

**The Scheduled Districts Act 1874 (Act XIV of 1874)
(Act No. 14 of 1874)**

Sections :

- » Short title
- » Repeal of enactment
- » Notification of enactments in force in Scheduled Districts
- » Effect of notification under Section 3.
- » Powers to extend enactments to Scheduled Districts.
 - 5-A. Modification of enactments and their application to Scheduled Districts
- » Appointment of Officers and regulation of their procedure 7. Continuance of existing rules and Officers.
- » Settlement of question as to boundary
- » Place of imprisonment or transportation
- » Extension to Satna strip of Act relating to public gambling and Salt Acts No.III of 1867 and No.XXV of 1869.
- » Saving of criminal jurisdiction over European, British subjects.

The Schedule

STATEMENT OF OBJECTS AND REASONS

An Act to ascertain the enactments in force in various parts of British India, and for other purposes.

Whereas various parts of British India have never been brought within, or have from time to time been removed from, the operation of the general Acts and Regulations and the jurisdiction of the ordinary Courts of Judicature.

And whereas doubts have arisen in some cases as to which Acts or Regulations are in force in such parts; and in other cases as to what are the boundaries of such parts: and whereas among such parts are the territories specified in the first schedule hereto annexed, and it is expedient to provide readier means than now exist for ascertaining the enactments in force in such territories and the boundaries thereof and for administering the law therein.

And whereas it is expedient to declare that certain Acts are in force in a tracts of land lying between the Railway Station at Satna and the eastern boundary of the Jabalpur division.

It is hereby enacted as follows:-

1. Short title:-

- » This Act may be called the Scheduled Districts Act, 1874.
- » **Local extent:-** This Act extends in the first instance to the whole of British India, other than the territories mentioned in the first Schedule hereto annexed, and it shall come into force in each of the Scheduled Districts on the issue of a notification under Section 3 relating to such district.

- » Interpretation clause:- In this Act, the term "Scheduled Districts" means the territories mentioned in the first Schedule hereto annexed; and from the date fixed in the resolution next hereinafter mentioned, it shall also include any other territory to which the Secretary of State for India, by resolution in Council, may declare the provisions of the 33 rd of Victoria Chapter 3, Section 1, to be applicable.

2. Repeal of enactments:-

- » The enactments mentioned in the second Schedule here to annexed shall be repealed.

3. Notification of enactment in force in Scheduled Districts:-

The local Government may from time to time, by notification in the Local Gazette.

- » Declare what enactments are actually in force in any of the Scheduled District, or in any part of any such districts.
- » Declare of any enactment that it is not actually in force in any of the said districts or in any such district.
- » Correct any mistake of fact in any notification issued under this section
- » Correct any mistake of fact in any notification issued under this section

Provided that a declaration once made under clause (a) or clause (b) of the section shall not be altered by any subsequent declaration other than a declaration under clause (c) of this section.

4. Effect of notification under Section 3:-

- » On the issue, under Section 3, of notification declaring what enactments are in force or not in force, in any Scheduled District, the enactments so notified shall be deemed to be in force or not in force according to the tenor of the notification, in such district, and every such notification, shall be binding on all Courts of law.

5. Power to extend enactment to Scheduled District:-

- » The Local Government may, from time to time by notification in the local Gazette extend to any of the Scheduled Districts, or to any part of any such district, any enactment which is in force in any part of British India at the date of such extension.

5-A. Modification of enactment in their application to Scheduled Districts:-

- » In declaring an enactment in force in a Scheduled District or part thereunder Section 3 of this Act, or in extending an enactment to a Scheduled District, or part thereof under Section 5 of this Act, the Local Government may declare the operation of the enactment to be subject to such restrictions as that Government thinks fit].

6. Appointment of officers and regulation of their procedure:-

- » The Local Government may from time to time:-

Appoint officers to administer Civil and Criminal Justice and to superintend the settlement and collection of the public revenue, and all matters relating to rent, and otherwise to conduct the administration, within the Scheduled Districts.

- » regulate the procedure of the officers so appointed: but not so as to restrict the operation of any enactment for the time being in force in any of said districts.

- » Direct by what authority any jurisdiction, powers or duties incidental to the operation of any enactment for the time being in force in such district shall be exercised or performed.

7. Continuance of existing rules and officers:-

- » All rules heretofore prescribed by the Governor- General-in-Council or the local government for the guidance of officers appointed within any of the Scheduled Districts for all or any of the purposes mentioned in Section 6, and in force at the time of passing of this Act, shall continue to be force unless and until the Governor-General-in-Council or the Local Government, as the case may be, otherwise directs.
- » All existing officers so appointed previous to the date on which this Act comes into force in such district shall be deemed to have been appointed here under.

8. Settlement of questions as to boundary: -

- » Whenever any question arises as to the line of boundary between any of the Scheduled Districts and other territory, such officer as the Local Government or (Where the said district and the other territory are not subject to the same local government) as the Governor-General-in-Council from time to time appoints, may consider and determine such line of boundary; and the other made thereon by such officer, if confirmed by the Government which appointed him, shall be conclusive in all courts of Justice.

9. Place of imprisonment or transportation:-

- » Any person liable to be imprisoned or to be transported beyond sea under any order or sentence passed by any officer appointed under Section 6 may (subject to such rules as the Local Government may from time to time prescribe in this behalf) be imprisoned in such jail or transported to such place as the Local Government districts.

10.Extension to Satna strip of Act relating to public gambling and salt Acts:-

- » Nos. III of 1967 and XXV of 1869 are hereby declared to be in force in the tract of land ceded to the British Government in the year 1863 and lying between the Railway Station at Satna and the eastern boundary of the Jabalpur District.

11.Saving of criminal jurisdiction over European British Subjects:-

- » And saving of other laws. Nothing contained in this Act or in any notification issued under the powers hereby conferred shall be deemed-
- » to affect the criminal jurisdiction of any Court over European British subjects; or
- » to affect any law other than laws contained in Acts or Regulation or in rules made in exercise of powers conferred by such Acts or Regulations.

**THE FIRST SCHEDULE
(See Section 1)**

PART - 1

Scheduled District, Madras.

Part-II - IN VISAKHAPATNAM

- » The Jaypur Zamindari
- » Golconda Hills west of the River Boderu
- » The Madugol Maliahs
- » The Kasipur Zamindari
- » The Panchipenta Maliahs.
- » Mondemkilla, in the Merangi Zamindari
- » The Konda Mutta of Merangi
- » The Gumma and Konda Muttas of Kurupam
- » The Kottam, Ram and Konda Muttas of Palkonda

Part- III - IN THE GODAVARI DISTRICT

- » The Bhadrachalam Taluq
- » The Rakapilli Taluq
- » The Rampa Country.

APPENDEX-A

Scheduled Districts in which the Scheduled districts act, 1874, has been brought into force by notification under Section 3, of the Act.

Presidency or Province	Scheduled districts	No. and Date of Notification	Gazette in which the Notification is published
(1)	(2)	(3)	(4)
Madras	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country. The remaining Scheduled districts of Madras, as existing on the 19 th February, 1889.	728, dated 26 th June.1879. Dated 20 th June, 1879, 82, dated 19 th February, 1889.	India 1879, Pt. 1.P.437, Fort St. George. 1879, Pt.1P. 462, India 1889, Pt,1,P.151.
		83, dated 19 th February, 1889.	Fort St. George, 1889, Pt.1,P.121
	The villages in the Godavari District to	1604, dated 11 th August, 1893.	India , 1893, Pt.1,P.516.

	which, by Resolution dated the 4 th April, 1891, the provisions of 33 Vict., Chap.3, Sec.1, were made applicable	330, dated 11 th August, 1893	Fort St.George , Pt.St.George, Pt.1,P 1000
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APPENDIX - B

Territories which have become Scheduled Districts by virtue of the concluding portion of the third paragraph of S.1 of the Scheduled District Act, 1874, namely, those to which the Secretary of State for India has, by Resolution in council, declared the provisions of Government of India Act, 1870 (33 Vict., Chap.3), S.1, to be applicable

Presidency or Province	Territories	Date from which the Resolution took effect	Gazette of India in which the Resolution is published
(1)	(2)	(3)	(4)
Madras	<p>In the Godavari District-</p> <ol style="list-style-type: none"> 1. the unsettled Government villages in the Yerangudem Taluk; 2. the villages of the ex-Mansab of Jab dengi, and 3. the foloiwng petty proprietary estates namely, Bayanagudem, Billamilli, Jangamreddigudem, Gutala Gangolu, Patteshim, Polavaram, Petta Dangengi, Viravaram and Davipatram, <p>In the Godavari District-</p> <ol style="list-style-type: none"> 1. The following villages of the Ernagudem Taluk- <ol style="list-style-type: none"> (a) the settled Government villages of Ganapavaram, Taduvaya and Parimpudi; (b) the Agraharams of Ragolopalli, Saggonda, Dondapudi, Palacherla Rajavaram, Ayyanani, polavaram, Srinivasapuram, Palipudi, Ramanujapuram and Krishnapuram; 2. the following villages of the 		

Rajahmundry Taluq;

(a) the Lakkonda sima of Gangaram, Lakkon-da, Pidotamamidi, Vanayapudi, Vojubanda, Potamdorapaliem, Jaggampalam, Jiyyampaliam, Rajaram, Neladonalapadu, Kondalapallam, Kumarapadu, Rajupeta Loddi, Yamnapalli, Vunmetta, Chodaram, Loddipallam, Rajampallem Botiredi Sivain Patnam, Gadichinampallem Mattapadu, Kundumulapallem Vemmalana, Autagondi Bandam, Vuyyalamadugu, Agraharapadu, Pedagarlapadu, Goragumovi, Pundapotipallem, Kusamaranji, Amudalabandu, Doramamidi, Yerrampallem, Kottada, Donalpalli, Surampalem, Chinagarlapadu;

(b) the unsettled independent village of Boyyanapalli, Kotta Ramavaram, Pattarmavaram, Uppvlapudu, Narassapuram, Ravilanka, Pedda Bhimpali, Nellaudi, Lingavaram, Moller, Kattumlli Ramadevipuram, and Dokulamanda, Krishnavaram.

Government of India Act, 1919

EXTRACTS

15.-(1) The Governor-General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of the principal Act or this Act relating to governors' provinces, or provinces under a lieutenant-governor or chief commissioner, to any such new province or part of a province.

(2) The Governor-General in Council may declare any territory in British India to be a "backward tract," and may, by notification, with such sanction as aforesaid, direct that the principal Act and this Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. Where the Governor-General in Council has, by notification, directed as aforesaid, he may, by the same or subsequent notification, direct that any Act of the Indian Legislature shall not apply to the territory in question or any part thereof subject to such exceptions or modifications as the Governor-General thinks fit, or may authorize the governor in council to give similar directions as respects any Act of the local legislature.

Government of India Act, 1935.

EXTRACTS

CHAPTER V.

PART III. EXCLUDED AREAS AND PARTIALLY EXCLUDED AREAS.

Excluded areas and partially excluded areas

91.-(1) In this Act the expressions "excluded area" and "partially, excluded area " mean respectively such areas as His Majesty may by Order, in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the Order which it is proposed to recommend His Majesty to make under this subsection before Parliament within six months from the passing of this Act.

- (2) His Majesty may at any time by Order in Council-
- (a) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;
 - (b) direct that the whole or any specified part of a partially excluded area shall cease to be a partially excluded area or a part of such an area ;
 - (c) alter, but only by way of rectification of boundaries, any excluded or partially excluded area ;
 - (d) on any alteration of the boundaries of a Province, or the creation of a new Province, declare any territory not previously included in any Province to be, or to form part of, an excluded area or a partially excluded area,

and any, such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under subsection (1) of this section shall not be varied by any subsequent Order.

Administration of excluded areas and partially excluded areas.

92.-(1) The executive authority of a Province extends to excluded and partially excluded areas therein, but, notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to Government of India Act, 1935. any Act may direct that the Act shall in its application to the area, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area, and any regulations so made may repeal or amend any Act of the Federal Legislature, or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question.

Regulations made under this subsection shall be submitted forthwith to the Governor-General and until assented to by him in his discretion shall have no effect, and the provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial Legislature assented to by him.

(3) The Governor shall, as respects any area in a Province which is for the time being an excluded area, exercise his functions in his discretion.

FIFTH SCHEDULE

[Article 244(1)]

Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes

PART A

GENERAL

1. Interpretation.—In this Schedule, unless the context otherwise requires, the expression “State” does not include the States of Assam, Meghalaya, Tripura and Mizoram.

2. Executive power of a State in Scheduled Areas.—Subject to the provisions of this Schedule, the executive power of a State extends to the Scheduled Areas therein.

3. Report by the Governor to the President regarding the administration of Scheduled Areas.—The Governor of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

PART B

ADMINISTRATION AND CONTROL OF SCHEDULED AREAS AND SCHEDULED TRIBES

4. Tribes Advisory Council.—(1) There shall be established in each State having Scheduled Areas therein and, if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than twenty members of whom, as nearly as may be, three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State:

Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes.

(2) It shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

(3) The Governor may make rules prescribing or regulating, as the case may be,—

(a) the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof;

(b) the conduct of its meetings and its procedure in general; and

(c) all other incidental matters.

5. Law applicable to Scheduled Areas.—(1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area.

In particular and without prejudice to the generality of the foregoing power, such regulations may—

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

PART C SCHEDULED AREAS

6. Scheduled Areas.—(1) In this Constitution, the expression “Scheduled Areas” means such areas as the President may by order¹ declare to be Scheduled Areas.

(2) The President may at any time by order²—

(a) direct that the whole or any specified part of a Scheduled Area shall cease to be a Scheduled Area or a part of such an area;

(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;

(b) alter, but only by way of rectification of boundaries, any Scheduled Area;

(c) on any alteration of the boundaries of a State or on the admission into the Union or the establishment of a new State, declare any territory not previously included in any State to be, or to form part of, a Scheduled Area;

¹ See the Scheduled Areas (Part A States) Order, 1950 (C.O. 9), the Scheduled Areas (Part B States) Order, 1950 (C.O.26), the Scheduled Areas (Himachal Pradesh) Order, 1975 (C.O. 102) and the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (C.O. 109).

² See the Madras Scheduled Areas (Cessor) Order, 1950 (C.O. 30) and the Andhra Scheduled Areas (Cessor) Order, 1955 (C.O. 50).

(d) rescind, in relation to any State or States, any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders redefining the areas which are to be Scheduled Areas; and any such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper, but save as aforesaid, the order made under sub-paragraph (1) of this paragraph shall not be varied by any subsequent order.

PART D

AMENDMENT OF THE SCHEDULE

7. Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to this Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368.

छठी अनुसूची

[अनुच्छेद 244(2) और अनुच्छेद 275(1)]

¹[असम, मेघालय, त्रिपुरा और मिजोरम राज्यों] के जनजाति क्षेत्रों के प्रशासन के बारे में उपबंध

²1. स्वशासी जिले और स्वशासी प्रदेश--(1) इस पैरा के उपबंधों के अधीन रहते हुए, इस अनुसूची के पैरा 20 से संलग्न सारणी के ³[⁴ भाग 1, भाग 2 और भाग 2क] की प्रत्येक मद के और भाग 3] के जनजाति क्षेत्रों का एक स्वशासी जिला होगा ।

(2) यदि किसी स्वशासी जिले में भिन्न-भिन्न अनुसूचित जनजातियां हैं तो राज्यपाल, लोक अधिसूचना द्वारा, ऐसे क्षेत्र या क्षेत्रों को, जिनमें वे बसे हुए हैं, स्वशासी प्रदेशों में विभाजित कर सकेगा ।

(3) राज्यपाल, लोक अधिसूचना द्वारा,—

(क) उक्त सारणी के ³[किसी भाग] में किसी क्षेत्र को सम्मिलित कर सकेगा ;

(ख) उक्त सारणी के ³[किसी भाग] में किसी क्षेत्र को अपवर्जित कर सकेगा ;

(ग) नया स्वशासी जिला बना सकेगा ;

(घ) किसी स्वशासी जिले का क्षेत्र बढ़ा सकेगा ;

(ङ) किसी स्वशासी जिले का क्षेत्र घटा सकेगा ;

(च) दो या अधिक स्वशासी जिलों या उनके भागों को मिला सकेगा जिससे एक स्वशासी जिला बन सके ;

⁵[चच] किसी स्वशासी जिले के नाम में परिवर्तन कर सकेगा ;]

(छ) किसी स्वशासी जिले की सीमाएं परिनिश्चित कर सकेगा :

परंतु राज्यपाल इस उपपैरा के खंड (ग), खंड (घ), खंड (ङ) और खंड (च) के अधीन कोई आदेश इस अनुसूची के पैरा 14 के उपपैरा (1) के अधीन नियुक्त आयोग के प्रतिवेदन पर विचार करने के पश्चात् ही करेगा, अन्यथा नहीं :

⁶[परंतु यह और कि राज्यपाल द्वारा इस उपपैरा के अधीन किए गए आदेश में ऐसे आनुषंगिक और पारिणामिक उपबंध (जिनके अंतर्गत पैरा 20 का और उक्त सारणी के किसी भाग की किसी मद का कोई संशोधन है) अंतर्विष्ट हो सकेंगे जो राज्यपाल को उस आदेश के उपबंधों को प्रभावी करने के लिए आवश्यक प्रतीत हों ।

¹ मिजोरम राज्य अधिनियम, 1986 (1986 का 34) की धारा 39 द्वारा कुछ शब्दों के स्थान पर (20-2-1987 से) प्रतिस्थापित ।

² संविधान (छठी अनुसूची) संशोधन अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा असम में लागू होने के लिए पैरा 1 में उपपैरा (2) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित कर संशोधित किया गया, अर्थात् :—

“परन्तु इस उपपैरा की कोई बात, बोडोलैंड प्रादेशिक क्षेत्र जिले को लागू नहीं होगी ।”।

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) “भाग क” के स्थान पर प्रतिस्थापित ।

⁴ संविधान (उनचासवां संशोधन) अधिनियम, 1984 की धारा 4 द्वारा (1-4-1985 से) “भाग 1 और भाग 2” के स्थान पर प्रतिस्थापित ।

⁵ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

⁶ पूर्वोत्तर क्षेत्र पुनर्गठन अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) अंतःस्थापित ।

SIXTH SCHEDULE

[Articles 244(2) and 275(1)]

Provisions as to the Administration of Tribal Areas in ¹[the States of Assam, Meghalaya, Tripura and Mizoram]

²1. Autonomous districts and autonomous regions.—(1) Subject to the provisions of this paragraph, the tribal areas in each item of ³[⁴[Parts I, II and IIA] and in Part III] of the table appended to paragraph 20 of this Schedule shall be an autonomous district.

(2) If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notification, divide the area or areas inhabited by them into autonomous regions.

(3) The Governor may, by public notification,—

(a) include any area in ³[any of the Parts] of the said table,

(b) exclude any area from ³[any of the Parts] of the said table,

(c) create a new autonomous district,

(d) increase the area of any autonomous district,

(e) diminish the area of any autonomous district,

(f) unite two or more autonomous districts or parts thereof so as to form one autonomous district,

⁵[(ff) alter the name of any autonomous district,]

(g) define the boundaries of any autonomous district:

Provided that no order shall be made by the Governor under clauses (c), (d), (e) and (f) of this sub-paragraph except after consideration of the report of a Commission appointed under sub-paragraph (1) of paragraph 14 of this Schedule:

⁶[Provided further that any order made by the Governor under this sub-paragraph may contain such incidental and consequential provisions (including any amendment of paragraph 20 and of any item in any of the Parts of the said Table) as appear to the Governor to be necessary for giving effect to the provisions of the order.]

¹ Subs. by the State of Mizoram Act, 1986 (34 of 1986) s. 39, for certain words (w.e.f. 20-2-1987).

² Paragraph 1 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to insert the following proviso after sub-paragraph (2), namely: -

“Provided that nothing in this sub-paragraph shall apply to the Bodoland Territorial Areas District.

³ Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for “Part A” (w.e.f. 21-1-1972).

⁴ Subs. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4, for “Part I and II” (w.e.f. 1-4-1985).

⁵ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

⁶ Ins. by the North- Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71(i) and Eighth Sch. (w.e.f. 21-1-1972).

