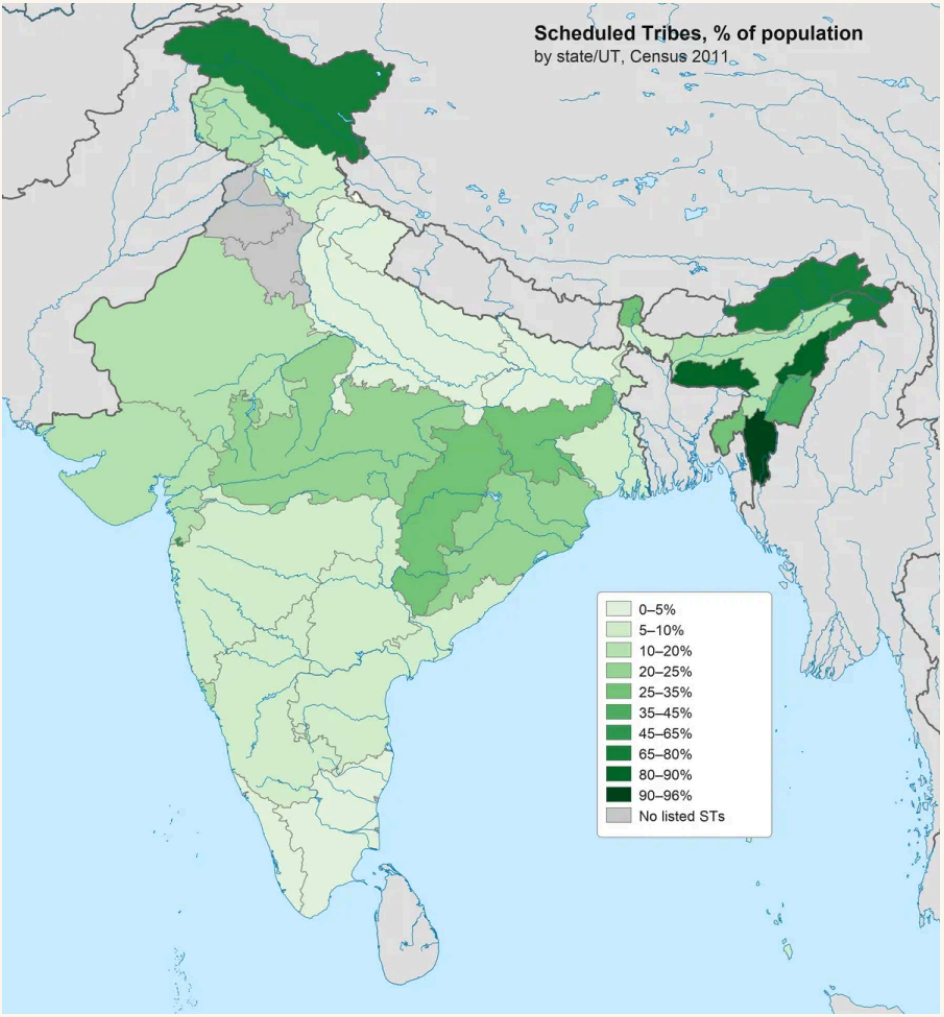
- Both Schedules exist to protect the interests of Scheduled Tribes.
- The idea is old. The Government of India Act, 1935 had “excluded” and “partially excluded” areas for tribal regions.
- The Constitution kept the thought but changed the method. It gave tribal areas their own protective rules inside a federal system.

**Remember:** Fifth Schedule = mainland tribal areas, run by the Governor. Sixth Schedule = four Northeast states, run by elected councils.

## 2 Which ten states have Scheduled Areas?

The list runs from Rajasthan in the west to Telangana in the south.

- **Ten states** have Scheduled Areas.
- They are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana.
- Scheduled Areas cover roughly 11% of India’s land area.
- Not every district of these states is a Scheduled Area. Only the areas the President notifies count.
- So one state may have both Scheduled Areas and ordinary areas.




Percentage of Scheduled Tribes by state and UT, 2011 Census. Fifth Schedule states such as Chhattisgarh, Jharkhand, Odisha and Madhya Pradesh show some of the highest ST shares outside the Northeast. Data: Census of India 2011. Base map: India location map by Uwe Dedering, CC BY-SA 3.0. Boundaries shown as per the Government of India.

**Quick check 1.** The Fifth Schedule applies to Assam, Meghalaya, Tripura and Mizoram. *(True or False?)* See answer ↓

## 3 Who declares and runs a Scheduled Area?

- The **President** declares which areas are Scheduled Areas. This is done under paragraph 6(1). That paragraph states no consultation step.
- The President can also change a Scheduled Area under paragraph 6(2). The area can be made larger or smaller, its boundaries changed, or the status removed.
- Some of these changes, such as increasing the area, need consultation with the state's Governor. Paragraph 6(2) says so.
- The **Governor** runs the area. No separate council takes over. Elected Panchayats can still work there under PESA.
- The state government does not lose its executive power there.
- The Governor sends the President a report on the area's administration.
- Inside a Scheduled Area, the units run from the District down to a cluster of villages in a Block.

- The Centre can also give directions to a state about running these areas.
- This shows the Fifth Schedule is a shared system. The state, the Governor and the Union all play a part.

> **Quick check 2.** The Chief Minister sends the annual report on Scheduled Areas to the Union Home Ministry. *(True or False?)*
>
> See answer ↓

## 4 What can the Governor do about land and laws?

The Governor holds two strong tools. One is about laws. The other is about land and money.

- The Governor can say that a central or state law **will not apply** in a Scheduled Area.
- Or the law can apply with changes that suit tribal needs.
- The Governor can make regulations to stop the **transfer of tribal land** to non-tribals.
- The same goes for land allotment and for **money-lending**.
- Money-lending matters because debt often pushes tribal families to sell their land.
- These regulations need the President's assent before they take effect.
- In **Samatha v. State of Andhra Pradesh (1997)**, the Supreme Court struck down mining leases given to non-tribal companies on such land.

## 5 What does the Tribes Advisory Council do?

- Every Fifth Schedule state must have a **Tribes Advisory Council**.
- It has up to 20 members. About three-fourths must be Scheduled Tribe members of the state legislature.
- It **advises** the Governor on tribal welfare and advancement. It does not decide.
- The Governor may also ask it for advice on other matters sent to it.
- A state that has Scheduled Tribes but no Scheduled Areas can also have one, if the President directs.

> **Think it through: who orders a TAC in a state without Scheduled Areas?**
>
> That state has no Scheduled Area, so the Governor has no Fifth Schedule role there yet. The Schedule gives the power to the President. CDS I 2023 tested exactly this, and the answer was the President.

## 6 What is PESA, 1996?

- The **Panchayats (Extension to Scheduled Areas) Act, 1996** is called PESA.
- It takes Panchayati Raj into Fifth Schedule areas.
- It follows the report of the Bhuria Committee.
- PESA is a central law. But the states must write rules to put it to work.
- It covers things like minor forest produce, local markets and village resources.

- It gives the **Gram Sabha** a strong say over land, water and local resources.
- PESA has been slow in practice. Madhya Pradesh notified its full PESA rules only in 2022.
- So the law is on paper, but its effect varies from state to state.

> **Quick check 3.** PESA, 1996 extends Panchayati Raj to the Fifth Schedule areas. *(True or False?)* See answer ↓

## 7 How is the Fifth Schedule different from the Sixth?

| Point | Fifth Schedule | Sixth Schedule |
|---|---|---|
| Where | Ten mainland states | Assam, Meghalaya, Tripura, Mizoram |
| Who declares | The President | Set out in the Schedule itself |
| Who runs it | The Governor | Elected Autonomous District Councils |
| Self-rule | Limited | Much stronger |

- The idea has roots in the 1935 Act, which had “excluded” and “partially excluded” areas.
- The Fifth Schedule keeps power with the Governor. The Sixth Schedule hands power to elected councils.
- That is why the Sixth Schedule gives a stronger feeling of self-rule.
- Use one test. If the option mentions an elected council, think Sixth Schedule.

## 8 What are the exam traps on the Fifth Schedule?

- **Trap 1:** the Fifth Schedule covers the Northeast. It does not.
- **Trap 2:** the Governor declares Scheduled Areas. The President does.
- **Trap 3:** an elected council runs the area. The Governor does.
- **Trap 4:** the Governor cannot restrict land transfer. The Governor can.
- **Trap 5:** the state government loses its executive power there. It does not.