^{1,2}2. जिला परिषदों और प्रादेशिक परिषदों का गठन-- ³[(1) प्रत्येक स्वशासी जिले के लिए एक जिलास परिषद् होगी जो तीस से अनधिक सदस्यों से मिलकर बनेगी जिनमें से चार से अनधिक व्यक्ति राज्यपाल द्वारा नामनिर्देशित किए जाएंगे और शेष वयस्क मताधिकार के आधार पर निर्वाचित किए जाएंगे ।

(2) इस अनुसूची के पैरा 1 के उपपैरा (2) के अधीन स्वशासी प्रदेश के रूप में गठित प्रत्येक क्षेत्र के लिए पृथक् प्रादेशिक परिषद् होगी ।

(3) प्रत्येक जिला परिषद् और प्रत्येक प्रादेशिक परिषद् क्रमशः “(जिले का नाम) की जिला परिषद्” और “(प्रदेश का नाम) की प्रादेशिक परिषद्” नामक निगमित निकाय होगी, उसका शाश्वत उत्तराधिकार होगा और उसकी सामान्य मुद्रा होगी और उक्त नाम से वह वाद लाएगी और उस पर वाद लाया जाएगा ।

(4) इस अनुसूची के उपबंधों के अधीन रहते हुए, स्वशासी जिले का प्रशासन ऐसे जिले की जिला परिषद् में वहां तक निहित होगा जहां तक वह इस अनुसूची के अधीन ऐसे जिले के भीतर किसी प्रादेशिक परिषद् में निहित नहीं हैं और स्वशासी प्रदेश का प्रशासन ऐसे प्रदेश की प्रादेशिक परिषद् में निहित होगा ।

(5) प्रादेशिक परिषद् वाले स्वशासी जिले में प्रादेशिक परिषद् के प्राधिकारी के अधीन क्षेत्रों के संबंध में जिला परिषद् को, इस अनुसूची द्वारा ऐसे क्षेत्रों के संबंध में प्रदत्त शक्तियों के अतिरिक्त केवल ऐसी शक्तियां होंगी जो उसे प्रादेशिक परिषद् द्वारा प्रत्यायोजित की जाएं ।

(6) राज्यपाल, संबंधित स्वशासी जिलों या प्रदेशों के भीतर विद्यमान जनजाति परिषदों या अन्य प्रतिनिधि जनजाति संगठनों से परामर्श करके, जिला परिषदों और प्रादेशिक परिषदों के प्रथम गठन के लिए नियम बनाएगा और ऐसे नियमों में निम्नलिखित के लिए उपबंध किए जाएंगे, अर्थात् :-

(क) जिला परिषदों और प्रादेशिक परिषदों की संरचना तथा उनमें स्थानों का आबंटन ;

(ख) उन परिषदों के लिए निर्वाचनों के प्रयोजन के लिए प्रादेशिक निर्वाचन-क्षेत्रों का परिसीमन ;

(ग) ऐसे निर्वाचनों में मतदान के लिए अर्हताएं और उनके लिए निर्वाचक नामावलियों की तैयारी ;

(घ) ऐसे निर्वाचनों में ऐसी परिषदों के सदस्य निर्वाचित होने के लिए अर्हताएं ;

(ङ) ⁴[प्रादेशिक परिषदों] के सदस्यों की पदावधि ;

(च) ऐसी परिषदों के लिए निर्वाचन या नामनिर्देशन से संबंधित या संसक्त कोई अन्य विषय ;

(छ) जिला परिषदों और प्रादेशिक परिषदों की प्रक्रिया और उनका कार्य संचालन ⁵[(जिसके अंतर्गत किसी रिक्ति के होते हुए भी कार्य करने की शक्ति है)] ;

(ज) जिला और प्रादेशिक परिषदों के अधिकारियों और कर्मचारिवृंद की नियुक्ति ।

¹ संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा असम में लागू होने के लिए पैरा 2 में उपपैरा (1) के पश्चात् तथा उपपैरा (3) में परन्तुक के पश्चात् क्रमशः निम्नलिखित परंतुक अंतःस्थापित कर संशोधित किया गया, अर्थात् :-

परंतु यह कि बोडोलैंड प्रादेशिक परिषद् छियालीस से अनधिक सदस्यों से मिलकर बनेगी जिनमें से चालीस सदस्यों को व्यस्क मताधिकार के आधार पर निर्वाचित किया जाएगा, जिनमें से तीस अनुसूचित जनजातियों के लिए, पांच गैर जनजातीय समुदायों के लिए, पांच सभी समुदायों के लिए आरक्षित होंगे तथा शेष छह राज्यपाल द्वारा नामनिर्देशित किए जाएंगे जिनके अधिकार और विशेषाधिकार, जिनके अंतर्गत मत देने के अधिकार भी हैं, वही होंगे जो अन्य सदस्यों के हैं, बोडोलैंड प्रादेशिक क्षेत्र जिले के उन समुदायों में से, जिनका प्रतिनिधित्व नहीं है, कम से कम दो महिलाएं होंगी ।” ।

परंतु यह और कि बोडोलैंड प्रादेशिक क्षेत्र जिले के लिए गठित जिला परिषद् बोडोलैंड प्रादेशिक परिषद् कहलाएगी ।” ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 1995 (1995 का 42) की धारा 2 द्वारा असम में लागू होने के लिए पैरा 2 में उपपैरा (3) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया गया, अर्थात् :-

“परंतु उत्तरी कछार पहाड़ी जिले के लिए गठित जिला परिषद्, उत्तरी कछार पहाड़ी स्वशासी परिषद् कहलाएगी और कार्बी आलांग जिले के लिए गठित जिला परिषद्, कार्बी आलांग स्वशासी परिषद् कहलाएगी ।”;

³ “आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) उपपैरा (1) के स्थान पर प्रतिस्थापित ।

⁴ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) “ऐसी परिषदों” के स्थान पर प्रतिस्थापित ।

⁵ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

¹⁻²2. Constitution of District Councils and Regional Councils.—³[(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.]

(2) There shall be a separate Regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule.

(3) Each District Council and each Regional Council shall be a body corporate by the name respectively of “the District Council of (*name of district*)” and “the Regional Council of (*name of region*)”, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

(5) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned, and such rules shall provide for—

(a) the composition of the District Councils and Regional Councils and the allocation of seats therein;

(b) the delimitation of territorial constituencies for the purpose of elections to those Councils;

(c) the qualifications for voting at such elections and the preparation of electoral rolls therefor;

(d) the qualifications for being elected at such elections as members of such Councils;

(e) the term of office of members of ⁴[Regional Councils;]

(f) any other matter relating to or connected with elections or nominations to such Councils;

(g) the procedure and the conduct of business ⁵[(including the power to act notwithstanding any vacancy)] in the District and Regional Councils;

(h) the appointment of officers and staff of the District and Regional Councils.

¹ Paragraph 2 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s.2 so as to insert the following proviso after sub-paragraph (3), namely,-

“Provided that the District Council constituted for the North Cachar Hills District shall be called as the North Cachar Hills Autonomous Council and the District Council constituted for the Karbi Anglong District shall be called as the Karbi Anglong Autonomous Council.”

² Paragraph 2 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to insert the following provisos after sub-paragraph (1), namely: —

“Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodoland Territorial Areas District, of which at least two shall be women :

Provided further that the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council.”

³ Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch., for sub-paragraph (1) (w.e.f. 2-4-1970).

⁴ Subs. by s. 74 and Fourth Sch. Ibid., for “ such Councils” (w.e.f. 2-4-1970).

⁵ Ins. by s. 74 and Fourth Sch., ibid. (w.e.f. 2-4-1970).

¹[(6क) जिला परिषद् के निर्वाचित सदस्य, यदि जिला परिषद् पैरा 16 के अधीन पहले ही विघटित नहीं कर दी जाती है तो, परिषद् के लिए साधारण निर्वाचन के पश्चात् परिषद् के प्रथम अधिवेशन के लिए नियत तारीख से पांच वर्ष की अवधि तक पद धारण करेंगे और नामनिर्देशित सदस्य राज्यपाल के प्रसाद पर्यंत पद धारण करेगा :

परंतु पांच वर्ष की उक्त अवधि को, जब आपात की उद्घोषणा प्रवर्तन में है तब या यदि ऐसी परिस्थितियां विद्यमान हैं जिनके कारण निर्वाचन कराना राज्यपाल की राय में असाध्य है तो, राज्यपाल ऐसी अवधि के लिए बढ़ा सकेगा जो एक बार में एक वर्ष से अधिक नहीं होगी और जब आपात की उद्घोषणा प्रवर्तन में है तब उद्घोषणा के प्रवृत्त न रह जाने के पश्चात् किसी भी दशा में उसका विस्तार छह मास की अवधि से अधिक नहीं होगा :

परंतु यह और कि आकस्मिक रिक्ति को भरने के लिए निर्वाचित सदस्य उस सदस्य की, जिसका स्थान वह लेता है, शेष पदावधि के लिए पद धारण करेगा ।]

(7) जिला परिषद् या प्रादेशिक परिषद् अपने प्रथम गठन के पश्चात् ¹[राज्यपाल के अनुमोदन से] इस पैरा के उपपैरा (6) में विनिर्दिष्ट विषयों के लिए नियम बना सकेगी और ¹[वैसे ही अनुमोदन से]--

(क) अधीनस्थ स्थानीय परिषदों या बोर्डों के बनाए जाने तथा उनकी प्रक्रिया और उनके कार्य संचालन का, और

(ख) यथास्थिति, जिले या प्रदेश के प्रशासन विषयक कार्य करने से संबंधित साधारणतया सभी विषयों का, विनियमन करने वाले नियम भी, बना सकेगी :

परंतु जब तक जिला परिषद् या प्रादेशिक परिषद् द्वारा इस उपपैरा के अधीन नियम नहीं बनाए जाते हैं तब तक राज्यपाल द्वारा इस पैरा के उपपैरा (6) के अधीन बनाए गए नियम, प्रत्येक ऐसी परिषद् के लिए निर्वाचनों, उसके अधिकारियों और कर्मचारियों तथा उसकी प्रक्रिया और उसके कार्य संचालन के संबंध में प्रभावी होंगे ।

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3⁴3. विधि बनाने की जिला परिषदों और प्रादेशिक परिषदों की शक्ति--(1) स्वशासी प्रदेश की प्रादेशिक परिषद् को ऐसे प्रदेश के भीतर के सभी क्षेत्रों के संबंध में और स्वशासी जिले की जिला परिषद् को ऐसे क्षेत्रों को छोड़कर जो

¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

² आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) द्वितीय परंतुक का लोप किया गया ।

³ संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 3 असम राज्य को लागू करने में निम्नलिखित रूप से संशोधित किया गया जिससे उपपैरा (3) निम्नलिखित रूप से प्रतिस्थापित हो सके, अर्थात् :-

“(3) पैरा 3क के उपपैरा (2) या पैरा 3ख के उपपैरा (2) में जैसा अन्यथा उपबंधित है, उसके सिवाय इस पैरा या पैरा 3क के उपपैरा (1) या पैरा 3ख के उपपैरा (1) के अधीन बनाई गई सभी विधियां राज्यपाल के समक्ष तुरंत प्रस्तुत की जाएंगी और जब तक वह उन पर अनुमति नहीं दे देता है तब तक प्रभावी नहीं होंगी ।”।

⁴ संविधान (छठी अनुसूची) संशोधन अधिनियम, 1995 (1995 का 42) की धारा 2 द्वारा असम में लागू होने के लिए पैरा 3 के पश्चात् तथा संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 की धारा 2 द्वारा पैरा 3क के पश्चात् क्रमशः निम्नलिखित अंतःस्थापित किया गया, अर्थात् :-

“**3क. उत्तरी कछार पहाड़ी स्वशासी परिषद् और कार्बी आलांग स्वशासी परिषद् की विधि बनाने की अतिरिक्त शक्तियां--**(1) पैरा 3 के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, उत्तरी कछार पहाड़ी/स्वशासी परिषद् और कार्बी आलांग स्वशासी परिषद् को, संबंधित जिलों के भीतर निम्नलिखित की बाबत विधियां बनाने की शक्ति होगी, अर्थात् :-

(क) सातवीं अनुसूची की सूची 1 की प्रविष्टि 7 और प्रविष्टि 52 के उपबंधों के अधीन रहते हुए, उद्योग ;

(ख) संचार, अर्थात्, सड़कें, पुल, फेरी और अन्य संचार साधन, जो सातवीं अनुसूची की सूची 1 में विनिर्दिष्ट नहीं हैं, नगरपालिक ट्राम, राज्जुमार्ग, अंतर्देशीय जलमार्गों के संबंध में सातवीं अनुसूची की सूची 1 और सूची 3 के उपबंधों के अधीन रहते हुए, अंतर्देशीय जलमार्ग और उन पर यातायात, यंत्र नोदित यानों से भिन्न यान ;

(ग) पशुधन का परिष्करण, संरक्षण और सुधार तथा जीवजंतुओं के रोगों का निवारण, पशु चिकित्सा प्रशिक्षण और व्यवसाय ; कांजी हाउस ;

(घ) प्राथमिक और माध्यमिक शिक्षा ;

(ङ) कृषि जिसके अंतर्गत कृषि शिक्षा और अनुसंधान, नाशक जीवों से संरक्षण और पादप रोगों का निवारण है ;

(च) मत्स्य उद्योग ;

(छ) सातवीं अनुसूची की सूची 1 की प्रविष्टि 56 के उपबंधों के अधीन रहते हुए, जल, अर्थात्, जल प्रदाय, सिंचाई और नहरें, जल निकासी और तटबंध, जल भंडारण और जल शक्ति ;

(ज) सामाजिक सुरक्षा और सामाजिक बीमा ; नियोजन और बेकारी ;

(झ) ग्रामों, धान के खेतों, बाजारों, शहरों आदि के संरक्षण के लिए बाढ़ नियंत्रण स्कीमें (जो तकनीकी प्रकृति की न हों) ;

(ज) नाट्यशाला और नाट्य प्रदर्शन ; सातवीं अनुसूची की सूची 1 की प्रविष्टि 60 के उपबंधों के अधीन रहते हुए, सिनेमा, खेल-कूद, मनोरंजन और आमोद ;

(ट) लोक स्वास्थ्य और स्वच्छता, अस्पताल और औषधालय ;

(ठ) लघु सिंचाई ;

(ड) खाद्य पदार्थ, पशुओं के चारे, कच्ची कपास और कच्चे जूट का व्यापार और वाणिज्य तथा उनका उत्पादन, प्रदाय और वितरण ;

(ढ) राज्य द्वारा नियंत्रित या वित्तपोषित पुस्तकालय, संग्रहालय और वैसी ही अन्य संस्थाएं संसद् द्वारा बनाई गई विधि द्वारा या उसके अधीन राष्ट्रीय महत्व के घोषित किए गए प्राचीन और ऐतिहासिक संस्मारकों और अभिलेखों से भिन्न प्राचीन और ऐतिहासिक संस्मारक और अभिलेख ; और

(ण) भूमि का अन्य संक्रामण ।

(2) पैरा 3 के अधीन या इस पैरा के अधीन उत्तरी कछार पहाड़ी स्वशासी परिषद् और कार्बी आलांग स्वशासी परिषद् द्वारा बनाई गई सभी विधियां, जहां तक उनका संबंध सातवीं अनुसूची की सूची 3 में विनिर्दिष्ट विषयों से है, राज्यपाल के समक्ष तुरंत प्रस्तुत की जाएंगी, जो उन्हें राष्ट्रपति के विचार के लिए आरक्षित रखेगा ।

(3) जब कोई विधि राष्ट्रपति के विचार के लिए आरक्षित रख ली जाती है तब राष्ट्रपति घोषित करेगा कि वह उक्त विधि पर अनुमति देता है या अनुमति रोक लेता है :

परंतु राष्ट्रपति राज्यपाल को यह निदेश दे सकेगा कि वह विधि को, यथास्थिति, उत्तरी कछार पहाड़ी स्वशासी परिषद् या कार्बी आलांग स्वशासी परिषद् को ऐसे संदेश के साथ यह अनुरोध करते हुए लौटा दे कि उक्त परिषद् विधि या उसके किन्हीं विनिर्दिष्ट उपबंधों पर पुनर्विचार करे और विशिष्टतया, किन्हीं ऐसे संशोधनों के पुरःस्थापन की वांछनीयता पर विचार करे जिनकी उसने अपने संदेश में सिफारिश की है और जब विधि इस प्रकार लौटा दी जाती है तब ऐसा संदेश मिलने की तारीख से छह मास की अवधि के भीतर परिषद् ऐसी विधि पर तदनुसार विचार करेगी और यदि विधि उक्त परिषद् द्वारा संशोधन सहित या उसके बिना फिर से पारित कर दी जाती है तो उसे राष्ट्रपति के समक्ष उसके विचार के लिए फिर से प्रस्तुत किया जाएगा ।”।

“**3ख-बोडोलैंड प्रादेशिक परिषद् की विधियां बनाने की अतिरिक्त शक्तियां** -- (1) पैरा 3 के उपबंधों पर प्रतिकूल प्रभाव डाले बिना, बोडोलैंड प्रादेशिक परिषद् को, अपने क्षेत्रों में, निम्नलिखित के संबंध में विधियां बनाने की शक्ति होगी, अर्थात् : --

(i) कृषि, जिसके अंतर्गत कृषि शिक्षा और अनुसंधान, नाशक जीवों से संरक्षण और पादप रोगों का निवारण है ;

(ii) पशुपालन और पशु चिकित्सा अर्थात् पशुधन का परिरक्षण, संरक्षण और सुधार तथा जीव जंतुओं के रोगों का निवारण, पशु चिकित्सा प्रशिक्षण और व्यवसाय, कांजी हाऊस ;

(iii) सहकारिता ;

(iv) सांस्कृतिक कार्य ;

(v) शिक्षा अर्थात् प्राइमरी शिक्षा, उच्चतर माध्यमिक शिक्षा जिसमें वृत्तिक प्रशिक्षण, प्रौढ़ शिक्षा, महाविद्यालय शिक्षा (साधारण) भी है ;

(vi) मत्स्य उद्योग ;

(vii) ग्राम, धान के खेतों, बाजारों और शहरों के संरक्षण के लिए बाढ़ नियंत्रण (जो तकनीकी प्रकृति का न हो) ;

(viii) खाद्य और सिविल आपूर्ति ;

(ix) वन (आरक्षित वनों को छोड़कर) ;

(x) हथकरघा और वस्त्र ;

(xi) स्वास्थ्य और परिवार कल्याण ;

(xii) सातवीं अनुसूची की सूची 1 की प्रविष्टि 84 के उपबंधों के अधीन रहते हुए मादक लिकर, अफीम और युत्पन्न ;

(xiii) सिंचाई ;

(xiv) श्रम और रोजगार ;

(xv) भूमि और राजस्व ;

(xvi) पुस्तकालय सेवाएं (राज्य सरकार द्वारा वित्तपोषित और नियंत्रित) ;

(xvii) लाटरी (सातवीं अनुसूची की सूची 1 की प्रविष्टि 40 के उपबंधों के अधीन रहते हुए), नाट्यशाला, नाट्य प्रदर्शन और सिनेमा (सातवीं अनुसूची की सूची 1 की प्रविष्टि 60 के उपबंधों के अधीन रहते हुए) ;

(xviii) बाजार और मेले ;

(xix) नगर निगम, सुधार न्यास, जिला बोर्ड और अन्य स्थानीय प्राधिकारी ;

(xx) राज्य द्वारा नियंत्रित या वित्तपोषित संग्रहालय और पुरातत्व विज्ञान संस्थान, संसद् द्वारा बनाई गई किसी विधि द्वारा या उसके राष्ट्रीय महत्व के घोषित किए गए प्राचीन और ऐतिहासिक संस्मारकों और अभिलेखों से भिन्न, प्राचीन और ऐतिहासिक संस्मारक और अभिलेख ;

(xxi) चायत और ग्रामीण विकास ;

(xxii) योजना और विकास ;

(xxiii) मुद्रण और लेखन सामग्री ;

उस जिले के भीतर की प्रादेशिक परिषदों के, यदि कोई हों, प्राधिकार के अधीन हैं, उस जिले के भीतर के अन्य सभी क्षेत्रों के संबंध में निम्नलिखित विषयों के लिए विधि बनाने की शक्ति होगी, अर्थात् :-

(क) किसी आरक्षित वन की भूमि से भिन्न अन्य भूमि का, कृषि या चराई के प्रयोजनों के लिए अथवा निवास के या कृषि से भिन्न अन्य प्रयोजनों के लिए अथवा किसी ऐसे अन्य प्रयोजन के लिए जिससे किसी ग्राम या नगर के निवासियों के हितों की अभिवृद्धि संभाव्य है, आंबटन, अधिभोग या उपयोग अथवा अलग रखा जाना ;

परंतु ऐसी विधियों की कोई बात ¹[संबंधित राज्य की सरकार को] अनिवार्य अर्जन प्राधिकृत करने वाली तत्समय प्रवृत्त विधि के अनुसार किसी भूमि का, चाहे वह अधिभोग में हो या नहीं, लोक प्रयोजनों के लिए अनिवार्य अर्जन करने से निवारित नहीं करेगी ;

(ख) किसी ऐसे वन का प्रबंध जो आरक्षित वन नहीं है ;

(ग) कृषि के प्रयोजन के लिए किसी नहर या जलसरणी का उपयोग ;

(घ) झूम की पद्धति का या परिवर्ती खेती की अन्य पद्धतियों का विनियमन ;

(xxiv) लोक स्वास्थ्य इंजीनियरी ;

(xxv) लोक निर्माण विभाग ;

(xxvi) प्रचार और लोक संपर्क ;

(xxvii) जन्म और मृत्यु का रजिस्ट्रीकरण ;

(xxviii) सहायता और पुनर्वास ;

(xxix) रेशम उत्पादन ;

(xxx) सातवीं अनुसूची की सूची 1 की प्रविष्टि 7 और प्रविष्टि 52 के उपबंधों के अधीन रहते हुए, लघु, कुटीर और ग्रामीण उद्योग ;

(xxxi) समाज कल्याण ;

(xxxii) मृदा संरक्षण ;

(xxxiii) खेलकूद और युवा कल्याण ;

(xxxiv) सांख्यिकी ;

(xxxv) पर्यटन ;

(xxxvi) परिवहन (सड़कें, पुल, फेरी और अन्य संचार साधन, जो सातवीं अनुसूची की सूची 1 में विनिर्दिष्ट नहीं हैं, नगरपालिका ट्राम, रज्जुमार्ग, अन्तरदेशीय जलमार्गों के संबंध में सातवीं अनुसूची की सूची 1 और सूची 3 के उपबंधों के अधीन रहते हुए, अन्तरदेशीय जलमार्ग और उन पर यातायात, यंत्र नोदित यानों से भिन्न यान ;

(xxxvii) राज्य सरकार द्वारा नियंत्रित और वित्त पोषित जनजाति अनुसंधान संस्थान ;

(xxxviii) शहरी विकास-नगर और ग्रामीण योजना ;

(xxxix) सातवीं अनुसूची की सूची 1 की प्रविष्टि 50 के उपबंधों के अधीन रहते हुए बाट और माप ; और

(xl) मैदानी जनजातियों और पिछड़े वर्गों का कल्याण ;

परंतु ऐसी विधियों की कोई बात,—

(क) इस अधिनियम के प्रारंभ की तारीख पर किसी नागरिक के उसकी भूमि के संबंध में विद्यमान अधिकारों और विशेषाधिकारों को समाप्त या उपांतरित नहीं करेगी ; और

(ख) किसी नागरिक को विरासत, आंबटन, व्यवस्थापन के रूप में या अंतरण की किसी अन्य रीति से भूमि अर्जित करने से अनुज्ञात करने से अनुज्ञात नहीं करेगी यदि ऐसा नागरिक बोडोलैंड प्रादेशिक क्षेत्र जिले के भीतर भूमि के ऐसे अर्जन के लिए अन्यथा पात्र है ।

(2) पैरा 3 के अधीन या इस पैरा के अधीन बनाई गई सभी विधियां, जहां तक उनका संबंध सातवीं अनुसूची की सूची 3 में विनिर्दिष्ट विषयों से है, राज्यपाल के समक्ष तुरंत प्रस्तुत की जाएंगी जो उन्हें राष्ट्रपति के विचार के लिए आरक्षित रखेगा।

(3) जब कोई विधि राष्ट्रपति के विचार के लिए आरक्षित रख ली जाती है, तब राष्ट्रपति घोषित करेगा कि वह उक्त विधि पर अनुमति देता है या अनुमति रोक लेता है :

परंतु राष्ट्रपति राज्यपाल को यह संदेश दे सकेगा कि वह विधि को, बोडोलैंड प्रादेशिक परिषद् को ऐसे संदेश के साथ यह अनुरोध करते हुए लौटा दे कि उक्त परिषद् विधि या उसके किन्हीं विनिर्दिष्ट उपबंधों पर पुनर्विचार करे और विशिष्टियां, किन्हीं ऐसे संशोधनों को पुरःस्थापित करने की वांछनीयता पर विचार करे जिनकी उसने अपने संदेश में सिफारिश की है और जब विधि इस प्रकार लौटा दी जाती है तब उक्त परिषद्, ऐसे संदेश की प्राप्ति की तारीख से छह मास की अवधि के भीतर ऐसी विधि पर तदनुसार विचार करेगी और यदि विधि उक्त परिषद् द्वारा, संशोधन सहित या उसके बिना, फिर से पारित कर दी जाती है तो उसे राष्ट्रपति के समक्ष उसके विचार के लिए फिर से प्रस्तुत किया जाएगा ।¹