## 9 How has the Fifth Schedule been asked in exams?

## Practice MCQs

**1. Which Article of the Constitution brings the Fifth Schedule into force?**

**A.** Article 371

**B.** Article 243M

**C.** Article 244(1)

**D.** Article 244A

See answer ↓

**2. Who has the constitutional authority to declare which areas within a state are 'Scheduled Areas' under the Fifth Schedule?**

**A.** The President, after consulting the state's Governor

**B.** The State Legislature, by ordinary law

**C.** The Governor of the state, acting alone

**D.** The Union Cabinet, by executive order

See answer ↓

**3. In a Fifth Schedule state's Tribes Advisory Council, what fraction of the members must be Scheduled Tribe members of the state legislative assembly?**

**A.** All members, with no exceptions

**B.** Three-fourths

**C.** One-half

**D.** Two-thirds

See answer ↓

**4. Which Act operationalises Article 243M(4)(b) by extending Panchayati Raj institutions to Fifth Schedule Areas?**

**A.** The Forest Rights Act, 2006

**B.** The Panchayats (Extension to Scheduled Areas) Act, 1996

**C.** The Right to Fair Compensation and Transparency in Land Acquisition Act, 2013

**D.** The Tribal Sub-Plan guidelines, 1974

See answer ↓

**5. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it?**

**A.** This would prevent the transfer of land of tribal people to non-tribal people.

**B.** This would create a local self-governing body in that area.

**C.** This would convert that area into a Union Territory.

**D.** The State having such areas would be declared a Special Category State.

See answer ↓

**6. With reference to 'Scheduled Areas' in India, consider the following statements:**

**1. Within a State, the notification of an area as Scheduled Area takes place through an Order of the President.**

**2. The largest administrative unit forming the Scheduled Area is the District and the lowest is the cluster of villages in the Block.**

**3. The Chief Ministers of the concerned States are required to submit annual reports to the Union Home Ministry on the administration of Scheduled Areas in the States.**

**A.** Only one

**B.** Only two

**C.** All three

**D.** None

See answer ↓

**7. Consider the following statements: With reference to the Constitution of India, if an area in a State is declared as Scheduled Area under the Fifth Schedule:**

- **1. The State Government loses its executive power in such areas and a local body assumes total administration.**
- **2. The Union Government can take over the total administration of such areas under certain circumstances on the recommendations of the Governor.**

**Which of the statements given above is/are correct? [UPSC CSP 2025]**

**A.** I only

**B.** II only

**C.** Both I and II

**D.** Neither I nor II

See answer ↓

**8. The PESA Act, 1996, which extended self-governance to Fifth Schedule areas, followed which report?**

**A.** The Bhuria Committee's 1995 report

**B.** The Kaka Kalelkar Commission report

**C.** The Mandal Commission report

**D.** The Sarkaria Commission report

See answer ↓

# Answer Key

1. **C.** Article 244(1) applies the Fifth Schedule to the administration of Scheduled Areas and Scheduled Tribes in any state other than Assam, Meghalaya, Tripura, and Mizoram (which fall under the Sixth Schedule instead). ↑ Q1
2. **A.** Under paragraph 6 of the Fifth Schedule, the President declares an area to be a Scheduled Area, and can later alter or de-notify it — but always after consulting the Governor of the state concerned. ↑ Q2
3. **B.** The Tribes Advisory Council can have up to 20 members, of whom at least three-fourths must be Scheduled Tribe MLAs of that state. It advises the Governor on matters affecting Scheduled Tribe welfare. ↑ Q3
4. **B.** PESA, 1996 extends Panchayati Raj to Fifth Schedule Areas, giving Gram Sabhas real powers over natural resources, land acquisition, and minor forest produce in these areas. ↑ Q4
5. **A.** The correct answer is **(a) This would prevent the transfer of land of tribal people to non-tribal people.**. Fifth Schedule areas carry land-alienation restriction as their core practical consequence; it does not itself create a local body, a UT, or Special Category State status. Read more. ↑ Q5
6. **B.** The correct answer is **(b) Only two**. Statements 1 and 2 are correct. Statement 3 is wrong on two counts: it's the Governor, not the Chief Minister, who reports, and the report goes to the President, not the Union Home Ministry. Read more. ↑ Q6
7. **D.** Both statements are wrong. Declaring an area a Scheduled Area does not strip the State of its executive power there -- the State continues to administer it, subject to the Fifth Schedule's special provisions. The Union's role is limited to giving directions to the State on administration (based on the Governor's report to the President); the Fifth Schedule does not empower the Union to take over total administration of a Scheduled Area. So the correct answer is Neither I nor II. ↑ Q7
8. **A.** The 1996 PESA Act followed the Bhuria Committee's 1995 recommendations, extending Panchayati Raj self-rule into Fifth Schedule areas. ↑ Q8

## Quick-check answers

1. **False.** ↑ 1
2. **False.** ↑ 2
3. **True.** ↑ 3

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