¹ पूर्वोक्त क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) कुछ शब्दों के स्थान पर प्रतिस्थापित ।

- (ड) ग्राम या नगर समितियों या परिषदों की स्थापना और उनकी शक्तियां ;
 (च) ग्राम या नगर प्रशासन से संबंधित कोई अन्य विषय जिसके अंतर्गत ग्राम या नगर पुलिस और लोक स्वास्थ्य और स्वच्छता है ;
 (छ) प्रमुखों या मुखियों की नियुक्ति या उत्तराधिकार ;
 (ज) संपत्ति की विरासत ;
¹[(झ) विवाह और विवाह-विच्छेद ;]
 (ञ) सामाजिक रुढ़ियां ।

(2) इस पैरा में, “आरक्षित वन” से ऐसा क्षेत्र अभिप्रेत है जो असम वन विनियम, 1891 के अधीन या प्रश्नगत क्षेत्र में तत्समय प्रवृत्त किसी अन्य विधि के अधीन आरक्षित वन है ।

(3) इस पैरा के अधीन बनाई गई सभी विधियां राज्यपाल के समक्ष तुरंत प्रस्तुत की जाएंगी और जब तक वह उन पर अनुमति नहीं दे देता है तब तक प्रभावी नहीं होंगी ।

24. स्वशासी जिलों और स्वशासी प्रदेशों में न्याय प्रशासन—(1) स्वशासी प्रदेश की प्रादेशिक परिषद् ऐसे प्रदेश के भीतर के क्षेत्रों के संबंध में और स्वशासी जिले की जिला परिषद् ऐसे क्षेत्रों से भिन्न जो उस जिले के भीतर की प्रादेशिक परिषदों के, यदि कोई हों, प्राधिकार के अधीन हैं, उस जिले के भीतर के अन्य क्षेत्रों के संबंध में, ऐसे वादों और मामलों के विचारण के लिए जो ऐसे पक्षकारों के बीच हैं जिनमें से सभी पक्षकार ऐसे क्षेत्रों के भीतर की अनुसूचित जनजातियों के हैं तथा जो उन वादों और मामलों से भिन्न हैं जिनको इस अनुसूची के पैरा 5 के उपपैरा (1) के उपबंध लागू होते हैं, उस राज्य के किसी न्यायालय का अपवर्जन करके ग्राम परिषदों या न्यायालयों का गठन कर सकेगी और उपयुक्त व्यक्तियों को ऐसी ग्राम परिषद के सदस्य या ऐसे न्यायालयों के पीठासीन अधिकारी नियुक्त कर सकेगी और ऐसे अधिकारी भी नियुक्त कर सकेगी जो इस अनुसूची के पैरा 3 के अधीन बनाई गई विधियों के प्रशासन के लिए आवश्यक हों ।

(2) इस संविधान में किसी बात के होते हुए भी, स्वशासी प्रदेश की प्रादेशिक परिषद् या उस प्रादेशिक परिषद् द्वारा इस निमित्त गठित कोई न्यायालय या यदि किसी स्वशासी जिले के भीतर के किसी क्षेत्र के लिए कोई प्रादेशिक परिषद् नहीं है तो, ऐसे जिले की जिला परिषद् या उस जिला परिषद् द्वारा इस निमित्त गठित कोई न्यायालय ऐसे सभी वादों और मामलों के संबंध में जो, यथास्थिति, ऐसे प्रदेश या क्षेत्र के भीतर इस पैरा के उपपैरा (1) के अधीन गठित किसी ग्राम परिषद् या न्यायालय द्वारा विचारणीय हैं तथा जो उन वादों और मामलों से भिन्न हैं जिनको इस अनुसूची के पैरा 5 के उपपैरा (1) के उपबंध लागू होते हैं अपील न्यायालय की शक्तियों का प्रयोग करेगा तथा उच्च न्यायालय और उच्चतम न्यायालय से भिन्न किसी अन्य न्यायालय को ऐसे वादों या मामलों में अधिकारिता नहीं होगी ।

(3) ³*** उच्च न्यायालय को, उन वादों और मामलों में जिनको इस पैरा के उपपैरा (2) के उपबंध लागू होते हैं, ऐसी अधिकारिता होगी और वह उसका प्रयोग करेगा जो राज्यपाल समय-समय पर आदेश द्वारा विनिर्दिष्ट करे ।

(4) यथास्थिति, प्रादेशिक परिषद् या जिला परिषद् राज्यपाल के पूर्व अनुमोदन से निम्नलिखित के विनियमन के लिए नियम बना सकेगी, अर्थात् :—

- (क) ग्राम परिषदों और न्यायालयों का गठन और इस पैरा के अधीन उनके द्वारा प्रयोक्तव्य शक्तियां ;

¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) खंड (झ) के स्थान पर प्रतिस्थापित ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 4 असम राज्य को लागू करने में निम्नलिखित रूप से संशोधित किया गया जिससे उपपैरा (5) के पश्चात् निम्नलिखित अंतःस्थापित किया जा सके, अर्थात् :—

“(6) इस पैरा की कोई बात, इस अनुसूची के पैरा 2 के उपपैरा (3) के परंतुक के अधीन गठित बोडोलैंड प्रादेशिक परिषद् को लागू नहीं होगी ।”।

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) “आसाम के” शब्दों का लोप किया गया ।

¹⁻²2. Constitution of District Councils and Regional Councils.—³[(1) There shall be a District Council for each autonomous district consisting of not more than thirty members, of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.]

(2) There shall be a separate Regional Council for each area constituted an autonomous region under sub-paragraph (2) of paragraph 1 of this Schedule.

(3) Each District Council and each Regional Council shall be a body corporate by the name respectively of “the District Council of (*name of district*)” and “the Regional Council of (*name of region*)”, shall have perpetual succession and a common seal and shall by the said name sue and be sued.

(4) Subject to the provisions of this Schedule, the administration of an autonomous district shall, in so far as it is not vested under this Schedule in any Regional Council within such district, be vested in the District Council for such district and the administration of an autonomous region shall be vested in the Regional Council for such region.

(5) In an autonomous district with Regional Councils, the District Council shall have only such powers with respect to the areas under the authority of the Regional Council as may be delegated to it by the Regional Council in addition to the powers conferred on it by this Schedule with respect to such areas.

(6) The Governor shall make rules for the first constitution of District Councils and Regional Councils in consultation with the existing tribal Councils or other representative tribal organisations within the autonomous districts or regions concerned, and such rules shall provide for—

(a) the composition of the District Councils and Regional Councils and the allocation of seats therein;

(b) the delimitation of territorial constituencies for the purpose of elections to those Councils;

(c) the qualifications for voting at such elections and the preparation of electoral rolls therefor;

(d) the qualifications for being elected at such elections as members of such Councils;

¹ Paragraph 2 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s.2 so as to insert the following proviso after sub-paragraph (3), namely,-

“Provided that the District Council constituted for the North Cachar Hills District shall be called as the North Cachar Hills Autonomous Council and the District Council constituted for the Karbi Anglong District shall be called as the Karbi Anglong Autonomous Council.”

² Paragraph 2 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to insert the following provisos after sub-paragraph (1), namely: —

“Provided that the Bodoland Territorial Council shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be nominated by the Governor having same rights and privileges as other members, including voting rights, from amongst the un-represented communities of the Bodoland Territorial Areas District, of which at least two shall be women :

Provided further that the District Council constituted for the Bodoland Territorial Areas District shall be called the Bodoland Territorial Council.”

³ Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch., for sub-paragraph (1) (w.e.f. 2-4-1970).

(e) the term of office of members of ¹[Regional Councils;]

(f) any other matter relating to or connected with elections or nominations to such Councils;

(g) the procedure and the conduct of business ²[(including the power to act notwithstanding any vacancy)] in the District and Regional Councils;

(h) the appointment of officers and staff of the District and Regional Councils.

³[(6A) The elected members of the District Council shall hold office for a term of five years from the date appointed for the first meeting of the Council after the general elections to the Council, unless the District Council is sooner dissolved under paragraph 16 and a nominated member shall hold office at the pleasure of the Governor:

Provided that the said period of five years may, while a Proclamation of Emergency is in operation or if circumstances exist which, in the opinion of the Governor, render the holding of elections impracticable, be extended by the Governor for a period not exceeding one year at a time and in any case where a Proclamation of Emergency is in operation not extending beyond a period of six months after the Proclamation has ceased to operate:

Provided further that a member elected to fill a casual vacancy shall hold office only for the remainder of the term of office of the member whom he replaces.]

(7) The District or the Regional Council may after its first constitution make rules with the approval of the Governor with regard to the matters specified in sub-paragraph (6) of this paragraph and may also make rules with like approval regulating—

(a) the formation of subordinate local Councils or Boards and their procedure and the conduct of their business; and

(b) generally all matters relating to the transaction of business pertaining to the administration of the district or region, as the case may be:

Provided that until rules are made by the District or the Regional Council under this sub-paragraph the rules made by the Governor under sub-paragraph (6) of this paragraph shall have effect in respect of elections to, the officers and staff of, and the procedure and the conduct of business in, each such Council.

⁴* * * * *

⁵⁻⁶**3. Powers of the District Councils and Regional Councils to make laws.—**(1) The Regional Council for an autonomous region in respect of all areas within such region and the

¹ Subs. by s. 74 and Fourth Sch. Ibid., for “such Councils” (w.e.f. 2-4-1970).

² Ins. by s. 74 and Fourth Sch., *ibid.* (w.e.f. 2-4-1970).

³ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

⁴ Second proviso omitted by s. 74 and Fourth Sch., *ibid.* (w.e.f. 2-4-1970).

⁵ Paragraph 3 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to substitute sub-paragraph (3) as under, -

“(3) Save as otherwise provided in sub-paragraph (2) of paragraph 3A or sub-paragraph (2) of paragraph 3B, all laws made under this paragraph or sub-paragraph (1) of paragraph 3A or sub-paragraph (1) of paragraph 3B shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.”

⁶ After paragraph 3, the following paragraph has been inserted in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s. 2 and after paragraph 3A, the following paragraph has been inserted in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, namely: —

“3A. Additional powers of the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council to make laws.—(1) Without prejudice to the provisions of paragraph 3, the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council within their respective districts, shall have power to make laws with respect to—

(a) industries, subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

(b) communications, that is to say, roads, bridges, ferries and other means of communication not specified in List I of the Seventh Schedule; municipal tramways, ropeways, inland waterways and traffic thereon subject to the provisions of List I and List III of the

Seventh Schedule with regard to such waterways; vehicles other than mechanically propelled vehicles;

(c) preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice; cattle pounds;

(d) primary and secondary education;

(e) agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;

(f) fisheries;

(g) water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I of the Seventh Schedule;

(h) social security and social insurance; employment and unemployment;

(i) flood control schemes for protection of villages, paddy fields, markets, towns, etc. (not of technical nature);

(j) theatre and dramatic performances, cinemas subject to the provisions of entry 60 of List I of the Seventh Schedule; sports, entertainments and amusements;

(k) public health and sanitation, hospitals and dispensaries;

(l) minor irrigation;

(m) trade and commerce in, and the production supply and distribution of, food stuffs, cattle fodder, raw cotton and raw jute;

(n) libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance; and

(o) alienation of land.

(2) All laws made by the North Cachar Hills Autonomous Council and the Karbi Anglong Autonomous Council under paragraph 3 or under this paragraph shall, in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, together with a message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six months from the date of receipt of such message and, if the law is again passed by the said Council with or without amendment it shall be presented again to the President for his consideration.

3B. Additional powers of the Bodoland Territorial Council to make laws.—(1) Without prejudice to the provisions of paragraph 3, the Bodoland Territorial Council within its areas shall have power to make laws with respect to :-

(i) agriculture, including agricultural education and research, protection against pests and prevention of plant diseases;

(ii) animal husbandry and veterinary, that is to say, preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice, cattle pounds;

(iii) co-operation;

(iv) cultural affairs;

(v) education, that is to say, primary education, higher secondary including vocational training, adult education, college education (general);

(vi) fisheries;

(vii) flood control for protection of village, paddy fields, markets and towns (not of technical nature); (viii) Food and civil supply;

(ix) forests (other than reserved forests);

(x) handloom and textile;

(xi) health and family welfare,

(xii) intoxicating liquors, opium and derivatives, subject to the provisions of entry 84 of List I of the Seventh Schedule;

(xiii) irrigation;

(xiv) labour and employment;

(xv) land and revenue;

(xvi) library services (financed and controlled by the State Government);

(xvii) lotteries (subject to the provisions of entry 40 of List I of the Seventh Schedule), theatres, dramatic performances and cinemas (subject to the provisions of entry 60 of List I of the Seventh Schedule);

(xviii) markets and fairs;

(xix) municipal corporation, improvement trust, district boards and other local authorities;

(xx) museum and archaeology institutions controlled or financed by the State, ancient and historical monuments and records other than those declared by or under any law made by Parliament to be of national importance;

(xxi) panchayat and rural development;

(xxii) planning and development;

(xxiii) printing and stationery;

(xxiv) public health engineering;

(xxv) public works department;

(xxvi) publicity and public relations;

(xxvii) registration of births and deaths;

(xxviii) relief and rehabilitation;

(xxix) sericulture;

(xxx) small, cottage and rural industry subject to the provisions of entries 7 and 52 of List I of the Seventh Schedule;

(xxxi) social Welfare;

(xxxii) soil conservation;

(xxxiii) sports and youth welfare;

(xxxiv) statistics;

(xxxv) tourism;

(xxxvi) transport (roads, bridges, ferries and other means of communications not specified in List I of the Seventh Schedule, municipal tramways, ropeways, inland waterways and traffic thereon subject to the provision of List I and List III of the Seventh Schedule with regard to such waterways, vehicles other than mechanically propelled vehicles);

(xxxvii) tribal research institute controlled and financed by the State Government;

(xxxviii) urban development—town and country planning;

(xxxix) weights and measures subject to the provisions of entry 50 of List I of the Seventh Schedule; and (xl) Welfare of plain tribes and backward classes:

Provided that nothing in such laws shall--

(a) extinguish or modify the existing rights and privileges of any citizen in respect of his land at the date of commencement of this Act; and

(b) disallow and citizen from acquiring land either by way of inheritance, allotment, settlement or by any other way of transfer if such citizen is otherwise eligible for such acquisition of land within the Bodoland Territorial Areas District.

(2) All laws made under paragraph 3 or under this paragraph shall in so far as they relate to matters specified in List III of the Seventh Schedule, be submitted forthwith to the Governor who shall reserve the same for the consideration of the President.

(3) When a law is reserved for the consideration of the President, the President shall declare either that he assents to the said law or that he withholds assent therefrom:

Provided that the President may direct the Governor to return the law to the Bodoland Territorial Council, together with the message requesting that the said Council will reconsider the law or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when the law is so returned, the said Council shall consider the law accordingly within a period of six month from the date of receipt of such message and, if the law is again passed by the said Council with or without amendments it shall be presented again to the President for his consideration."

District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

(a) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes ¹[by the Government of the State concerned] in accordance with the law for the time being in force authorising such acquisition;

(b) the management of any forest not being a reserved forest;

(c) the use of any canal or water-course for the purpose of agriculture;

(d) the regulation of the practice of *jhum* or other forms of shifting cultivation;

(e) the establishment of village or town committees or councils and their powers;

(f) any other matter relating to village or town administration, including village or town police and public health and sanitation;

(g) the appointment or succession of Chiefs or Headmen;

(h) the inheritance of property;

²[(i) marriage and divorce;]

(j) social customs.

(2) In this paragraph, a “reserved forest” means any area which is a reserved forest under the Assam Forest Regulation, 1891, or under any other law for the time being in force in the area in question.

(3) All laws made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

34. Administration of justice in autonomous districts and autonomous regions.—(1) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the district may constitute

¹ Subs. by the North -Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for certain words (w.e.f. 21-1-1972).

² Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch., for cl. (i) (w.e.f. 2-4-1970).

³ Paragraph 4 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to insert the following sub-paragraph after sub-paragraph (5), namely :—

“(6) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”.

village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, to the exclusion of any court in the State, and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws made under paragraph 3 of this Schedule.

(2) Notwithstanding anything in this Constitution, the Regional Council for an autonomous region or any court constituted in that behalf by the Regional Council or, if in respect of any area within an autonomous district there is no Regional Council, the District Council for such district, or any court constituted in that behalf by the District Council, shall exercise the powers of a court of appeal in respect of all suits and cases triable by a village council or court constituted under sub-paragraph (1) of this paragraph within such region or area, as the case may be, other than those to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply, and no other court except the High Court and the Supreme Court shall have jurisdiction over such suits or cases.

(3) The High Court ^{1***} shall have and exercise such jurisdiction over the suits and cases to which the provisions of sub-paragraph (2) of this paragraph apply as the Governor may from time to time by order specify.

(4) A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating —

- (a) the constitution of village councils and courts and the powers to be exercised by them under this paragraph;

¹ The words “of Assam” omitted by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., (w.e.f. 21-1-1972).

(ख) इस पैरा के उपपैरा (1) के अधीन वादों और मामलों के विचारण में ग्राम परिषदों या न्यायालयों द्वारा अनुसरण की जाने वाले प्रक्रिया ;

(ग) इस पैरा के उपपैरा (2) के अधीन अपीलों और अन्य कार्यवाहियों में प्रादेशिक परिषद् या जिला परिषद् अथवा ऐसी परिषद् द्वारा गठित किसी न्यायालय द्वारा अनुसरण की जाने वाली प्रक्रिया ;

(घ) ऐसी परिषदों और न्यायालयों के विनिश्चयों और आदेशों का प्रवर्तन ;

(ङ) इस पैरा के उपपैरा (1) और उपपैरा (2) के उपबंधों को कार्यान्वित करने के लिए अन्य सभी आनुषंगिक विषय ।

¹[(5) उस तारीख को और से जो राष्ट्रपति ²[संबंधित राज्य की सरकार से परामर्श करने के पश्चात्] अधिसूचना द्वारा, इस निमित्त नियत करे, यह पैरा ऐसे स्वशासी जिले या स्वशासी प्रदेश के संबंध में, जो उस अधिसूचना में विनिर्दिष्ट किया जाए, इस प्रकार प्रभावी होगा मानो—

(i) उपपैरा (1) में, “जो ऐसे पक्षकारों के बीच हैं जिनमें से सभी पक्षकार ऐसे क्षेत्रों के भीतर की अनुसूचित जनजातियों के हैं तथा जो उन वादों और मामलों से भिन्न हैं जिनको इस अनुसूची के पैरा 5 के उपपैरा (1) के उपबंध लागू होते हैं,” शब्दों के स्थान पर, “जो इस अनुसूची के पैरा 5 के उपपैरा (1) में निर्दिष्ट प्रकृति के ऐसे वाद और मामले नहीं है जिन्हें राज्यपाल इस निमित्त विनिर्दिष्ट करें,” शब्द रख दिए गए हों ;

(ii) उपपैरा (2) और उपपैरा (3) का लोप कर दिया गया हो ;

(iii) उपपैरा (4) में—

(क) “यथास्थिति, प्रादेशिक परिषद् या जिला परिषद्, राज्यपाल के पूर्व अनुमोदन से, निम्नलिखित के विनियमन के लिए नियम बना सकेगी, अर्थात् :—” शब्दों के स्थान पर, “राज्यपाल निम्नलिखित के विनियमन के लिए नियम बना सकेगा, अर्थात् :—” शब्द रख दिए गए हों ; और

(ख) खंड (क) के स्थान पर, निम्नलिखित खंड रख दिया गया हो, अर्थात् :—

“(क) ग्राम परिषदों और न्यायालयों का गठन, इस पैरा के अधीन उनके द्वारा प्रयोक्तव्य शक्तियां और वे न्यायालय जिनको ग्राम परिषदों और न्यायालयों के विनिश्चयों से अपीलों हो सकेंगी ;”;

(ग) खंड (ग) के स्थान पर, निम्नलिखित खंड रख दिया गया हो, अर्थात् :—

“(ग) प्रादेशिक परिषद् या जिला परिषद् अथवा ऐसी परिषद् द्वारा गठित किसी न्यायालय के समक्ष उपपैरा (5) के अधीन राष्ट्रपति द्वारा नियत तारीख से ठीक पहले लंबित अपीलों और अन्य कार्यवाहियों का अंतरण,”; और

(घ) खंड (ङ) में “उपपैरा (1) और उपपैरा (2)” शब्दों, कोष्ठकों और अंकों के स्थान पर, “उपपैरा (1)” शब्द, कोष्ठक और अंक रख दिए गए हों ।]

5. कुछ वादों, मामलों और अपराधों के विचारण के लिए प्रादेशिक परिषदों और जिला परिषदों को तथा किन्हीं न्यायालयों और अधिकारियों को सिविल प्रक्रिया संहिता, 1908 और दंड प्रक्रिया संहिता, 1898³ के अधीन शक्तियों का प्रदान किया जाना—(1) राज्यपाल, किसी स्वशासी जिले या स्वशासी प्रदेश में किसी ऐसी प्रवृत्त विधि से, जो ऐसी विधि है जिसे राज्यपाल इस निमित्त विनिर्दिष्ट करे, उद्भूत वादों या मामलों के विचारण के लिए अथवा भारतीय दंड संहिता के अधीन या ऐसे जिले या प्रदेश में तत्समय लागू किसी अन्य विधि के अधीन मृत्यु से, आजीवन निर्वासन से या पांच वर्ष से अन्वून अवधि के लिए कारावास से दंडनीय अपराधों के विचारण के लिए, ऐसे जिले या प्रदेश पर प्राधिकार रखने वाली जिला परिषद् या प्रादेशिक परिषद् को अथवा ऐसी जिला परिषद् द्वारा गठित न्यायालयों को अथवा राज्यपाल द्वारा इस निमित्त नियुक्त किसी अधिकारी को, यथास्थिति, सिविल प्रक्रिया संहिता, 1908 या दंड प्रक्रिया संहिता, 1898⁴ के अधीन ऐसी शक्तियां प्रदान कर सकेगा जो वह समुचित समझे और तब उक्त परिषद्, न्यायालय या अधिकारी इस प्रकार प्रदत्त शक्तियों का प्रयोग करते हुए वादों, मामलों या अपराधों का विचारण करेगा ।

¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

² पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) कुछ शब्दों के स्थान पर प्रतिस्थापित ।

³ अब दंड प्रक्रिया संहिता, 1973 (1974 का 2) देखें ।

⁴ अब दंड प्रक्रिया संहिता, 1973 (1974 का 2) देखें ।

(b) the procedure to be followed by village councils or courts in the trial of suits and cases under sub-paragraph (1) of this paragraph;

(c) the procedure to be followed by the Regional or District Council or any court constituted by such Council in appeals and other proceedings under sub-paragraph (2) of this paragraph;

(d) the enforcement of decisions and orders of such councils and courts;

(e) all other ancillary matters for the carrying out of the provisions of sub-paragraphs (1) and (2) of this paragraph.

¹[(5) On and from such date as the President may, ²[after consulting the Government of the State concerned], by notification appoint in this behalf, this paragraph shall have effect in relation to such autonomous district or region as may be specified in the notification, as if—

(i) in sub-paragraph (1), for the words “between the parties all of whom belong to Scheduled Tribes within such areas, other than suits and cases to which the provisions of sub-paragraph (1) of paragraph 5 of this Schedule apply,”, the words “not being suits and cases of the nature referred to in sub-paragraph (1) of paragraph (5) of this Schedule, which the Governor may specify in this behalf,” had been substituted;

(ii) sub-paragraphs (2) and (3) had been omitted;

(iii) in sub-paragraph (4)—

(a) for the words “A Regional Council or District Council, as the case may be, may with the previous approval of the Governor make rules regulating”, the words “the Governor may make rules regulating” had been substituted; and

(b) for clause (a), the following clause had been substituted, namely:—

“(a) the constitution of village councils and courts, the powers to be exercised by them under this paragraph and the courts to which appeals from the decisions of village councils and courts shall lie;”;

(c) for clause (c), the following clause had been substituted, namely:—

“(c) the transfer of appeals and other proceedings pending before the Regional or District Council or any court constituted by such Council immediately before the date appointed by the President under sub-paragraph (5);”;

and

(d) in clause (e), for the words, brackets and figures “sub-paragraphs (1) and (2)”, the word, brackets and figure “sub-paragraph (1)” had been substituted.]

5. Conferment of powers under the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898³, on the Regional and District Councils and on certain courts and officers for the trial of certain suits, cases and offences.—(1) The Governor may, for the trial of suits or cases arising out of any law in force in any autonomous district or region being a law specified in that behalf by the Governor, or for the trial of offences punishable with death, transportation for life, or imprisonment for a term of not less than five years under the Indian Penal Code or under any other law for the time being applicable to such district or region, confer on the District Council or the Regional Council having authority over such district or region or on courts constituted by such District Council or on any officer appointed in that behalf by the Governor, such powers under the Code of Civil Procedure, 1908, or, as the case may be, the Code of Criminal Procedure, 1898⁴, as he deems appropriate, and thereupon the said Council, court or officer shall try the suits, cases or offences in exercise of the powers so conferred.

¹ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

² subs. by the North- Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for certain words (w.e.f. 21-1-1972).

³ See now the Code of Criminal Procedure, 1973 (Act 2 of 1974).

⁴ See now the Code of Criminal Procedure, 1973 (Act 2 of 1974).

(2) राज्यपाल, इस पैरा के उपपैरा (1) के अधीन किसी जिला परिषद्, प्रादेशिक परिषद्, न्यायालय या अधिकारी को प्रदत्त शक्तियों में से किसी शक्ति को वापस ले सकेगा या उपांतरित कर सकेगा ।

(3) इस पैरा में अभिव्यक्त रूप से यथा उपबंधित के सिवाय, सिविल प्रक्रिया संहिता, 1908 और दंड प्रक्रिया संहिता, 1898¹ किसी स्वशासी जिले में या किसी स्वशासी प्रदेश में, जिसको इस पैरा के उपबंध लागू होते हैं, किन्हीं वादों, मामलों या अपराधों के विचारण को लागू नहीं होगी ।

¹[(4) राष्ट्रपति द्वारा किसी स्वशासी जिले या स्वशासी प्रदेश के संबंध में पैरा 4 के उपपैरा (5) के अधीन नियत तारीख को और से, उस जिले या प्रदेश को लागू होने में इस पैरा की किसी बात के बारे में यह नहीं समझा जाएगा कि वह किसी जिला परिषद् या प्रादेशिक परिषद् को या जिला परिषद् द्वारा गठित न्यायालयों को इस पैरा के उपपैरा (1) में निर्दिष्ट शक्तियों में से कोई शक्ति प्रदान करने के लिए राज्यपाल को प्राधिकृत करती है ।]

²[6. प्राथमिक विद्यालय आदि स्थापित करने की जिला परिषद् की शक्ति--(1) स्वशासी जिले की जिला परिषद् जिले में प्राथमिक विद्यालयों, औषधालयों, बाजारों, ³[कांजी हाउसों], फेरी, मीन क्षेत्रों, सड़कों, सड़क परिवहन और जल मार्गों की स्थापना, निर्माण और प्रबंध कर सकेगी तथा राज्यपाल के पूर्व अनुमोदन से, उनके विनियमन और नियंत्रण के लिए विनियम बना सकेगी और, विशिष्टतया, वह भाषा और वह रीति विहित कर सकेगी, जिससे जिले के प्राथमिक विद्यालयों में प्राथमिक शिक्षा दी जाएगी ।

(2) राज्यपाल, जिला परिषद् की सहमति से उस परिषद् को या उसके अधिकारियों को कृषि, पशुपालन, सामुदायिक परियोजनाओं, सहकारी सोसाइटियों, समाज कल्याण, ग्राम योजना या किसी अन्य ऐसे विषय के संबंध में, जिस पर ⁴*** राज्य की कार्यपालिका शक्ति का विस्तार है, कृत्य सशर्त या बिना शर्त सौंप सकेगा ।]

7. जिला और प्रादेशिक निधियां--(1) प्रत्येक स्वशासी जिले के लिए एक जिला निधि और प्रत्येक स्वशासी प्रदेश के लिए एक प्रादेशिक निधि गठित की जाएगी जिसमें क्रमशः उस जिले की जिला परिषद् द्वारा और उस प्रदेश की प्रादेशिक परिषद् द्वारा इस संविधान के उपबंधों के अनुसार, यथास्थिति, उस जिले या प्रदेश के प्रशासन के अनुक्रम में प्राप्त सभी धनराशियां जमा की जाएंगी ।

⁵[(2) राज्यपाल, यथास्थिति, जिला निधि या प्रादेशिक निधि के प्रबंध के लिए और उक्त निधि में धन जमा करने, उसमें से धनराशियां निकालने, उसके धन की अभिरक्षा और पूर्वोक्त विषयों से संबंधित या आनुषंगिक किसी अन्य विषय के संबंध में अनुसरण की जाने वाली प्रक्रिया के लिए नियम बना सकेगा ।

(3) यथास्थिति, जिला परिषद् या प्रादेशिक परिषद् के लेखे ऐसे प्ररूप में रखे जाएंगे जो भारत का नियंत्रक-महालेखापरीक्षक राष्ट्रपति के अनुमोदन से, विहित करे ।

(4) नियंत्रक-महालेखापरीक्षक जिला परिषदों और प्रादेशिक परिषदों के लेखाओं की संपरीक्षा ऐसी रीति से करेगा जो वह ठीक समझे और नियंत्रक-महालेखापरीक्षक के ऐसे लेखाओं से संबंधित प्रतिवेदन राज्यपाल के समक्ष प्रस्तुत किए जाएंगे जो उन्हें परिषद् के समक्ष रखवाएगा ।]

8. भू-राजस्व का निर्धारण और संग्रहण करने तथा कर का अधिरोपण करने की शक्तियां--(1) स्वशासी प्रदेश के भीतर की सभी भूमियों के संबंध में ऐसे प्रदेश की प्रादेशिक परिषद् को और यदि जिले में कोई प्रादेशिक परिषद् है तो उनके प्राधिकार के अधीन आने वाले क्षेत्रों में स्थित भूमियों को छोड़कर जिले के भीतर की सभी भूमियों के संबंध में स्वशासी जिले की जिला परिषद् को ऐसी भूमियों की बाबत, उन सिद्धांतों के अनुसार राजस्व का निर्धारण और संग्रहण करने की शक्ति जिनका ⁶[साधारणतया राज्य में भू-राजस्व के प्रयोजन के लिए भूमि के निर्धारण में राज्य की सरकार द्वारा तत्समय अनुसरण किया जाता है]।

¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

² आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) पैरा 6 के स्थान पर प्रतिस्थापित ।

³ निरसन और संशोधन अधिनियम, 1974 (1974 का 56) की धारा 4 द्वारा "कांजी हाउस" के स्थान पर प्रतिस्थापित ।

⁴ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) "यथास्थिति, आसाम या मेघालय" शब्दों का लोप किया गया ।

⁵ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) उपपैरा (2) के स्थान पर प्रतिस्थापित ।

⁶ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) कुछ शब्दों के स्थान पर प्रतिस्थापित ।

(2) The Governor may withdraw or modify any of the powers conferred on a District Council, Regional Council, court or officer under sub-paragraph (1) of this paragraph.

(3) Save as expressly provided in this paragraph, the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898¹, shall not apply to the trial of any suits, cases or offences in an autonomous district or in any autonomous region to which the provisions of this paragraph apply.

¹[(4) On and from the date appointed by the President under sub-paragraph (5) of paragraph 4 in relation to any autonomous district or autonomous region, nothing contained in this paragraph shall, in its application to that district or region, be deemed to authorise the Governor to confer on the District Council or Regional Council or on courts constituted by the District Council any of the powers referred to in sub-paragraph (1) of this paragraph.]

²[6. Powers of the District Council to establish primary schools, etc.— (1) The District Council for an autonomous district may establish, construct, or manage primary schools, dispensaries, markets, ³[cattle pounds], ferries, fisheries, roads, road transport and waterways in the district and may, with the previous approval of the Governor, make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(2) The Governor may, with the consent of any District Council, entrust either conditionally or unconditionally to that Council or to its officers functions in relation to agriculture, animal husbandry, community projects, co-operative societies, social welfare, village planning or any other matter to which the executive power of the State ⁴*** extends.]

7. District and Regional Funds.—(1) There shall be constituted for each autonomous district, a District Fund and for each autonomous region, a Regional Fund to which shall be credited all moneys received respectively by the District Council for that district and the Regional Council for that region in the course of the administration of such district or region, as the case may be, in accordance with the provisions of this Constitution.

⁵[(2) The Governor may make rules for the management of the District Fund, or, as the case may be, the Regional Fund and for the procedure to be followed in respect of payment of money into the said Fund, the withdrawal of moneys therefrom, the custody of moneys therein and any other matter connected with or ancillary to the matters aforesaid.

(3) The accounts of the District Council or, as the case may be, the Regional Council shall be kept in such form as the Comptroller and Auditor-General of India may, with the approval of the President, prescribe.

(4) The Comptroller and Auditor-General shall cause the accounts of the District and Regional Councils to be audited in such manner as he may think fit, and the reports of the Comptroller and Auditor-General relating to such accounts shall be submitted to the Governor who shall cause them to be laid before the Council.]

8. Powers to assess and collect land revenue and to impose taxes.—(1) The Regional Council for an autonomous region in respect of all lands within such region and the District Council for an autonomous district in respect of all lands within the district except those which are in the areas under the authority of Regional Councils, if any, within the district, shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed ⁶[by the Government of the State in assessing lands for the purpose of land revenue in the State generally].

¹ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

² Subs. by s. 74 and Fourth Sch., *ibid.*, for paragraph 6 (w.e.f. 2-4-1970).

³ Subs. by Repealing and Amending Act, 1974 (56 of 1974), s. 4, for “cattle ponds”.

⁴ The words “of Assam or Meghalaya, as the case may be” omitted by the North -Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., (w.e.f. 21-1-1972).

⁵ Subs. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch., for sub-paragraph 2 (w.e.f. 2-4-1970).

⁶ Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for certain words (w.e.f. 21-1-1972).

(2) स्वशासी प्रदेश के भीतर के क्षेत्रों के संबंध में ऐसे प्रदेश की प्रादेशिक परिषद् को और यदि जिले में कोई प्रादेशिक परिषद् हैं तो उनके प्राधिकार के अधीन आने वाले क्षेत्रों को छोड़कर जिले के भीतर के सभी क्षेत्रों के संबंध में स्वशासी जिले की जिला परिषद् को, भूमि और भवनों पर करों का तथा ऐसे क्षेत्रों में निवासी व्यक्तियों पर पथकर का उद्ग्रहण और संग्रहण करने की शक्ति होगी ।

(3) स्वशासी जिले की जिला परिषद् को ऐसे जिले के भीतर निम्नलिखित सभी या किन्हीं करों का उद्ग्रहण और संग्रहण करने की शक्ति होगी, अर्थात् :-

(क) वृत्ति, व्यापार, आजीविका और नियोजन पर कर ;

(ख) जीवजंतुओं, यानों और नौकाओं पर कर ;

(ग) किसी बाजार में विक्रय के लिए माल के प्रवेश पर कर और फेरी से ले जाए जाने वाले यात्रियों और माल पर पथकर ; और

(घ) विद्यालयों, औषधालयों या सड़कों को बनाए रखने के लिए कर ।

(4) इस पैरा के उपपैरा (2) और उपपैरा (3) में विनिर्दिष्ट करों में से किसी कर के उद्ग्रहण और संग्रहण का उपबंध करने के लिए, यथास्थिति, प्रादेशिक परिषद् या जिला परिषद् विनियम बना सकेगी और ¹[ऐसा प्रत्येक विनियम राज्यपाल के समक्ष तुरंत प्रस्तुत किया जाएगा और जब तक वह उस पर अनुमति नहीं दे देता है तब तक उसका कोई प्रभाव नहीं होगा]।

9. खनिजों के पूर्वक्षण या निष्कर्षण के प्रयोजन के लिए अनुज्ञप्तियां या पट्टे--(1) किसी स्वशासी जिले के भीतर के किसी क्षेत्र के संबंध में ³[राज्य की सरकार] द्वारा खनिजों के पूर्वक्षण या निष्कर्षण के प्रयोजन के लिए दी गई अनुज्ञप्तियों या पट्टों से प्रत्येक वर्ष प्रोद्भूत होने वाले स्वामिस्व का ऐसा अंश, जिला परिषद् को दिया जाएगा जो उस ⁴[राज्य की सरकार] और ऐसे जिले की जिला परिषद् के बीच करार पाया जाए ।

(2) यदि जिला परिषद् को दिए जाने वाले ऐसे स्वामिस्व के अंश के बारे में कोई विवाद उत्पन्न होता है तो वह राज्यपाल को अवधारण के लिए निर्देशित किया जाएगा और राज्यपाल द्वारा अपने विवेक के अनुसार अवधारित रकम इस पैरा के उपपैरा (1) के अधीन जिला परिषद् को संदेय रकम समझी जाएगी और राज्यपाल का विनिश्चय अंतिम होगा ।

4.5. 10. जनजातियों से भिन्न व्यक्तियों की साहूकारी और व्यापार के नियंत्रण के लिए विनियम बनाने की जिला परिषद् की शक्ति--(1) स्वशासी जिले की जिला परिषद् उस जिले में निवासी जनजातियों से भिन्न व्यक्तियों की उस जिले के भीतर साहूकारी या व्यापार के विनियमन और नियंत्रण के लिए विनियम बना सकेगी ।

(2) विशिष्टतया और पूर्वगामी शक्ति की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे विनियम--

¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

² संविधान (छठी अनुसूची) संशोधन अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा पैरा 9 त्रिपुरा और मिजोरम राज्यों को लागू करने में निम्नलिखित रूप से संशोधित किया गया जिससे उपपैरा (2) के पश्चात् निम्नलिखित उपपैरा अंतःस्थापित किया जा सके, अर्थात् :-

“(3) राज्यपाल, आदेश द्वारा, यह निदेश दे सकेगा कि इस पैरा के अधीन जिला परिषद् को दिया जाने वाला स्वामिस्व का अंश उस परिषद् को, यथास्थिति, उपपैरा (1) के अधीन किसी करार या उपपैरा (2) के अधीन किसी अवधारण की तारीख से एक वर्ष की अवधि के भीतर किया जाएगा ।”।

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71(i) और आठवीं अनुसूची द्वारा (21-1-1972 से) “असम सरकार” के स्थान पर प्रतिस्थापित ।

⁴ संविधान (छठी अनुसूची) संशोधन अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा पैरा 10 त्रिपुरा और मिजोरम राज्यों को लागू करने में निम्नलिखित रूप से संशोधित किया गया :-

“(क) शीर्षक में से “जनजातियों से भिन्न व्यक्तियों की” शब्दों का लोप किया जाएगा ;

(ख) उपपैरा (1) में से “जनजातियों से भिन्न” शब्दों का लोप किया जाएगा ;

(ग) उपपैरा (2) में, खंड (घ) के स्थान पर, निम्नलिखित खंड रखा जाएगा, अर्थात् :-

“(घ) विहित कर सकेंगे कि कोई व्यक्ति, जो जिले में निवासी है जिला परिषद् द्वारा इस निमित्त दी गई अनुज्ञप्ति के अधीन कोई थोक या फुटकर व्यापार करेगा अन्यथा नहीं :” ।

⁵ संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 10 असम राज्य को लागू करने में निम्नलिखित रूप से संशोधित किया गया जिससे उपपैरा (3) के पश्चात् निम्नलिखित अंतःस्थापित किया जा सके, अर्थात् :-

“(4) इस पैरा की कोई बात, इस अनुसूची के पैरा 2 के उपपैरा (3) के परंतुक के अधीन गठित बोडोलैंड प्रादेशिक परिषद् को लागू नहीं होगी ।” ।

(2) The Regional Council for an autonomous region in respect of areas within such region and the District Council for an autonomous district in respect of all areas in the district except those which are under the authority of Regional Councils, if any, within the district, shall have power to levy and collect taxes on lands and buildings, and tolls on persons resident within such areas.

(3) The District Council for an autonomous district shall have the power to levy and collect all or any of the following taxes within such district, that is to say —

- (a) taxes on professions, trades, callings and employments;
- (b) taxes on animals, vehicles and boats;
- (c) taxes on the entry of goods into a market for sale therein, and tolls on passengers and goods carried in ferries; and
- (d) taxes for the maintenance of schools, dispensaries or roads.

(4) A Regional Council or District Council, as the case may be, may make regulations to provide for the levy and collection of any of the taxes specified in sub-paragraphs (2) and (3) of this paragraph ¹[and every such regulation shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect].

²9. Licences or leases for the purpose of prospecting for, or extraction of, minerals.—(1) Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of, minerals granted by ³[the Government of the State] in respect of any area within an autonomous district as may be agreed upon between ⁴[the Government of the State] and the District Council of such district shall be made over to that District Council.

(2) If any dispute arises as to the share of such royalties to be made over to a District Council, it shall be referred to the Governor for determination and the amount determined by the Governor in his discretion shall be deemed to be the amount payable under sub-paragraph (1) of this paragraph to the District Council and the decision of the Governor shall be final.

⁴⁻⁵10. Power of District Council to make regulations for the control of money-lending and trading by non-tribals.—(1) The District Council of an autonomous district may make regulations for the regulation and control of money-lending or trading within the district by persons other than Scheduled Tribes resident in the district.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may—

¹ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

² Paragraph 9 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s. 2, so as to insert the following sub-paragraph after sub-paragraph (2), namely :

“(3) The Governor may, by order, direct that the share of royalties to be made over to a District Council under this paragraph shall be made over to that Council within a period of one year from the date of any agreement under sub-paragraph (1) or, as the case may be, of any determination under sub-paragraph (2).”

³ Subs. by the North -Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for “the Government of Assam” (w.e.f. 21-1-1972).

⁴ Paragraph 10 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s.2, as under--

(a) in the heading, the words “by non-tribals” shall be omitted;
in sub-paragraph (1), the words “other than Scheduled Tribes” shall be omitted;
in sub-paragraph (2), for clause (d), the following clause shall be substituted, namely:--

(d) prescribe that no person resident in the district shall carry on any trade, whether wholesale or retail, except under a licence issued in that behalf by the District Council.”

⁵ Paragraph 10 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2 , so as to insert the following sub-paragraph after sub-paragraph (3), namely:

“(4) Nothing in this paragraph shall apply to the Bodoland Territorial Council constituted under the proviso to sub-paragraph (3) of paragraph 2 of this Schedule.”

(क) विहित कर सकेंगे कि उस निमित्त दी गई अनुज्ञप्ति के धारक के अतिरिक्त और कोई साहूकारी का कारोबार नहीं करेगा ;

(ख) साहूकार द्वारा प्रभारित या वसूल किए जाने वाले ब्याज की अधिकतम दर विहित कर सकेंगे ;

(ग) साहूकारों द्वारा लेखे रखे जाने का और जिला परिषदों द्वारा इस निमित्त नियुक्त अधिकारियों द्वारा ऐसे लेखाओं के निरीक्षण का उपबंध कर सकेंगे ;

(घ) विहित कर सकेंगे कि कोई व्यक्ति, जो जिले में निवासी अनुसूचित जनजातियों का सदस्य नहीं है, जिला परिषद् द्वारा इस निमित्त दी गई अनुज्ञप्ति के अधीन ही किसी वस्तु का थोक या फुटकर कारबार करेगा, अन्यथा नहीं :

परंतु इस पैरा के अधीन ऐसे विनियम तब तक नहीं बनाए जा सकेंगे जब तक वे जिला परिषद् की कुल सदस्य संख्या के कम से कम तीन चौथाई बहुमत द्वारा पारित नहीं कर दिए जाते हैं :

परंतु यह और कि ऐसे किन्हीं विनियमों के अधीन किसी ऐसे साहूकार या व्यापारी को जो ऐसे विनियमों के बनाए जाने के पहले से उस जिले के भीतर कारबार करता रहा है, अनुज्ञप्ति देने से इंकार करना सक्षम नहीं होगा ।

(3) इस पैरा के अधीन बनाए गए सभी विनियम राज्यपाल के समक्ष तुरंत प्रस्तुत किए जाएंगे और जब तक वह उन पर अनुमति नहीं दे देता है तब तक उनका कोई प्रभाव नहीं होगा ।

11. अनुसूची के अधीन बनाई गई विधियों, नियमों और विनियमों का प्रकाशन--जिला परिषद् या प्रादेशिक परिषद् द्वारा इस अनुसूची के अधीन बनाई गई सभी विधियों, नियम और विनियम राज्य के राजपत्र में तुरंत प्रकाशित किए जाएंगे और ऐसे प्रकाशन पर विधि का बल रखेंगे ।

^{1,2}12. ³[असम राज्य में स्वशासी जिलों और स्वशासी प्रदेशों को संसद् के और असम राज्य के विधान-मंडल के अधिनियमों का लागू होना]--(1) इस संविधान में किसी बात के होते हुए भी,--

(क) ⁴[असम राज्य के विधान-मंडल] का कोई अधिनियम, जो ऐसे विषयों में से किसी विषय के संबंध में है जिनको इस अनुसूची के पैरा 3 में ऐसे विषयों के रूप में विनिर्दिष्ट किया गया है, जिनके संबंध में जिला परिषद् या प्रादेशिक परिषद् विधियां बना सकेगी और ⁴[असम राज्य के विधान-मंडल] का कोई अधिनियम, जो किसी अनासुत ऐल्कोहाली लिकर के उपभोग को प्रतिषिद्ध या निर्बंधित करता है, ⁵[उस राज्य में] किसी स्वशासी जिले या स्वशासी प्रदेश को तब तक लागू नहीं होगा जब तक दोनों दशाओं में से हर एक में ऐसे जिले की जिला परिषद् या ऐसे प्रदेश पर अधिकारिता रखने वाली जिला परिषद्, लोक अधिसूचना द्वारा, इस प्रकार निदेश नहीं दे देती है और जिला परिषद् किसी अधिनियम के संबंध में ऐसा निदेश देते समय यह निदेश दे सकेगी कि वह अधिनियम ऐसे जिले या प्रदेश या उसके किसी भाग को लागू होने में ऐसे अपवादों या उपांतरणों के अधीन रहते हुए प्रभावी होगा जो वह ठीक समझती है ;

¹ संविधान (छठी अनुसूची) संशोधन अधिनियम, 1995 (1995 का 42) की धारा 2 द्वारा पैरा 12 असम राज्य को लागू होने के लिए निम्नलिखित रूप से संशोधित किया गया, अर्थात् :-

‘पैरा 12 के उपपैरा (1) में “इस अनुसूची के पैरा 3 में ऐसे विषयों” शब्दों और अंक के स्थान पर, “इस अनुसूची के पैरा 3 या पैरा 3क में ऐसे विषयों” शब्द, अंक और अक्षर रखे जाएंगे ।’ ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 12 असम राज्य को लागू करने में निम्नलिखित रूप से संशोधित किया गया, अर्थात् :-

‘पैरा 12 के उपपैरा (1) के खंड (क) में, “इस अनुसूची के पैरा 3 या पैरा 3क में ऐसे विषयों के रूप में विनिर्दिष्ट किया गया है” शब्दों, अंकों और अक्षर के स्थान पर, “इस अनुसूची के पैरा 3 या पैरा 3क या पैरा 3ख में ऐसे विषयों के रूप में विनिर्दिष्ट किया गया है” शब्द, अंक और अक्षर रखे जाएंगे ;’ ।

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) शीर्षक के स्थान पर प्रतिस्थापित ।

⁴ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) “राज्य का विधान-मंडल” के स्थान पर प्रतिस्थापित ।

⁵ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) अंतःस्थापित ।

(a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending;

(b) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;

(c) provide for the maintenance of accounts by money-lenders and for the inspection of such accounts by officers appointed in that behalf by the District Council;

(d) prescribe that no person who is not a member of the Scheduled Tribes resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council :

Provided that no regulations may be made under this paragraph unless they are passed by a majority of not less than three-fourths of the total membership of the District Council:

Provided further that it shall not be competent under any such regulations to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulations.

(3) All regulations made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

11. Publication of laws, rules and regulations made under the Schedule.—All laws, rules and regulations made under this Schedule by a District Council or a Regional Council shall be published forthwith in the Official Gazette of the State and shall on such publication have the force of law.

¹⁻²12. ³[Application of Acts of Parliament and of the Legislature of the State of Assam to autonomous districts and autonomous regions in the State of Assam]. —(1) Notwithstanding anything in this Constitution —

(a) no Act of the ⁴[Legislature of the State of Assam] in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the ⁴[Legislature of the State of Assam] prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region ⁵[in that State] unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;

¹ Paragraph 12 has been amended to its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s.2, as under,-

‘in paragraph 12, in sub-paragraph (1), for the words and figure “matters specified in paragraph 3 of this Schedule”, the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule” shall be substituted.’

² Paragraph 12 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, as under,—

‘in paragraph 12, in sub-paragraph (1), in clause (a), for the words, figures and letter “matters specified in paragraph 3 or paragraph 3A of this Schedule”, the words, figures and letter “matters specified in paragraph 3 or paragraph 3A or paragraph 3B of this Schedule” shall be substituted.’

³ Subs. by the North Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for the marginal heading (w.e.f. 21-1-1972).

⁴ Subs. by s. 71 (i) and Eighth Sch., *ibid.*, for “Legislature of the State” (w.e.f. 21-1-1972).

⁵ Ins. by s. 71 (i) and Eighth Sch., *ibid.*, (w.e.f. 21-1-1972).

(ख) राज्यपाल, लोक अधिसूचना द्वारा, निदेश दे सकेगा कि संसद् का या ¹[असम राज्य के विधान-मंडल] का कोई अधिनियम, जिसे इस उपपैरा के खंड (क) के उपबंध लागू नहीं होते हैं ²[उस राज्य में] किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होगा जो वह उस अधिसूचना में विनिर्दिष्ट करे।

(2) इस पैरा के उपपैरा (1) के अधीन दिया गया कोई निदेश इस प्रकार दिया जा सकेगा कि उसका भूतलक्षी प्रभाव हो।

³12क. मेघालय राज्य में स्वशासी जिलों और स्वशासी प्रदेशों को संसद् के और मेघालय राज्य के विधान-मंडल के अधिनियमों का लागू होना--इस संविधान में किसी बात के होते हुए भी--

(क) यदि इस अनुसूची के पैरा 3 के उपपैरा (1) में विनिर्दिष्ट विषयों में से किसी विषय के संबंध में मेघालय राज्य में किसी जिला परिषद् या प्रादेशिक परिषद् द्वारा बनाई गई किसी विधि का कोई उपबंध या यदि इस अनुसूची के पैरा 8 या पैरा 10 के अधीन उस राज्य में किसी जिला परिषद् या प्रादेशिक परिषद् द्वारा बनाए गए किसी विनियम का कोई उपबंध, मेघालय राज्य के विधान-मंडल द्वारा उस विषय के संबंध में बनाई गई किसी विधि के किसी उपबंध के विरुद्ध है तो, यथास्थिति, उस जिला परिषद् या प्रादेशिक परिषद् द्वारा बनाई गई विधि या बनाया गया विनियम, चाहे वे मेघालय राज्य के विधान-मंडल द्वारा बनाई गई विधि से पहले बनाया गया हो या उसके पश्चात्, उस विरोध की मात्रा तक शून्य होगा और मेघालय राज्य के विधान-मंडल द्वारा बनाई गई विधि अभिभावी होगी ;

(ख) राष्ट्रपति, संसद् के किसी अधिनियम के संबंध में, अधिसूचना द्वारा निदेश दे सकेगा कि वह मेघालय राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होगा जो वह अधिसूचना में विनिर्दिष्ट करे और ऐसा कोई निदेश इस प्रकार दिया जा सकेगा कि उसका भूतलक्षी प्रभाव हो।]

⁴[12कक, त्रिपुरा राज्य में स्वशासी जिलों और स्वशासी प्रदेशों को संसद् के और त्रिपुरा राज्य के विधान-मंडल के अधिनियमों का लागू होना--इस संविधान में किसी बात के होते हुए भी,--

(क) त्रिपुरा राज्य के विधान-मंडल को कोई अधिनियम, जो ऐसे विषयों में से किसी विषय के संबंध में है जिनको इस अनुसूची के पैरा 3 में ऐसे विषयों के रूप में विनिर्दिष्ट किया गया है जिनके संबंध में जिला परिषद् या प्रादेशिक परिषद् विधियां बना सकेगी, और त्रिपुरा राज्य के विधान-मंडल का कोई अधिनियम जो किसी अनासुत ऐल्कोहाली लिक्वर के उपभोग को प्रतिषिद्ध या निर्बंधित करता है, उस राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को तब तक लागू नहीं होगा जब तक, दोनों दशाओं में से हर एक में, उस जिले की जिला परिषद् या ऐसे प्रदेश पर अधिकारिता रखने वाली जिला परिषद् लोक अधिसूचना द्वारा, इस प्रकार निदेश नहीं दे देती है और जिला परिषद् किसी अधिनियम के संबंध में ऐसा निदेश देते समय यह निदेश दे सकेगी कि वह अधिनियम उस जिले या प्रदेश या उसके किसी भाग को लागू होने में ऐसे अपवादों या उपांतरणों के अधीन रहते हुए प्रभावी होगा जो वह ठीक समझती है ;

¹ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) "राज्य का विधान-मंडल" के स्थान पर प्रतिस्थापित।

² पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) अंतःस्थापित।

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) पैरा 12क के स्थान पर प्रतिस्थापित।

⁴ संविधान छठी अनुसूची (संशोधन) अधिनियम, 1988 (1988 का 76) की धारा 2 द्वारा पैरा 12कक और 12ख के स्थान पर प्रतिस्थापित। पैरा 12कक संविधान(उनचासवां संशोधन) अधिनियम, 1984 की धारा 4 द्वारा (1-4-1985 से) अंतःस्थापित किया गया था।

(b) the Governor may, by public notification, direct that any Act of Parliament or of the ¹[Legislature of the State of Assam] to which the provisions of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district or an autonomous region ²[in that State], or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.

(2) Any direction given under sub-paragraph (1) of this paragraph may be given so as to have retrospective effect.

³[12A. Application of Acts of Parliament and of the Legislature of the State of Meghalaya to autonomous districts and autonomous regions in the State of Meghalaya.—Notwithstanding anything in this Constitution,—

(a) if any provision of a law made by a District or Regional Council in the State of Meghalaya with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Meghalaya with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Meghalaya shall prevail;

(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Meghalaya, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.]

⁴[12AA. Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous districts and autonomous regions in the State of Tripura.—Notwithstanding anything in this Constitution,—

(a) no Act of the ⁵[Legislature of the State of Assam] in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the ⁴[Legislature of the State of Assam] prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region ⁶[in that State] unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;

¹ Subs. by the North -Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for "Legislature of the State" (w.e.f. 21-1-1972).

² Ins. by the North -Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch. (w.e.f. 21-1-1972).

³ Subs. by s. 71 (i) and Eighth Sch., *ibid.*, for paragraph 12A (w.e.f. 21-1-1972).

⁴ Subs. by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s. 2, for paragraphs 12AA and 12B. Paragraph 12AA was ins. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4 (w.e.f. 1-4-1985).

⁵ Subs. by s. 71 (i) and Eighth Sch., *ibid.*, for "Legislature of the State" (w.e.f. 21-1-1972).

⁶ Ins. by s. 71 (i) and Eighth Sch., *ibid.*, (w.e.f. 21-1-1972).

(ख) राज्यपाल, लोक अधिसूचना द्वारा, निदेश दे सकेगा कि त्रिपुरा राज्य के विधान-मंडल को कोई अधिनियम, जिसे इस उपपैरा के खंड (क) के उपबंध लागू नहीं होते हैं, उस राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होगा जो वह उस अधिसूचना में विनिर्दिष्ट करे ;

(ग) राष्ट्रपति, संसद के किसी अधिनियम के संबंध में, अधिसूचना द्वारा निदेश दे सकेगा कि वह त्रिपुरा राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होना जो वह अधिसूचना में विनिर्दिष्ट करे और ऐसा कोई निदेश इस प्रकार दिया जा सकेगा कि उसका भूतलक्षी प्रभाव हो ।

12ख. मिजोरम राज्य में स्वशासी जिलों और स्वशासी प्रदेशों को संसद के और मिजोरम राज्य के विधान-मंडल के अधिनियमों को लागू होना--इस संविधान में किसी बात के होते हुए भी,—

(क) मिजोरम राज्य के विधान-मंडल का कोई अधिनियम जो ऐसे विषयों में से किसी विषय के संबंध में है जिनको इस अनुसूची के पैरा 3 में ऐसे विषयों के रूप में विनिर्दिष्ट किया गया है जिनके संबंध में जिला परिषद् या प्रादेशिक परिषद् विधियां बना सकेगा, और मिजोरम राज्य के विधान-मंडल का कोई अधिनियम, जो किसी अनासुत ऐल्कोहाली लिकर के उपभोग को प्रतिषिद्ध या निर्बंधित करता है, उस राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को तब तक लागू नहीं होगा, जब तक, दोनों दशाओं में से हर एक में, उस जिले की जिला परिषद् या ऐसे प्रदेश पर अधिकारिता रखने वाली जिला परिषद्, लोक अधिसूचना द्वारा, इस प्रकार निदेश नहीं दे देती है और जिला परिषद् किसी अधिनियम के संबंध में ऐसा निदेश देते समय यह निदेश दे सकेगी कि वह अधिनियम उस जिले या प्रदेश या उसके किसी भाग को लागू होने में ऐसे अपवादों या उपांतरणों के अधीन रहते हुए प्रभावी होगा जो वह ठीक समझती है ;

(ख) राज्यपाल, लोक अधिसूचना द्वारा, निदेश दे सकेगा कि मिजोरम राज्य के विधान-मंडल का कोई अधिनियम, जिसे इस उपपैरा के खंड (क) के उपबंध लागू नहीं होते हैं, उस राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होगा जो वह उस अधिसूचना में विनिर्दिष्ट करे ;

(ग) राष्ट्रपति, संसद के किसी अधिनियम के संबंध में, अधिसूचना द्वारा निदेश दे सकेगा कि वह मिजोरम राज्य में किसी स्वशासी जिले या स्वशासी प्रदेश को लागू नहीं होगा अथवा ऐसे जिले या प्रदेश या उसके किसी भाग को ऐसे अपवादों या उपांतरणों के अधीन रहते हुए लागू होगा जो वह अधिसूचना में विनिर्दिष्ट करे और ऐसा कोई निदेश इस प्रकार दिया जा सकेगा कि उसका भूतलक्षी प्रभाव हो ।]

13. स्वशासी जिलों से संबंधित प्राक्कलित प्राप्तियों और व्यय का वार्षिक वित्तीय विवरण में पृथक् रूप से दिखाया जाना--किसी स्वशासी जिले से संबंधित प्राक्कलित प्राप्तियां और व्यय, जो ¹*** राज्य की संचित निधि में जमा होनी हैं या उसमें से किए जाने हैं, पहले जिला परिषद् के समक्ष विचार-विमर्श के लिए रखे जाएंगे और फिर ऐसे विचार-विमर्श के पश्चात् अनुच्छेद 202 के अधीन राज्य के विधान-मंडल के समक्ष रखे जाने वाले वार्षिक वित्तीय विवरण में पृथक् रूप से दिखाए जाएंगे ।

²14. स्वशासी जिलों और स्वाशासी प्रदेशों के प्रशासन की जांच करने और उस पर प्रतिवेदन देने के लिए आयोग की नियुक्ति--(1) राज्यपाल, राज्य में स्वशासी जिलों और स्वशासी प्रदेशों के प्रशासन के संबंध में अपने द्वारा विनिर्दिष्ट किसी विषय की, जिसके अंतर्गत इस अनुसूची के पैरा 1 के उपपैरा (3) के खंड (ग), खंड (घ), खंड (ङ) और खंड (च) में विनिर्दिष्ट विषय हैं, जांच करने और उस पर प्रतिवेदन देने के लिए किसी भी समय आयोग नियुक्त कर सकेगा, या राज्य में स्वशासी जिलों और स्वशासी प्रदेशों के साधारणतया प्रशासन की और विशिष्टतया---

¹ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) “असम” शब्द का लोप किया गया ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 1995 (1995 का 42) की धारा 2 द्वारा पैरा 14 “असम” राज्य में लागू होने के लिए निम्नलिखित रूप से संशोधित किया गया, अर्थात्:-

‘पैरा 14 के उपपैरा (2) में, “ राज्यपाल की उससे संबंधित सिफारिशों के साथ” शब्दों का लोप किया जाएगा ।’ ।

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Tripura to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to the autonomous district or any autonomous region in that State, or shall apply to that district or such region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.

12B. Application of Acts of Parliament and of the Legislature of the State of Mizoram to autonomous districts and autonomous regions in the State of Mizoram.— Notwithstanding anything in this Constitution, —

(a) no Act of the Legislature of the State of Mizoram in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Mizoram prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that State unless, in either case, the District Council for such district or having jurisdiction over such region, by public notification, so directs, and the District Council, in giving such direction with respect to any Act, may direct that the Act shall, in its application to such district or region or any part thereof, have effect subject to such exceptions or modifications as it thinks fit;

(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Mizoram to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to an autonomous district or an autonomous region in that State, or shall apply to such district or region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;

(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Mizoram, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.]

13. Estimated receipts and expenditure pertaining to autonomous districts to be shown separately in the annual financial statement.—The estimated receipts and expenditure pertaining to an autonomous district which are to be credited to, or is to be made from, the Consolidated Fund of the State ¹*** shall be first placed before the District Council for discussion and then after such discussion be shown separately in the annual financial statement of the State to be laid before the Legislature of the State under article 202.

²14. Appointment of Commission to inquire into and report on the administration of autonomous districts and autonomous regions.—(1) The Governor may at any time appoint a Commission to examine and report on any matter specified by him relating to the administration of the autonomous districts and autonomous regions in the State, including matters specified in clauses (c), (d), (e) and (f) of sub-paragraph (3) of paragraph 1 of this Schedule, or may appoint a Commission to inquire into and report from time to time on the administration of autonomous districts and autonomous regions in the State generally and in particular on—

¹ The words “of Assam” omitted by the North- Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch. (w.e.f. 21-1-1972).

² Paragraph 14 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s. 2, as under,—
‘in paragraph 14, in sub-paragraph (2), the words “with the recommendations of the Governor with respect thereto” shall be omitted.’

- (क) ऐसे जिलों और प्रदेशों में शिक्षा और चिकित्सा की सुविधाओं की और संचार की व्यवस्था की,
 (ख) ऐसे जिलों और प्रदेशों के संबंध में किसी नए या विशेष विधान की आवश्यकता की, और
 (ग) जिला परिषदों और प्रादेशिक परिषदों द्वारा बनाई गई विधियों, नियमों और विनियमों के प्रशासन की,

समय-समय पर जांच करने और उस पर प्रतिवेदन देने के लिए आयोग नियुक्त कर सकेगा और ऐसे आयोग द्वारा अनुसरण की जाने वाली प्रक्रिया परिनिश्चित कर सकेगा ।

(2) संबंधित मंत्री, प्रत्येक ऐसे आयोग के प्रतिवेदन को, राज्यपाल की उससे संबंधित सिफारिशों के साथ, उस पर ¹[राज्य की सरकार] द्वारा की जाने के लिए प्रस्तावित कार्रवाई के संबंध में स्पष्टीकारक ज्ञापन सहित, राज्य के विधान-मंडल के समक्ष रखेगा ।

(3) राज्यपाल राज्य की सरकार के कार्य का अपने मंत्रियों में आबंटन करते समय अपने मंत्रियों में से एक मंत्री को राज्य के स्वशासी जिलों और स्वशासी प्रदेशों के कल्याण का विशेषतया भारसाधक बना सकेगा ।

²15. जिला परिषदों और प्रादेशिक परिषदों के कार्यों और संकल्पों का निष्प्रभाव या निलंबित किया जाना—(1) यदि राज्यपाल का किसी समय यह समाधान हो जाता है कि जिला परिषद् या प्रादेशिक परिषद् के किसी कार्य या संकल्प से भारत की सुरक्षा का संकटापन्न होना संभाव्य है ³[या लोक व्यवस्था पर प्रतिकूल प्रभाव पड़ना संभाव्य है] तो वह ऐसे कार्य या संकल्प को निष्प्रभाव या निलंबित कर सकेगा और ऐसी कार्रवाई (जिसके अंतर्गत परिषद् का निलंबन और परिषद् में निहित या उसके द्वारा प्रयोक्तव्य सभी या किन्हीं शक्तियों को अपने हाथ में ले लेना है) कर सकेगा जो वह ऐसे कार्य को किए जाने या उसके चालू रखे जाने का अथवा ऐसे संकल्प को प्रभावी किए जाने का निवारण करने के लिए आवश्यक समझे ।

(2) राज्यपाल द्वारा इस पैरा के उपपैरा (1) के अधीन किया गया आदेश, उसके लिए जो कारण है उनके सहित, राज्य के विधान-मंडल के समक्ष यथासंभवशीघ्र रखा जाएगा और यदि वह आदेश, राज्य के विधान-मंडल द्वारा प्रतिसंहत नहीं कर दिया जाता है तो वह उस तारीख से, जिसको वह इस प्रकार किया गया था, बारह मास की अवधि तक प्रवृत्त बना रहेगा :

परन्तु यदि और जितनी बार, ऐसे आदेश को प्रवृत्त बनाए रखने का अनुमोदन करने वाला संकल्प राज्य के विधान-मंडल द्वारा पारित कर दिया जाता है तो और उतनी बार वह आदेश, यदि राज्यपाल द्वारा रद्द नहीं कर दिया जाता है तो, उस तारीख से, जिसको वह इस पैरा के अधीन अन्यथा प्रवर्तन में नहीं रहता, बारह मास की और अवधि तक प्रवृत्त बना रहेगा ।

⁴16. जिला परिषद् या प्रादेशिक परिषद् का विघटन—⁵[(1)] राज्यपाल, इस अनुसूची के पैरा 14 के अधीन नियुक्त आयोग की सिफारिश पर, लोक अधिसूचना द्वारा, किसी जिला परिषद् या प्रादेशिक परिषद् का विघटन कर सकेगा, और—

¹ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) “असम सरकार” के स्थान पर प्रतिस्थापित ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा पैरा 15 त्रिपुरा और मिजोरम राज्यों को लागू करने में निम्नलिखित रूप से संशोधित किया गया है :—

‘(क) आरंभिक भाग में, “राज्य के विधान-मंडल द्वारा” शब्दों के स्थान पर “राज्यपाल द्वारा” शब्द रखे जाएंगे;

(ख) परन्तुक का लोप किया जाएगा ।’ ।

³ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

⁴ संविधान छठी अनुसूची (संशोधन) अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा पैरा 16 त्रिपुरा और मिजोरम राज्यों को लागू करने में निम्नलिखित रूप से संशोधित किया गया है :—

‘(क) उपपैरा (1) के खंड (ख) में आने वाले “राज्य के विधान-मंडल के पूर्व अनुमोदन से” शब्दों और दूसरे परन्तुक का लोप किया जाएगा;

(ख) उपपैरा (3) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात् :—

“(3) इस पैरा के उपपैरा (1) या उपपैरा (2) के अधीन किया गया प्रत्येक आदेश, उसके लिए जो कारण है उनके सहित, राज्य के विधान-मंडल के समक्ष रखा जाएगा ।” ।

⁵ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) पैरा 16 को उपपैरा (1) के रूप में पुनर्संख्यांकित किया गया ।

(a) the provision of educational and medical facilities and communications in such districts and regions;

(b) the need for any new or special legislation in respect of such districts and regions; and

(c) the administration of the laws, rules and regulations made by the District and Regional Councils;

and define the procedure to be followed by such Commission.

(2) The report of every such Commission with the recommendations of the Governor with respect thereto shall be laid before the Legislature of the State by the Minister concerned together with an explanatory memorandum regarding the action proposed to be taken thereon by ¹[the Government of the State].

(3) In allocating the business of the Government of the State among his Ministers the Governor may place one of his Ministers specially in charge of the welfare of the autonomous districts and autonomous regions in the State.

²15. Annulment or suspension of acts and resolutions of District and Regional Councils.—

(1) If at any time the Governor is satisfied that an act or resolution of a District or a Regional Council is likely to endanger the safety of India ³[or is likely to be prejudicial to public order], he may annul or suspend such act or resolution and take such steps as he may consider necessary (including the suspension of the Council and the assumption to himself of all or any of the powers vested in or exercisable by the Council) to prevent the commission or continuance of such act, or the giving of effect to such resolution.

(2) Any order made by the Governor under sub-paragraph (1) of this paragraph together with the reasons therefor shall be laid before the Legislature of the State as soon as possible and the order shall, unless revoked by the Legislature of the State, continue in force for a period of twelve months from the date on which it was so made:

Provided that if and so often as a resolution approving the continuance in force of such order is passed by the Legislature of the State, the order shall unless cancelled by the Governor continue in force for a further period of twelve months from the date on which under this paragraph it would otherwise have ceased to operate.

⁴**16. Dissolution of a District or a Regional Council.**—⁵[(1)] The Governor may on the recommendation of a Commission appointed under paragraph 14 of this Schedule by public notification order the dissolution of a District or a Regional Council, and—

¹ Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for “the Government of Assam” (w.e.f. 21-1-1972).

² Paragraph 15 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s. 2, as under,--

‘ (a) in the opening paragraph, for the words “by the Legislature of the State”, the words “by him” shall be substituted;

(b) the proviso shall be omitted.’

³ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

⁴ Paragraph 16 has been amended in its application to the States of Tripura and Mizoram by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988) s. 2, as under,--

‘ (a) in sub-paragraph (1), the words “subject to the previous approval of the Legislature of the State” occurring in clause (b), and the second proviso shall be omitted;

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:--

“(3) Every order made under sub-paragraph (1) or sub-paragraph (2) of this paragraph, along with the reasons therefor shall be laid before the Legislature of the State.”’.

⁵ Paragraph 16 renumbered as sub-paragraph (1) thereof by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

(क) निदेश दे सकेगा कि परिषद् के पुनर्गठन के लिए नया साधारण निर्वाचन तुरंत कराया जाए ; या

(ख) राज्य के विधान-मंडल के पूर्व अनुमोदन से ऐसी परिषद् के प्राधिकार के अधीन आने वाले क्षेत्र का प्रशासन बारह मास से अनधिक अवधि के लिए अपने हाथ में ले सकेगा अथवा ऐसे क्षेत्र का प्रशासन ऐसे आयोग को जिसे उक्त पैरा के अधीन नियुक्त किया गया है या अन्य ऐसे किसी निकाय को जिसे वह उपयुक्त समझता है, उक्त अवधि के लिए दे सकेगा :

परन्तु जब इस पैरा के खंड (क) के अधीन कोई आदेश किया गया है तब राज्यपाल प्रश्नगत क्षेत्र के प्रशासन के संबंध में, नया साधारण निर्वाचन होने पर परिषद् के पुनर्गठन के लंबित रहने तक, इस पैरा के खंड (ख) में निर्दिष्ट कार्यवाई कर सकेगा :

परन्तु यह और कि, यथास्थिति, जिला परिषद् या प्रादेशिक परिषद् को राज्य के विधान-मंडल के समक्ष अपने विचारों को रखने का अवसर दिए बिना उस पैरा के खंड (ख) के अधीन कोई कार्यवाई नहीं की जाएगी ।

¹[(2) यदि राज्यपाल का किसी समय यह समाधान हो जाता है कि ऐसी स्थिति उत्पन्न हो गई है जिसमें स्वशासी जिले या स्वशासी प्रदेश का प्रशासन उस अनुसूची के उपबंधों के अनुसार नहीं चलाया जा सकता है तो वह, यथास्थिति, जिला परिषद् या प्रादेशिक परिषद् में निहित या उसके द्वारा प्रयोक्तव्य सभी या कोई कृत्य या शक्तियां, लोक अधिसूचना द्वारा, छह मास से अनधिक अवधि के लिए अपने हाथ में ले सकेगा और यह घोषणा कर सकेगा कि ऐसे कृत्य या शक्तियां उक्त अवधि के दौरान ऐसे व्यक्ति या प्राधिकारी द्वारा प्रयोक्तव्य होंगी जिसे वह इस निमित्त विनिर्दिष्ट करे :

परन्तु राज्यपाल आरंभिक आदेश का प्रवर्तन, अतिरिक्त आदेश या आदेशों द्वारा, एक बार में छह मास से अनधिक अवधि के लिए बढ़ा सकेगा ।

(3) इस पैरा के उपपैरा (2) के अधीन किया गया प्रत्येक आदेश, उसके लिए जो कारण हैं उनके सहित, राज्य के विधान-मंडल के समक्ष रखा जाएगा और वह आदेश उस तारीख से जिसको राज्य विधान-मंडल उस आदेश के किए जाने के पश्चात् प्रथम बार बैठता है, तीस दिन की समाप्ति पर प्रवर्तन में नहीं रहेगा यदि उस अवधि की समाप्ति से पहले राज्य विधान-मंडल द्वारा उसका अनुमोदन नहीं कर दिया जाता है ।]

²17. स्वशासी जिलों में निर्वाचन-क्षेत्रों के बनाने में ऐसे जिलों से क्षेत्रों का अपवर्जन--राज्यपाल, ³[असम या मेघालय ⁴[या त्रिपुरा ⁵[या मिजोरम]] की विधान सभा] के निर्वाचनों के प्रयोजनों के लिए, आदेश द्वारा, यह घोषणा कर सकेगा कि, ⁶[यथास्थिति, असम या मेघालय ⁴[या त्रिपुरा ⁵[या मिजोरम]] राज्य में] किसी स्वशासी जिले के भीतर का कोई क्षेत्र ऐसे किसी जिले के लिए विधान सभा में आरक्षित स्थान या स्थानों को भरने के लिए किसी निर्वाचन-क्षेत्र का भाग नहीं होगा, किन्तु विधान सभा में इस प्रकार आरक्षित न किए गए ऐसे स्थान या स्थानों को भरने के लिए आदेश में विनिर्दिष्ट निर्वाचन-क्षेत्र का भाग होगा ।

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¹ आसाम पुनर्गठन (मेघालय) अधिनियम, 1969 (1969 का 55) की धारा 74 और चौथी अनुसूची द्वारा (2-4-1970 से) अंतःस्थापित ।

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 17 असम राज्य को लागू करने में निम्नलिखित अंतःस्थापित किया गया, अर्थात् :-

“परन्तु इस पैरा की कोई बात बोडोलैंड प्रादेशिक क्षेत्र जिला को लागू नहीं होगी ।”

³ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) “असम की विधान सभा” के स्थान पर प्रतिस्थापित ।

⁴ संविधान (उनचासवां संशोधन) अधिनियम, 1984 की धारा 4 द्वारा (1-4-1985 से) अंतःस्थापित ।

⁵ मिजोरम राज्य अधिनियम, 1986 (1986 का 34) की धारा 39 द्वारा (20-2-1987 से) अंतःस्थापित ।

⁶ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) अंतःस्थापित ।

⁷ पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) पैरा 18 का लोप किया गया ।

(a) direct that a fresh general election shall be held immediately for the reconstitution of the Council, or

(b) subject to the previous approval of the Legislature of the State assume the administration of the area under the authority of such Council himself or place the administration of such area under the Commission appointed under the said paragraph or any other body considered suitable by him for a period not exceeding twelve months:

Provided that when an order under clause (a) of this paragraph has been made, the Governor may take the action referred to in clause (b) of this paragraph with regard to the administration of the area in question pending the reconstitution of the Council on fresh general election:

Provided further that no action shall be taken under clause (b) of this paragraph without giving the District or the Regional Council, as the case may be, an opportunity of placing its views before the Legislature of the State.

¹[(2) If at any time the Governor is satisfied that a situation has arisen in which the administration of an autonomous district or region cannot be carried on in accordance with the provisions of this Schedule, he may, by public notification, assume to himself all or any of the functions or powers vested in or exercisable by the District Council or, as the case may be, the Regional Council and declare that such functions or powers shall be exercisable by such person or authority as he may specify in this behalf, for a period not exceeding six months:

Provided that the Governor may by a further order or orders extend the operation of the initial order by a period not exceeding six months on each occasion.

(3) Every order made under sub-paragraph (2) of this paragraph with the reasons therefor shall be laid before the Legislature of the State and shall cease to operate at the expiration of thirty days from the date on which the State Legislature first sits after the issue of the order, unless, before the expiry of that period it has been approved by that State Legislature.]

²17. Exclusion of areas from autonomous districts in forming constituencies in such districts.—For the purposes of elections to ³[the Legislative Assembly of Assam or Meghalaya] ⁴[or Tripura] ⁵[or Mizoram], the Governor may by order declare that any area within an autonomous district ⁶[in the State of Assam or Meghalaya ³[or Tripura] ⁴[or Mizoram], as the case may be, shall not form part of any constituency to fill a seat or seats in the Assembly reserved for any such district but shall form part of a constituency to fill a seat or seats in the Assembly not so reserved to be specified in the order.

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¹ Ins. by the Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969), s. 74 and Fourth Sch. (w.e.f. 2-4-1970).

² Paragraph 17 has been amended in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, so as to insert the following proviso, namely: —

“Provided that nothing in this paragraph shall apply to the Bodoland Territorial Areas District.”

³ Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for “the Legislative Assembly of the Assam” (w.e.f. 21-1-1972).

⁴ Ins. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4 (w.e.f. 1-4-1985).

⁵ Ins. by the State of Mizoram Act, 1986 (34 of 1986), s. 39 (w.e.f. 20-2-1987).

⁶ Ins. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch. (w.e.f. 21-1-1972).

⁷ Paragraph 18 omitted by s. 71 (i) and Eighth Sch., *ibid.* (w.e.f. 21-1-1972).

¹19. **संक्रमणकालीन उपबंध--**(1) राज्यपाल, इस संविधान के प्रारंभ के पश्चात् यथासंभव शीघ्र, इस अनुसूची के अधीन राज्य में प्रत्येक स्वशासी जिले के लिए जिला परिषद् के गठन के लिए कार्यवाही करेगा और जब तक किसी स्वशासी जिले के लिए जिला परिषद् इस प्रकार गठित नहीं की जाती है तब तक ऐसे जिले का प्रशासन राज्यपाल में निहित होगा और ऐसे जिले के भीतर के क्षेत्रों के प्रशासन को इस अनुसूची के पूर्वगामी उपबंधों के स्थान पर निम्नलिखित उपबंध लागू होंगे, अर्थात् :--

(क) संसद् का या उस राज्य के विधान-मंडल का कोई अधिनियम ऐसे क्षेत्र को तब तक लागू नहीं होगा जब तक राज्यपाल, लोक अधिसूचना द्वारा, इस प्रकार निदेश नहीं दे देता है और राज्यपाल किसी अधिनियम के संबंध में ऐसा निदेश देते समय यह निदेश दे सकेगा कि वह अधिनियम ऐसे क्षेत्र या उसके किसी विनिर्दिष्ट भाग को लागू होने में ऐसे अपवादों या उपांतरणों के अधीन रहते हुए प्रभावी होगा जो वह ठीक समझता है ;

(ख) राज्यपाल ऐसे किसी क्षेत्र की शांति और सुशासन के लिए विनियम बना सकेगा और इस प्रकार बनाए गए विनियम संसद् के या उस राज्य के विधान-मंडल के किसी अधिनियम का या किसी विद्यमान विधि का, जो ऐसे क्षेत्र को तत्समय लागू हैं, निरसन या संशोधन कर सकेंगे ।

(2) राज्यपाल द्वारा इस पैरा के उपपैरा (1) के खंड (क) के अधीन दिया गया कोई निदेश इस प्रकार दिया जा सकेगा कि उसका भूतलक्षी प्रभाव हो ।

(3) इस पैरा के उपपैरा (1) के खंड (ख) के अधीन बनाए गए सभी विनियम राष्ट्रपति के समक्ष तुरंत प्रस्तुत किए जाएंगे और जब तक वह उन पर अनुमति नहीं दे देता है तब तक उनका कोई प्रभाव नहीं होगा ।

²[**20. जनजाति क्षेत्र--**(1) नीचे दी गई सारणी के भाग 1, भाग 2 ³[, भाग 2क] और भाग 3 में विनिर्दिष्ट क्षेत्र क्रमशः असम राज्य, मेघालय राज्य ³[, त्रिपुरा राज्य] और मिजोरम ⁴[राज्य] के जनजाति क्षेत्र होंगे ।

(2) ⁵[नीचे दी गई सारणी के भाग 1, भाग 2 या भाग 3 में] किसी जिले के प्रति निर्देश का यह अर्थ लगाया जाएगा कि वह पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 की धारा 2 के खंड (ख) के अधीन नियत किए गए दिन से ठीक पहले विद्यमान उस नाम के स्वशासी जिले में समाविष्ट राज्यक्षेत्रों के प्रति निर्देश हैं :

परन्तु इस अनुसूची के पैरा 3 के उपपैरा (1) के खंड (ड) और खंड (च), पैरा 4, पैरा 5, पैरा 6, पैरा 8 के उपपैरा (2), उपपैरा (3) के खंड (क), खंड (ख) और खंड (घ) और उपपैरा (4) तथा पैरा 10 के उपपैरा (2) के खंड (घ) के प्रयोजनों के लिए, शिलांग नगरपालिका में समाविष्ट क्षेत्र के किसी भाग के बारे में यह नहीं समझा जाएगा कि वह ⁶[खासी पहाड़ी जिले] के भीतर है ।

¹ संविधान छोटी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा पैरा 19 असम राज्य को लागू करने में निम्नलिखित रूप से संशोधित किया गया जिससे उपपैरा (3) के पश्चात् निम्नलिखित अंतःस्थापित किया गया अर्थात् :--

‘(4) इस अधिनियम के प्रारंभ के पश्चात्, यथाशीघ्र असम में बोडोलैंड प्रादेशिक क्षेत्र जिले के लिए एक अंतरिम कार्यपालक परिषद्, राज्यपाल द्वारा बोडो आन्दोलन के नेताओं में से, जिनके अंतर्गत समझौते के ज्ञापन के हस्ताक्षरकर्ता भी हैं, बनाई जाएगी और उसमें उस क्षेत्र के गैर जनजातीय समुदायों को भी पर्याप्त प्रतिनिधित्व दिया जाएगा :

परन्तु अन्तरिम परिषद् छह मास की अवधि के लिए होगी जिसके दौरान परिषद् का निर्वाचन कराने का प्रयास किया जाएगा ।

स्पष्टीकरण--इस उपपैरा के प्रयोजनों के लिए, “समझौते का ज्ञापन” पद से भारत सरकार, असम सरकार और बोडो लिबरेशन टाइगर्स के बीच 10 फरवरी, 2003 को हस्ताक्षरित ज्ञापन अभिप्रेत है ।’

² पूर्वोत्तर क्षेत्र (पुनर्गठन) अधिनियम, 1971 (1971 का 81) की धारा 71 और आठवीं अनुसूची द्वारा (21-1-1972 से) “पैरा 20 और 20क के” के स्थान पर प्रतिस्थापित ।

³ संविधान (उनचासवां संशोधन) अधिनियम, 1984 की धारा 4 द्वारा (1-4-1985 से) अंतःस्थापित ।

⁴ मिजोरम राज्य अधिनियम, 1986 (1986 का 34) की धारा 39 द्वारा (20-2-1987 से) “संघ राज्यक्षेत्र” के स्थान पर प्रतिस्थापित । ।

⁵ संविधान (उनचासवां संशोधन) अधिनियम, 1984 की धारा 4 द्वारा (1-4-1985 से) “नीचे दी गई सारणी में” के स्थान पर प्रतिस्थापित ।

⁶ मेघालय सरकार के अधिसूचना सं० डी.सी.ए. 31/ 72/11, तारीख 14 जून, 1973, मेघालय का राजपत्र, भाग V क, तारीख 23-6-1973 पृ. 200 द्वारा प्रतिस्थापित ।

¹19. Transitional provisions.—(1) As soon as possible after the commencement of this Constitution the Governor shall take steps for the constitution of a District Council for each autonomous district in the State under this Schedule and, until a District Council is so constituted for an autonomous district, the administration of such district shall be vested in the Governor and the following provisions shall apply to the administration of the areas within such district instead of the foregoing provisions of this Schedule, namely:—

(a) no Act of Parliament or of the Legislature of the State shall apply to any such area unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit;

(b) the Governor may make regulations for the peace and good government of any such area and any regulations so made may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to such area.

(2) Any direction given by the Governor under clause (a) of sub-paragraph (1) of this paragraph may be given so as to have retrospective effect.

(3) All regulations made under clause (b) of sub-paragraph (1) of this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

²[20. Tribal areas.—(1) The areas specified in Parts I, II ³[, IIA] and III of the table below shall respectively be the tribal areas within the State of Assam, the State of Meghalaya ⁹[, the State of Tripura] and the ⁴[State] of Mizoram.

(2) ⁵[Any reference in Part I, Part II or Part III of the table below] to any district shall be construed as a reference to the territories comprised within the autonomous district of that name existing immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971:

Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4, paragraph 5, paragraph 6, sub-paragraph (2), clauses (a), (b) and (d) of sub-paragraph (3) and sub-paragraph (4) of paragraph 8 and clause (d) of sub-paragraph (2) of paragraph 10 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the ⁶[Khasi Hills District].

¹ Paragraph 19 has been amended in its application to the State of Assam by s. 2, *ibid.*, so as to insert the following sub-paragraph after sub-paragraph (3), namely:—

“(4) As soon as possible after the commencement of this Act, and Interim Executive Council for Bodoland Territorial Areas District in Assam shall be formed by the Governor from amongst leaders of the Bodo movement, including the signatories to the Memorandum of Settlement, and shall provide adequate representation to the non-tribal communities in that area:

Provided that Interim Council shall be for a period of six months during which endeavour to hold the election to the Council shall be made.

Explanation.— For the purposes of this sub-paragraph, the expression “Memorandum of Settlement” means the Memorandum signed on the 10th day of February, 2003 between Government of India, Government of Assam and Bodo Liberation Tigers.”

² Subs. by the North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971), s. 71 (i) and Eighth Sch., for paragraphs 20 and 20A (w.e.f. 21-1-1972).

³ Ins. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4 (w.e.f. 1-4-1985).

⁴ Subs. by the State of Mizoram Act, 1986 (34 of 1986), s. 39, for “Union territory” (w.e.f. 20-2-1987).

⁵ Subs. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4, for “Any reference in the Table below” (w.e.f. 1-4-1985).

⁶ Subs. by the Government of Meghalaya Notification No. DCA 31/72/11 dated the 14th June, 1973, Gazette of Meghalaya, Pt. VA, dated 23-6-1973, p. 200.

²[(3) नीचे दी गई सारणी के भाग 2क में “त्रिपुरा जनजाति क्षेत्र जिला” के प्रति निर्देश का यह अर्थ लगाया जाएगा कि वह त्रिपुरा जनजाति क्षेत्र स्वशासी जिला परिषद् अधिनियम, 1979 की पहली अनुसूची में विनिर्दिष्ट जनजाति क्षेत्रों में समाविष्ट राज्यक्षेत्र के प्रति निर्देश है]]

सारणी

भाग 1

1. उत्तरी कछार पहाड़ी जिला ।
- ¹2. ²[कार्बी आंगलांग जिला]]

भाग 2

- ³[1. खासी पहाड़ी जिला ।
2. जयंतिया पहाड़ी जिला ।]
3. गारो पहाड़ी जिला ।

⁴[भाग 2क

त्रिपुरा जनजाति क्षेत्र जिला]]

भाग 3

⁵* * * *

- ⁶[1. चकमा जिला ।
- ⁷[2. मारा जिला ।
3. लई जिला]]

⁸[20क. मिजो जिला परिषद् का विघटन--(1) इस अनुसूची में किसी बात के होते हुए भी, विहित तारीख से ठीक पहले विद्यमान मिजो जिले की जिला परिषद् (जिसे इसमें इसके पश्चात् मिजो जिला परिषद् कहा गया है) विघटित हो जाएगी और विद्यमान नहीं रह जाएगी ।

(2) मिजोरम संघ राज्यक्षेत्र का प्रशासक, एक या अधिक आदेशों द्वारा, निम्नलिखित सभी या किन्हीं विषयों के लिए उपबंध कर सकेगा, अर्थात् :--

(क) मिजो जिला परिषद् की आस्तियों, अधिकारों और दायित्वों का (जिनके अंतर्गत उसके द्वारा की गई किसी संविदा के अधीन अधिकार और दायित्व हैं) पूर्णतः या भागतः संघ को या किसी अन्य प्राधिकारी को अंतरण ;

¹ संविधान छठी अनुसूची (संशोधन) अधिनियम, 2003 (2003 का 44) की धारा 2 द्वारा असम राज्य को लागू करने में पैरा 20 की सारणी के भाग 1 में प्रविष्टि 2 के पश्चात् निम्नलिखित प्रविष्टि अंतःस्थापित की गई, अर्थात् :--

“3. बोडोलैंड प्रादेशिक क्षेत्र जिला ।” ।

² असम सरकार द्वारा तारीख 14-10-1976 की अधिसूचना सं टी.ए.डी/आर 115/74/47 द्वारा “मिकीर पहाड़ी जिला” के स्थान पर प्रतिस्थापित ।

³ मेघालय सरकार की अधिसूचना सं डी.सी.ए. 31/72/11 तारीख 14 जून, 1973 मेघालय का राजपत्र, भाग V क, तारीख 23-6-1973 पृष्ठ 200 द्वारा प्रतिस्थापित ।

⁴ संविधान उनचासवां संशोधन अधिनियम 1984 की धारा 4 द्वारा (1-4-1985 से) अन्तःस्थापित ।

⁵ संघ राज्यक्षेत्र शासन (संशोधन) अधिनियम, 1971 (1971 का 83) की धारा 13 द्वारा (29-4-1972 से) “मिजो जिला” शब्दों का लोप किया गया ।

⁶ मिजोरम का राजपत्र 1972, तारीख 5 मई, 1972, जिल्द 1, भाग II, पृ 17 में प्रकाशित मिजोरम जिला परिषद् (प्रकीर्ण उपबंध) आदेश, 1972 द्वारा (29-4-1972 से) अंतःस्थापित ।

⁷ संविधान छठी अनुसूची (संशोधन) अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा क्रम सं 2 और 3 तथा उनसे संबंधित प्रविष्टियों के स्थान पर प्रतिस्थापित ।

⁸ संघ राज्यक्षेत्र शासन (संशोधन) अधिनियम, 1971 (1971 का 83) की धारा 13 द्वारा (29-4-1972 से), पैरा 20क के स्थान पर प्रतिस्थापित ।

²[(3) The reference in Part IIA in the table below to the "Tripura Tribal Areas District" shall be construed as a reference to the territory comprising the tribal areas specified in the First Schedule to the Tripura Tribal Areas Autonomous District Council Act, 1979.]

TABLE

PART I

1. The North Cachar Hills District.
- ¹2. ²[The Karbi Anglong District.]
- ³3. The Bodoland Territorial Areas District.]

PART II

- ¹[1. Khasi Hills District.
2. Jaintia Hills District.]
3. The Garo Hills District.

⁴[PART IIA

Tripura Tribal Areas District]

PART III

⁵* * *

- ⁶[1. The Chakma District.
- ⁷[2. The Mara District.
2. The Lai District.]]
- 3.

⁸[20A. Dissolution of the Mizo District Council.—(1) Notwithstanding anything in this Schedule, the District Council of the Mizo District existing immediately before the prescribed date (hereinafter referred to as the Mizo District Council) shall stand dissolved and cease to exist.

(2) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer, in whole or in part, of the assets, rights and liabilities of the Mizo District Council (including the rights and liabilities under any contract made by it) to the Union or to any other authority;

¹ In Paragraph 20 No. 3 in Part II of the table has been inserted so as to its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2, namely: —

“3. the Bodoland Territorial Areas District.”

² Subs. by the Government of Assam Notification No. TAD/R/115/74/47 dated the 14-10-1976, for “The Mikir Hills District”.

³ Ins. by the Sixth Schedule to the Constitution (Amendment) Act, 2003 (44 of 2003), s. 2.

⁴ Ins. by the Constitution (Forty-ninth Amendment) Act, 1984, s. 4 (w.e.f. 1-4-1985).

⁵ The words “The Mizo District” omitted by the Government of Union Territories (Amendment) Act, 1971 (83 of 1971), s. 13 (w.e.f. 29-4-1972).

⁶ Ins. by the Mizoram District Councils (Miscellaneous Provisions) Order, 1972, published in the Mizoram Gazette, 1972, dated the 5th May, 1972, Vol. I, Pt. II, p. 17 (w.e.f. 29-4-1972).

⁷ Subs. by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s. 2, for serial numbers 2 and 3 and the entries relating thereto.

⁸ Subs. by the Government of Union Territories (Amendment) Act, 1971 (83 of 1971), s. 13, for paragraph 20A (w.e.f. 29-4-1972).

(ख) किन्हीं ऐसी विधिक कार्यवाहियों में, जिनमें मिजो जिला परिषद् एक पक्षकार है, मिजो जिला परिषद् के स्थान पर संघ का या किसी अन्य प्राधिकारी का पक्षकार के रूप में रखा जाना अथवा संघ का या किसी अन्य प्राधिकारी का पक्षकार के रूप में जोड़ा जाना ;

(ग) मिजो जिला परिषद् के किन्हीं कर्मचारियों का संघ को या किसी अन्य प्राधिकारी को अथवा उसके द्वारा अंतरण या पुनर्नियोजन, ऐसे अंतरण या पुनर्नियोजन के पश्चात् उन कर्मचारियों को लागू होने वाले सेवा के निबंधन और शर्तें ;

(घ) मिजो जिला परिषद् द्वारा बनाई गई और उसके विघटन से ठीक पहले प्रवृत्त किन्हीं विधियों का, ऐसे अनुकूलनों और उपांतरणों के, चाहे वे निरसन के रूप में हों या संशोधन के रूप में, अधीन रहते हुए जो प्रशासक द्वारा इस निमित्त किए जाएं, तब तक प्रवृत्त बना रहना जब तक किसी सक्षम विधान-मंडल द्वारा या अन्य सक्षम प्राधिकारी द्वारा ऐसी विधियों में परिवर्तन, निरसन या संशोधन नहीं कर दिया जाता है ;

(ङ) ऐसे आनुषंगिक, पारिणामिक और अनुपूरक विषय जो प्रशासक आवश्यक समझे ।

स्पष्टीकरण--इस पैरा में और इस अनुसूची के पैरा 20ख में, “विहित तारीख” पद से वह तारीख अभिप्रेत है जिसको मिजोरम संघ राज्यक्षेत्र की विधान सभा का, संघ राज्यक्षेत्र शासन अधिनियम, 1963 के उपबंधों के अधीन और उनके अनुसार, सम्यक् रूप से गठन होता है ।

1-20ख. मिजोरम संघ राज्यक्षेत्र में स्वशासी प्रदेशों का स्वशासी जिले होना और उसके पारिणामिक संक्रमणकालीन उपबंध --(1) इस अनुसूची में किसी बात के होते हुए भी,—

(क) मिजोरम संघ राज्यक्षेत्र में विहित तारीख से ठीक पहले विद्यमान प्रत्येक स्वशासी प्रदेश उस तारीख को और से उस संघ राज्यक्षेत्र का स्वशासी जिला (जिसे इसमें इसके पश्चात्, तत्स्थानी नया जिला कहा गया है) हो जाएगा और उसका प्रशासक, एक या अधिक आदेशों द्वारा, निदेश दे सकेगा कि इस अनुसूची के पैरा 20 में (जिसके अंतर्गत उस पैरा से संलग्न सारणी का भाग 3 है) ऐसे पारिणामिक संशोधन किए जाएंगे जो इस खंड के उपबंधों को प्रभावी करने के लिए आवश्यक हैं और तब उक्त पैरा और उक्त भाग 3 के बारे में यह समझा जाएगा कि उनका तदनुसार संशोधन कर दिया गया है ;

(ख) मिजोरम संघ राज्यक्षेत्र में विहित तारीख से ठीक पहले विद्यमान स्वशासी प्रदेश की प्रत्येक प्रादेशिक परिषद् (जिसे इसमें इसके पश्चात् विद्यमान प्रादेशिक परिषद् कहा गया है) उस तारीख को और से और जब तक तत्स्थानी नए जिले के लिए परिषद् का सम्यक् रूप से गठन नहीं होता है तब तक, उस जिले की जिला परिषद् (जिसे इसमें इसके पश्चात् तत्स्थानी नई जिला परिषद् कहा गया है) समझी जाएगी ।

¹ संविधान छठी अनुसूची (संशोधन) अधिनियम, 1995 (1995 का 42) की धारा 2 द्वारा असम में लागू होने के लिए पैरा 20ख के पश्चात् निम्नलिखित पैरा अंतःस्थापित किया गया, अर्थात् :-

“**20खक. राज्यपाल द्वारा अपने कृत्यों के निर्वहन में वैवेकिक शक्तियों का प्रयोग**--राज्यपाल, इस अनुसूची के पैरा 1 के उपपैरा (2) और उपपैरा (3), पैरा 2 के उपपैरा (1), उपपैरा (6), उपपैरा (6क) के पहले परन्तुक को छोड़कर और उपपैरा (7), पैरा 3 के उपपैरा (3), पैरा 4 के उपपैरा (4), पैरा 5, पैरा 6 के उपपैरा (1), पैरा 7 के उपपैरा (2), पैरा 8 के उपपैरा (4), पैरा 9 के उपपैरा (3), पैरा 10 के उपपैरा (3), पैरा 14 के उपपैरा (1), पैरा 15 के उपपैरा (1) और पैरा 16 के उपपैरा (1) और उपपैरा (2) के अधीन अपने कृत्यों के निर्वहन में, मंत्रिपरिषद् और, यथास्थिति, उत्तरी कछार पहाड़ी स्वशासी परिषद् या कार्बी आंगलांग पहाड़ी स्वशासी परिषद् से परामर्श करने के पश्चात् ऐसी कार्रवाई करेगा, जो वह स्वविवेकानुसार आवश्यक मानता है ।”

² संविधान छठी अनुसूची (संशोधन) अधिनियम, 1988 (1988 का 67) की धारा 2 द्वारा त्रिपुरा और मिजोरम राज्यों को लागू करने में, पैरा 20ख के पश्चात् निम्नलिखित पैरा अंतःस्थापित किया गया है, अर्थात् :-

“**20खख. राज्यपाल द्वारा अपने कृत्यों के निर्वहन में वैवेकिक शक्तियों का प्रयोग**--राज्यपाल, इस अनुसूची के पैरा 1 के उपपैरा (2) और उपपैरा (3), पैरा 2 के उपपैरा (1) और उपपैरा (7), पैरा 3 का उपपैरा (3), पैरा 4 का उपपैरा (4), पैरा 5, पैरा 6 का उपपैरा (1), पैरा 7 का उपपैरा (2), पैरा 9 का उपपैरा (3), पैरा 14 का उपपैरा (1) और पैरा 16 का उपपैरा (1) और उपपैरा (2) के अधीन अपने कृत्यों के निर्वहन में, मंत्रिपरिषद् से और यदि वह आवश्यक समझे तो संबंधित जिला परिषद् या प्रादेशिक परिषद् से परामर्श करने के पश्चात्, ऐसी कार्रवाई करेगा, जो वह स्वविवेकानुसार आवश्यक समझे ।”

(b) the substitution of the Union or any other authority for the Mizo District Council, or the addition of the Union or any other authority, as a party to any legal proceedings to which the Mizo District Council is a party;

(c) the transfer or re-employment of any employees of the Mizo District Council to or by the Union or any other authority, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws, made by the Mizo District Council and in force immediately before its dissolution, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf, until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

Explanation.—In this paragraph and in paragraph 20B of this Schedule, the expression "prescribed date" means the date on which the Legislative Assembly of the Union territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1963.

¹⁻²20B. Autonomous regions in the Union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto.—(1) Notwithstanding anything in this Schedule,—

(a) every autonomous region existing immediately before the prescribed date in the Union territory of Mizoram shall, on and from that date, be an autonomous district in that Union territory (hereafter referred to as the corresponding new district) and the Administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this Schedule (including Part III of the table appended to that paragraph) and thereupon the said paragraph and the said Part III shall be deemed to have been amended accordingly;

(b) every Regional Council of an autonomous region in the Union territory of Mizoram existing immediately before the prescribed date (hereafter referred to as the existing Regional Council) shall, on and from that date and until a District Council is duly constituted for the corresponding new district, be deemed to be the District Council of that district (hereafter referred to as the corresponding new District Council).

¹ After paragraph 20B, the following paragraph has been inserted in its application to the State of Assam by the Sixth Schedule to the Constitution (Amendment) Act, 1995 (42 of 1995), s. 2, namely:—

“20BA. Exercise of discretionary powers by the Governor in the discharge of his functions.— The Governor in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1), (6), sub-paragraph (6A) excluding the first proviso and sub-paragraph (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (4) of paragraph 8, sub-paragraph (3) of paragraph 9, sub-paragraph (3) of paragraph 10, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers and the North Cachar Hills Autonomous Council or the Karbi Anglong Autonomous Council, as the case may be, take such action as he considers necessary in his discretion.”

² After paragraph 20B, the following paragraph has been inserted in its application to the States of Tripura and Mizoram, by the Sixth Schedule to the Constitution (Amendment) Act, 1988 (67 of 1988), s. 2, namely:—

“20BB. Exercise of discretionary powers by the Governor in the discharge of his functions.—The Governor, in the discharge of his functions under sub-paragraphs (2) and (3) of paragraph 1, sub-paragraphs (1) and (7) of paragraph 2, sub-paragraph (3) of paragraph 3, sub-paragraph (4) of paragraph 4, paragraph 5, sub-paragraph (1) of paragraph 6, sub-paragraph (2) of paragraph 7, sub-paragraph (3) of paragraph 9, sub-paragraph (1) of paragraph 14, sub-paragraph (1) of paragraph 15 and sub-paragraphs (1) and (2) of paragraph 16 of this Schedule, shall, after consulting the Council of Ministers, and if he thinks it necessary, the District Council or the Regional Council concerned, take such action as he considers necessary in his discretion.”

(2) विद्यमान प्रादेशिक परिषद् का प्रत्येक निर्वाचित या नामनिर्देशित सदस्य तत्स्थानी नई जिला परिषद् के लिए, यथास्थिति, निर्वाचित या नामनिर्देशित समझा जाएगा और तब तक पद धारण करेगा जब तक इस अनुसूची के अधीन तत्स्थानी नए जिले के लिए जिला परिषद् का सम्यक् रूप से गठन नहीं होता है ।

(3) जब तक तत्स्थानी नई जिला परिषद् द्वारा इस अनुसूची के पैरा 2 के उपपैरा (7) और पैरा 4 के उपपैरा (4) के अधीन नियम नहीं बनाए जाते हैं तब तक विद्यमान प्रादेशिक परिषद् द्वारा उक्त उपबंधों के अधीन बनाए गए नियम, जो विहित तारीख से ठीक पहले प्रवृत्त हैं, तत्स्थानी नई जिला परिषद् के संबंध में ऐसे अनुकूलनों और उपांतरणों के अधीन रहते हुए प्रभावी होंगे जो मिजोरम संघ राज्यक्षेत्र के प्रशासक द्वारा उनमें किए जाएं ।

(4) मिजोरम संघ राज्यक्षेत्र का प्रशासक, एक या अधिक आदेशों द्वारा, निम्नलिखित सभी या किन्हीं विषयों के लिए उपबंध कर सकेगा, अर्थात् :-

(क) विद्यमान प्रादेशिक परिषद् की आस्तियों, अधिकारों और दायित्वों का (जिनके अंतर्गत उसके द्वारा की गई किसी संविदा के अधीन अधिकार और दायित्व हैं) पूर्णतः या भागतः तत्स्थानी नई जिला परिषद् को अंतरण ;

(ख) किन्हीं ऐसी विधिक कार्यवाहियों में, जिनमें विद्यमान प्रादेशिक परिषद् एक पक्षकार है, विद्यमान प्रादेशिक परिषद् के स्थान पर तत्स्थानी नई जिला परिषद् का पक्षकार के रूप में रखा जाना ;

(ग) विद्यमान प्रादेशिक परिषद् के किन्हीं कर्मचारियों का तत्स्थानी नई जिला परिषद् को अथवा उसके द्वारा अंतरण या पुनर्नियोजन ; ऐसे अंतरण या पुनर्नियोजन के पश्चात् उन कर्मचारियों को लागू होने वाले सेवा के निबंधन और शर्तें ;

(घ) विद्यमान प्रादेशिक परिषद् द्वारा बनाई गई और विहित तारीख से ठीक पहले प्रवृत्त किन्हीं विधियों का, ऐसे अनुकूलनों और उपांतरणों के, चाहे वे निरसन के रूप में हों या संशोधन के रूप में, अधीन रहते हुए जो प्रशासक द्वारा इस निमित्त किए जाएं, तब तक प्रवृत्त बना रहना जब तक सक्षम विधान-मंडल द्वारा या अन्य सक्षम प्राधिकारी द्वारा ऐसी विधियों में परिवर्तन, निरसन या संशोधन नहीं कर दिया जाता है ;

(ङ) ऐसे आनुषंगिक, पारिणामिक और अनुपूरक विषय जो प्रशासक आवश्यक समझे ।

20ग. निर्वचन--इस निमित्त बनाए गए किसी उपबंध के अधीन रहते हुए, इस अनुसूची के उपबंध मिजोरम संघ राज्यक्षेत्र को उनके लागू होने में इस प्रकार प्रभावी होंगे--

(1) मानो राज्य के राज्यपाल और राज्य की सरकार के प्रति निर्देश अनुच्छेद 239 के अधीन नियुक्त संघ राज्यक्षेत्र के प्रशासक के प्रति निर्देश हों ; (“राज्य की सरकार” पद के सिवाय) राज्य के प्रति निर्देश मिजोरम संघ राज्यक्षेत्र के प्रति निर्देश हों और राज्य विधान-मंडल के प्रति निर्देश मिजोरम संघ राज्यक्षेत्र की विधान सभा के प्रति निर्देश हों ;

(2) मानो--

(क) पैरा 4 के उपपैरा (5) में संबंधित राज्य की सरकार से परामर्श करने के उपबंध का लोप कर दिया गया हो ;

(ख) पैरा 6 के उपपैरा (2) में, “जिस पर राज्य की कार्यपालिका शक्ति का विस्तार है” शब्दों के स्थान पर “जिसके संबंध में मिजोरम संघ राज्यक्षेत्र की विधान सभा को विधियां बनाने की शक्ति है” शब्द रख दिए गए हों ;

(ग) पैरा 13 में, “अनुच्छेद 202 के अधीन” शब्दों और अंकों का लोप कर दिया गया हो ।]]

21. अनुसूची का संशोधन--(1) संसद्, समय-समय पर विधि द्वारा, इस अनुसूची के उपबंधों में से किसी का, परिवर्धन, परिवर्तन या निरसन के रूप में संशोधन कर सकेगी और जब अनुसूची का इस प्रकार संशोधन किया जाता है तब इस संविधान में इस अनुसूची के प्रति किसी निर्देश का यह अर्थ लगाया जाएगा कि वह इस प्रकार संशोधित ऐसी अनुसूची के प्रति निर्देश है ।

(2) ऐसी कोई विधि जो इस पैरा के उपपैरा (1) में उल्लिखित है, इस संविधान के अनुच्छेद 368 के प्रयोजनों के लिए इस संविधान का संशोधन नहीं समझी जाएगी ।

(2) Every member whether elected or nominated of an existing Regional Council shall be deemed to have been elected or, as the case may be, nominated to the corresponding new District Council and shall hold office until a District Council is duly constituted for the corresponding new district under this Schedule.

(3) Until rules are made under sub-paragraph (7) of paragraph 2 and sub-paragraph (4) of paragraph 4 of this Schedule by the corresponding new District Council, the rules made under the said provisions by the existing Regional Council and in force immediately before the prescribed date shall have effect in relation to the corresponding new District Council subject to such adaptations and modifications as may be made therein by the Administrator of the Union territory of Mizoram.

(4) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer in whole or in part of the assets, rights and liabilities of the existing Regional Council (including the rights and liabilities under any contract made by it) to the corresponding new District Council;

(b) the substitution of the corresponding new District Council for the existing Regional Council as a party to the legal proceedings to which the existing Regional Council is a party;

(c) the transfer or re-employment of any employees of the existing Regional Council to or by the corresponding new District Council, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws made by the existing Regional Council and in force immediately before the prescribed date, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

20C. Interpretation.—Subject to any provision made in this behalf, the provisions of this Schedule shall, in their application to the Union territory of Mizoram, have effect—

(1) as if references to the Governor and Government of the State were references to the Administrator of the Union territory appointed under article 239, references to State (except in the expression "Government of the State") were references to the Union territory of Mizoram and references to the State Legislature were references to the Legislative Assembly of the Union territory of Mizoram;

(2) as if—

(a) in sub-paragraph (5) of paragraph 4, the provision for consultation with the Government of the State concerned had been omitted;

(b) in sub-paragraph (2) of paragraph 6, for the words "to which the executive power of the State extends", the words "with respect to which the Legislative Assembly of the Union territory of Mizoram has power to make laws" had been substituted;

(c) in paragraph 13, the words and figures "under article 202" had been omitted.

21. Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to this Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368.

ANNEXURE 6 G

STATE-WISE LIST OF SCHEDULED AREAS

I. ANDHRA PRADESH*

- (1) Balmor, Kondnagol, Banal, Bilakas, Dharawaram, Appaipali, Rasul Chernvu, Pulechelma, Marlapaya, Burj Gundal, Agarla Penta, Pullaipalli, Dukkan Penta, Bikit Penta, Karkar Penta, Boramachernvu, Yemlapaya, Irlapenta, Mudardi Penta, Terkaldari, Vakaramamidi Penta, Medimankal, Pandibore, Sangrigundal, Lingabore, Rampur, Appapur, Malapur, Jalal Penta, Piman Penta, Railet, Vetollapalli, Patur Bayal, Bhavi Penta, Naradi Penta, Tapasi Penta, Chandragupta, Ullukatrevu, Timmareddipalli, Sarlapalli, Tatigundal, Elpamaehena, Koman Penta, Kollam Penta, Mananur, Macharam, Malhamamdi, Venketeshwarla Bhavi, Amrabad, Tirmalapur, Upnootola, Madhavanpalli, Jangamreddi Palli, Pedra, Venkeshwaram, Chitlamkunta, Lachmapur, Udmela, Mared, Ippalpalli, Maddimadag, Akkaram, Ainol, Siddapur, Bamanpalli, Ganpura and Manewarpalli Villages of **Achempeth Taluq of Mahbubnagar district.**
- (2) Malai Borgava, Ankapur, Jamul Dhari, Lokari, Vanket, Tantoli, Sitagondi, Burnoor, Navgaon, Pipal Dari, Pardi Buzurg, Yapalguda, Chinchughat, Vankoli, Kanpa, Avasoda Burki, Malkapur, Jaree, Palsi Buzurg, Arli Khurd, Nandgaon, Vaghapur, Palsikurd, Lingee, Kaphar Deni, Ratnapur, Kosai, Umari, Madanapur, Ambugaon, Ruyadee, Sakanapur, Daigaon, Kaslapur, Dorlee, Sahaij, Sangvee, Khogdoor, Kobai, Ponala, Chaprala, Mangrol, Kopa Argune, Soankhas, Khidki, Khasalakurd, Khasalabuzurg, Jamni, Borgaon, Sayedpur, Khara, Lohara, Marigaon, Chichdari, Khanapur, Kandala, Tipa, Hati Ghota, Karond Kurd, Karoni Buzurg, Singapur, Buranpur, Nagrala, Bodad, ChandPELLI, Peetgain, Yekori, Sadarpur, Varoor, Rohar, Takli and Ramkham villages of **Adilabad taluq of Adilabad district.**
- (3) Ambari, Bodri, Chikli, Kamtala, Ghoti, Mandwa, Maregaon, Malborgaon, Patoda, Dahigaon, Domandhari, Darsangi, Digri, Sindgi, Kanakwari, Kopra, Malakwadi, Nispur, Yenda, Pipalgaon, Bulja, Varoli, Anji, Bhimpur Sirmeti, Karla, Kothari, Gokunda, Gogarwudi, Malkapur, Dhonora, Rampur, Patri, Porodhi, Boath, Darsangi, Norgaon, Unrsi, Godi, Sauarkher, Naikwadi, Sarkani, Wajhera, Mardap, Anjenkher, Gondwarsa, Palaiguda, Karalgaon, Palsi, Patoda, Javarla, Pipalgaon, Kanki Singora, Dongargoan, Pipalsendha, Jurur, Minki, Tulsi, Machauder Pardhi, Murli, Takri, Parsa, Warsa, Umra, Ashta, Hingni, Timapur, Wajra, Wanola, Patsonda, Dhanora, Sakur and Digri villages of **Kinwat taluk of Adilabad district.**
- (4) Hatnur, Wakri, Pardhi, Kartanada, Serlapalli, Neradi-konda, Daligaon, Kuntala, Venkatapur, Hasanpur, Surdapur, Polmamda, Balhanpur, Dharampuri, Gokonda, Bhotai, Korsekal, Patnapur, Tejapur, Guruj, Khahdiguda, Rajurwadi, Ispur, Ghanpur, Jaterla, Khantegaon, Sauri, Ichora, Mutnur, Gudi Hatnur, Talamedee, Gerjam, Chincholi, Sirchelma, Mankapur, Narsapur, Dharpur, Harkapur, Dhampur, Nigni, Ajhar Wajhar, Chintalbori, Chintakarvia, Rampur, Gangapur and Gayatpalli villages of **Boath taluk of Adilabad district.**
- (5) All villages of **Utnur taluq of Adilabad district.**
- (6) Rajampet, Gunjala, Indhani, Samela, Tejapur, Kannargaon, Kantaguda, Shankepalli, Jamuldhari, Gundi, Chorpalli, Saleguda, Wadiguda, Savati, Dhaba, chopanguda, Nimgaon, Khirdi, Metapipri, Sakra, Sangi, Devurpalli, Khotara-Ringanghat, Nishani, Kota Parandoli, Mesapur, Goigaon, Dhanora, Pardha, Surdapur, Kerineri Murkilonki, Devapur, Chinta Karra, Iheri, Ara, Dasnapur, Kapri, Belgaon, Sirasgaon, Moar, Wadam, Dhamriguda, Dallanpur, Chalwardi, Ihoreghat, Balijhari, Sakamgundi, Ara, Uppal Naugaon, Anksorpur, Chirakunta, Illipita Dorli, Mandrumera, Dantanpalli, Deodurg, Tunpalli, Dhagleshwar, Padibanda, Tamrin, Malangundi, Kandan Moar, Geonena, Kuteda, Tilani, Kanepelli, Bordoum Telundi, Maugi Lodiguda, Moinda-gudipet, Chinnedari, Koitelundi, Madura, Devaiguda, Areguda, Gardepalli, Takepalli, Choutepalli, Rane Kannepalli, Singapur, Rala Samkepalli,

Chopri, Doda Arjuni, Serwai, Rapalli, Tekamandwa and MetaArjuni villages of **Asaifabad taluq of Adilabad district.**

- (7) Gudam, Kasipet, Dandepalli, Chelampeta, Rajampet, Mutiempet, Venkatapur, Rali, Kauwal, Tarapet, Devapur, Gathapalli, Rotepalli, Mandamari, Dharmaraopet Venkatapur, Chintaguda and Mutiempalli villages of **Lakshetipet taluq of Adilabad district.**
- (8) Bendwi, Chincholi, Goigaon, Hirapur, Sakri, Balapur, Manoli, Antargaon, Wirur, Dongargaon, Timbervai, Sersi, Badora, Vmarjeeri, Lakarkot, Ergaon, Kirdi, Sondo, Devara, Khorpana, Kanargaon, Chennai, Kairgaon, Samalhira, Dhanoli, Marnagondi, Yellapur, Katalburi, Isapur, Devti, Panderwani, Wansari, Perda, Wargaon Nokari, Mirapur, Pardhi, Kutoda, Parsewara, Mangalhra, Karki, Nokari, Manoli, Sonapur, Inapur, Mangi, Uparwai, Tutta, Lakmapur, Kirdi, Injapur, Jamni, Hargaan, Chikli, Patan, Kosundi, Kotara and Sonorli villages of **Rajura taluq of Adilabad district.**
- (9) Ralpet, Kistampet, Takalapalli, Chakalpalli, Anaram, Bhepalli, Korsni Isgaon, Chintaguda, Ankora, Usurampalli, Arpalli, Bophalpatnam, Balasaga, Pardhi, Tumrihati, Chintalmanopalli, Chintam, Gullatalodi, Damda, Dhorpalli, Kanki Garlapet, Gudlabori, Gurmpet, Lomveli, Mogurdagar, Wirdandi and Chilpurdubor villages of **Sirpur taluq of Adilabad district.**
- (10) Kannaiguda, Ankannaguda, Raghavpatnam, Medarmiola, Koetla, Parsa Nagaram, Muthapur, Motlaguda, Venglapur, Yelpak, Kaneboenpalli, Medaram, Kondred, Chintaguda, Kondaparthi, Yelsethipalli, Allvammarihunpur, Rampur, Malkapalli, Chettial, Bhupathipur, Gangaram, Kannaiguda, Rajannapet, Bhutaram, Akkela, Sirvapuri, Gangaram Bhupathipur, Pumbapur, Rampur, Ankampalli, Kamaram, Kamsettigudam, Ashnaguda, Yellapur, Allaguda, Narsapur, Puschapur, Bhattupalli, Lavnal, Vadduguda, Kothur, Pegdapalli, Srwapur, Bhussapur, Chelvai, Rangapur Govindraopet, Ballapali, Dhumpallaguda, Kelapalli, Lakhanavaram, Pasra, Gonepalli, Padgapur, Narlapur, Kalvapalli, Uratam, Kondia, Maliat, Aclapur, Dodla, Kamaram, Tadvai, Boodiguda, Bannaji, Bandam, Selpak, Kantalpalli, Sarvai, Gangaguda, Tupalkalguda, Akulvari, Ghanpur, Shahpalli, Gagpelli, Chinna-beonnpli, Venkatapur, Narsapur, Anvaram, Lingal, Ballepalli, Bandal and Thunmapur villages of **Mulug taluq of Warrangal district.**
- (11) Vebelli, Polara, Bakkachintaphad, Ganjad, Thirmalguda, Gopalpur, Khistapur, Tatinari Venpalli, Pattal Bhoopati, Chandelapur, Battalpalli, Advarampet, Satiahnagar, Dutla, Mothwada, Mangalawarpet, Karlai, Arkalkunta, Kodsapet, Gunderpalli, Masami, Battavartigudem, Mamidigudam, Pangonda, Roturai, Satreddipalli, Konapur, Kondapuram, Pogulapalli, Govindapuram, Makadapalli, Pagulapalli, Murraigudem, Yelchagudem, Tummapuram, Jangamvartigudem, Rangagudem, Peddalapalli, Yerravaram, Kundapalli Neelampalli Daravarinampalli, Karnegund, Mahadevagudem, Marrisgudem, Jangalpalli, Bavarguda, Oarbak, Gangaramam, Mucherla Amaroncha, Kamaraam, Chintagudem, Nilavanha, Kangargidda, Madagudem, Dalurpet, Kothagudem, Kotapalli, Durgaram, Dubagudem, Rudravaram, Narsugudam, Komatlagudem, Katervam, Semar Rajpet, Marepalli, Goarur, Radhiapur, Gazalgudem, Rajvepalli and Bollypalli villages of **Narsampet taluk of Warrangal district.**
- (12) All the villages of Yellandu taluq of Warrangal district (excluding the Yellandu, Singareni and Sirpur villages and the town of Kothaguda)
- (13) (i) All the villages of Palocha taluq of Warrangal district excluding Palondha, Borgampad, Ashwaraopet, Dammampet, Kuknur and Nelipak villages and (ii) Samasthan of Paloncha
- (14) Visakhapatnam Agency area 1 [excluding the areas comprised in the villages of Agency Lakshmiapuram, Chidikada, Konkasingi, Kumarapuram, Krishnadevipeta, Pichigantikothagudem, Golugondapeta, Gunupudi,

Gummodukonda, Sarabhupalapatnam, Vadurupalli, Pedajaggampeta]²[Sarabhupathi Agraharam, Ramachandrarajupeta Agraharam, and Kondavatipudi Agraharam in Visakhapatnam district.]

(15) East Godwari Agency area² [excluding the area comprised in the village of Ramachandrapuram including its hamlet Purushothapatnam in the East Godavari district.]

(16) West Godawari Agency area in West Godavari district.

* The Scheduled Areas in the State of Andhra Pradesh were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O.No.9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O.No.26) dated 7.12.1950 and have been modified vide the Madras Scheduled Areas (Cesser) Order 1951 (C.O. 50) and the Andhra Scheduled Areas (Cesser) Order, 1955 (C.O.30)

1. Inserted by the Madras Scheduled Areas (Cesser) Order, 1951
2. Inserted by the Andhra Scheduled Areas (Cesser) Order, 1955

II. GUJARAT**

1. Uchchhal, Vyara, Mahuwa, Mandvi, Nizar, Songadh, Valod, Mangrol and Bardoli talukas in Surat district.
2. Dediapada, Sagbara, Valia, Nandod and Jhagadia talukas in Bharuch district
3. Dangs district and taluka
4. Bansda, Dharampur, Chikhali, Pardi and Umbergaon talukas in Valasad district
5. Jhalod, Dohad, Santrampur, Limkheda and Deogarh Baria talukas in Panchmahal district
6. Chhotaudepur and Naswadi talukas and Tilakwada mahal in Vadodora district
7. Khedbrahma, Bhiloda and Meghraj talukas, and Vijayanagar mahal in Sabarkantha district

** The Scheduled Areas in the State of Gujarat were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and have been respecified as above by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31.12.1977 after rescinding the Order cited first so far as that related to the State of Gujarat.

III. HIMACHAL PRADESH***

1. Lahaul and Spiti district
2. Kinnaur district
3. Pangi tehsil and Bharmour sub-tehsil in Chamba district

*** Specified by the Scheduled Areas (Himachal Pradesh) Order, 1975 (Constitution Order 102) dated 21.11.1975

IV. MAHARASHTRA#

1. The following in Thane district :

- (a) Tahsils of **Dhahanu, Talasari, Mokhando, Jawher, Wada and Sahapur**
(b) (i) The one hundred forty four villages of Palghar tahsil as mention below :

Palghar Tahsil

(1) Tarapur	(42) Man	(82) Wakadi,
(2) Kudan	(43) Ghaneghar,	(83) Maswan,
(3) Dahisar-tarf-Tarapur	(44) Wedhe	(84) Wandiwali,
(4) Ghiwali	(45) Chari Budruk	(85) Netali
(5) Wawe	(46) Birwadi	(86) Saye,
(6) Akkarpatti	(47) Kallale,	(87) Ten,
(7) Kurgaon	(48) Padghe	(88) Karalgaon,
(8) Parnali	(49) Pole,	(89) Gowade,
(9) Vengani	(50) Nandore,	(90) Tamsai,
(10) Patharwali	(51) Gimoli,	(91) Durves,
(11) Newale	(52) Borande,	(92) Dhuktan,
(12) Shigaon	(53) Devkhope,	(93) Pochade,
(13) Gargaon	(54) Sagawe,	(94) Haloli,
(14) Chinchare	(55) Kosbad	(95) Khamloli,
(15) Akegawhan	(56) Kokaner,	(96) Bahadoli,
(16) Naniwali	(57) Nagzari	(97) Bot,
(17) Ambedhe	(58) Chari Khurd	(98) Embur irambi,
(18) Barhanpur	(59) Velgaon	(99) Danisari-tarf-Manor,
(19) Salgaon,	(60) Khutal,	(100) Kude,
(20) Khutad,	(61) Chilhar,	(101) Gundave,
(21) Khaniwade,	(62) Bhopoli,	(102) Satiwali,
(22) Rawate,	(63) Nihe,	(103) Vehaloli,
(23) Akoli,	(64) Damkhand,	(104) Saware,
(24) Asheri,	(65) Kondhan,	(105) Warai,
(25) Somate,	(66) Awandhan,	(106) Jansai
(26) Pasthan,	(67) Bangarchole,	(107) Khaire,
(27) Boisar,	(68) Shil,	(108) Dhekale,
(28) Borsheti	(69) Loware,	(109) Ganje,
(29) Mahagaon,	(70) Bandhan,	(110) Jayshet,
(30) Kirat,	(71) Nand-gaon-tarf-Manor,	(111) Shelwade,
(31) Wade,	(72) Shilshet,	(112) Veur,
(32) Khadkawane,	(73) Katala,	(113) Ambadi,
(33) Mendhwan	(74) Ambhan,	(114) Nawali,
(34) Vilshet,	(75) Wasaroli	(115) Morawali,
(35) Kondgaon	(76) Kharshet,	(116) Varkhunti,
(36) Karsood	(77) Manor,	(117) Kamare,
(37) Betegaon,	(78) Takwahal,	(118) Tokrale,
(38) Warangade	(79) Sawarkhand,	(119) Bandate,
(39) Lalonde,	(80) Nalshet,	(120) Zanjaroli,
(40) Ghanede	(81) Kev,	(121) Chahade,
(41) Kampalgaon		

(122) Wasare,	(130) Pargaon,	(138) Wadhiv Sarawali,
(123) Khadkoli,	(131) Nagawe-tarf-Manor,	(139) Penand,
(124) Sakhare,	(132) Umbarpada Nandade,	(140) Kandarwan,
(125) Rothe,	(133) Uchavali,	(141) Dahiwale,
(126) Lalthane,	(134) Safale,	(142) Darshet,
(127) Navaze,	(135) Sonawe,	(143) Navghar (Ghatim)
(128) Tandulwadi,	(136) Makane Kapse,	(144) Umbarpada-tarf-Manor.
(129) Girale,	(137) Karwale,	

(ii) The forty five villages of Vasai (Bassein) Tahsil as mentioned below:

Vasai (Bassein) Tahsil

(1) Dahisar,	(16) Usgaon,	(31) Achole,
(2) Koshimbe,	(17) Medhe,	(32) Valiv,
(3) Tulinj,	(18) Vadghar,	(33) Sativali,
(4) Sakawar,	(19) Bhinar,	(34) Rajavali,
(5) Chimane,	(20) Ambode,	(35) Kolhi,
(6) Hedavade,	(21) Kalbhon,	(36) Chinchoti
(7) Kashidkopar,	(22) Adne,	(37) Juchandra
(8) Khaniwade,	(23) Sayawan,	(38) Bapane
(9) Bhaliwali,	(24) Parol,	(39) Deodal
(10) Kavher,	(25) Shirvali,	(40) Kamam
(11) Shirsad	(26) Majivali,	(41) Sarajamori
(12) Mandvi	(27) Karanjon,	(42) Poman
(13) Chandip,	(28) Tilher,	(43) Shilottar
(14) Bhatane,	(29) Dhaviv,	(44) Sasunavghar
(15) Shivansai	(30) Pelhar,	(45) Nagle

(iii) The seventy two villages of Bhiwandi tahsil as mentioned bellow :

Bhiwandi tahsil

(1) Bhivali,	(17) Mohili,	(33) Kunde,
(2) Gancshpuri,	(18) Nandithane,	(34) Ghotavade,
(3) Vadavali Vajreshwari,	(19) Depoli,	(35) Mainde,
(4) Akloli,	(20) Sakharoli,	(36) Karmale,
(5) Savaroli,	(21) Supegaon,	(37) Kandali Budruk,
(6) Khatrali	(22) Pilanze Khurd,	(38) Kelhe,
(7) Usgaon,	(23) Pilanze Budruk,	(39) Kandali Khurd,
(8) Ghotgaon,	(24) Alkhivali,	(40) Dighashi,
(9) Vadhe,	(25) Vaghivale,	(41) Newade,
(10) Vareth,	(26) Devehole,	(42) Ambadi,
(11) Chane,	(27) Sagoan,	(43) Dalonde,
(12) Asnoli-tarf-Dugad	(28) Eksal,	(44) Jambhiwali -tarf -
(13) Dugad,	(29) Chinchavali-tarf-Kunde,	Khambal,
(14) Manivali,	(30) Dudhani,	(45) Umbarkhand,
(15) Vadwali-tarf-Dugad,	(31) Vape,	(46) Ashivali,
(16) Malbidi,	(32) Ghadane,	(47) Zidake,

(48) Kharivali	(57) Shirole,	(66) Dhamne,
(49) Base,	(58) Dabhad,	(67) Lakhiwali,
(50) Gondade,	(59) Mohandul,	(68) Palivali,
(51) Pahare,	(60) Shirgaon,	(69) Paye,
(52) Shedgaon,	(61) Pimpal Seeth Bhusheth,	(70) Gane,
(53) Pachhapur,	(62) Khadki Khurd,	(71) Dahyale,
(54) Gondravali,	(63) Khadki Budruk,	(72) Firangpada,
(55) Jambhiali-tarf-Kunde,	(64) Chimbipade,	
(56) Asnoli-tarf-Kunde,	(65) Kuhe,	

(iv) The seventy seven villages of Murbad tahsil as mentioned below :

Murbad Tahsil

(1) Kasgaon,	(27) Khed,	(53) Hedawali,
(2) Kisal,	(28) Vanote,	(54) Karchonde,
(3) Wadawali,	(29) Shai,	(55) Zadghar,
(4) Sakhare,	(30) Shelgaon,	(56) Udaldoha,
(5) Khutalborgaon,	(31) Shirosi,	(57) Mhorande,
(6) Ambele Khurd	(32) Talegaon,	(58) Tokawade,
(7) Sayale,	(33) Fangalkoshi	(59) Balegaon,
(8) Inde,	(34) Merdi,	(60) Talawali (Baragaon),
(9) Khedale,	(35) Walhivare,	(61) Waishakhare,
(10) Talawali-tarf-Ghorat,	(36) Mal,	(62) Maniwali-tarf-Khedul,
(11) Eklahare,	(37) Jadai,	(63) Pendhari,
(12) Chafe-tarf-Khedul,	(38) Ambiwali,	(64) Umaroli budruk,
(13) Pimpalghar,	(39) Dighephal,	(65) Ojiwale,
(14) Dahigaon,	(40) Diwanpada,	(66) Mandwat,
(15) Parhe,	(41) Kochare Khurd,	(67) Mahaj,
(16) Kandali,	(42) Kochare Budruk,	(68) Padale,
(17) Dhasai,	(43) Chosale,	(69) Koloshi,
(18) Alyani,	(44) Khutal Bangla,	(70) Jaigaon,
(19) Palu,	(45) Nayahadi,	(71) Kalambad (Bhondivale),
(20) Deoghar,	(46) Moroshi,	(72) Kheware,
(21) Madh,	(47) Fangulgawhan,	(73) Dudhanoli,
(22) Sonawale,	(48) Sawarne,	(74) Umaroli Khurd,
(23) Veluk,	(49) Thitabi-tarf-Vaishakahre,	(75) Khopwali,
(24) Alawe,	(50) Kudhset,	(76) Milhe,
(25) Bursunge,	(51) Fangane,	(77) Gorakhgad,
(26) Mandus,	(52) Khapari,	

2. The following in Nasik district :-

(a) The tahsils of **Peint, Surgana and Kalwan**

(b) (i) The one hundred six villages of **Dindori** tahsil as mentioned below :

Dindori Tahsil

(1) Mokhanal,	(3) Dehare,	(5) Gandole,
(2) Bhanwad,	(4) Karanjali,	(6) Palasvihir,

(7) Vare,	(41) Tilholi,	(75) Mavadi,
(8) Vanjole,	(42) Ravalgaon,	(76) Karanjwan,
(9) Ambad,	(43) Deher Wadi,	(77) Dahegaon,
(10) Vanare,	(44) Dhagur,	(78) Vaglud,
(11) Titve,	(45) Deosane,	(79) Krishnagaon,
(12) Deothan,	(46) Sarsale,	(80) Varkhed,
(13) Nanashi	(47) Karanjkhed,	(81) Kadvamhalungi,
(14) Charose,	(48) Pingalwadi,	(82) Gaondegaon,
(15) Deoghar,	(49) Eklahare,	(83) Hatnore,
(16) Kaudasar,	(50) Chausale,	(84) Nilwandi,
(17) Vani Khurd,	(51) Pimpri Anchla,	(85) Pimpalgaon Ketki,
(18) Pimpalgaon Dhum,	(52) Ahiwantwadi,	(86) Rajapur,
(19) Joran,	(53) Goldari,	(87) Dindori,
(20) Mahaje,	(54) Haste,	(88) Jopul,
(21) Sadrale,	(55) Kolher,	(89) Madki jamb,
(22) Nalwadi,	(56) Jirwade,	(90) Palkhed,
(23) Oje,	(57) Chamdari,	(91) Indore,
(24) Golshi,	(58) Maledumala,	(92) Korhate,
(25) Jalkhed,	(59) Mandane,	(93) Chinchkhed,
(26) Nigdol,	(60) Koshimbe,	(94) Talegaon Dindori,
(27) Kokangaon Budruk,	(61) Puneagaon,	(95) Akrale,
(28) Umbral Khurd,	(62) Pandane,	(96) Mohadi,
(29) Ambegan,	(63) Ambaner,	(97) Pimpsalanare,
(30) Chachadgaon,	(64) Chandikapur,	(98) Khatwad,
(31) Vaghad,	(65) Bhatode,	(99) Ramsej,
(32) Pophal wade,	(66) Dahivi,	(100) Ambe Dindore,
(33) Dhaur,	(67) Mulane,	(101) Dhakambe,
(34) Umbale Budruk,	(68) Kokangaon Khurd,	(102) Janori,
(35) Jambutke,	(69) Malegaon,	(103) Manori,
(36) Pimpraj,	(70) Pimparkhed,	(104) Shivanai,
(37) Nalegaon,	(71) Phopasi,	(105) Varwandi,
(38) Vilwandi,	(72) Vani Kasbe,	(106) Jaulke Dindori,
(39) Rasegaon,	(73) Sangamner,	
(40) Kochargaon,	(74) Khedle,	

(ii) The ninety three villages of Igatpuri tahsil as mentioned below and one town Igatpuri :

Igatpuri Tahsil

(1) Dhadoshi,	(9) Kojoli,	(17) Mhasurli,
(2) Bhilmal,	(10) Avhate,	(18) Shevgedang,
(3) Pahine,	(11) Kushegaon,	(19) Wanjole,
(4) Zarwad Khurd,	(12) Metchandryachi,	(20) Deogaon,
(5) Tak-Harsha,	(13) Alwand,	(21) Ahurli,
(6) Aswali Harsha,	(14) Dapure,	(22) Nandagaon,
(7) Samundi,	(15) Met Humbachi,	(23) Vavi Harsha,
(8) Kharoli,	(16) Zarwad Budruk,	(24) Nagosali,

(25) Dhargaon,	(47) Khambala,	(71) Ambewadi,
(26) Ondli,	(48) Take Ghoti,	(72) Khadked,
(27) Saturli,	(49) Ghoti Budruk,	(73) Indore,
(28) Awalidumala,	(50) Talegaon,	(74) Umbarkon,
(29) Karhale,	(51) Girnare,	(75) Somaj Ghadga,
(30) Rayambe,	(52) Titoli,	(76) Ubhade,
(31) Takedeogaon,	(53) Bortembhe,	(Vanjulwadi),
(32) Metyelyachi,	(54) Taloshi,	(77) Megare,
(33) Biturli,	(55) Nandgaon sade,	(78) Belgaon Tarhale,
(34) Walvihir,	(56) Pimpri Sadaroddin,	(79) Dhamangaon,
(35) Bhavli Badruk,	(57) Talegha,	(80) Deole,
(36) Pimpalgaon Bhatata,	(58) Kanchangaon,	(81) Khairgaon,
(37) Kopargaon,	(59) Shenwad Budruk,	(82) Pimpalgaon Mor,
(38) Kurnoli,	(60) Fangulgavan,	(83) Dhamni,
(39) Dhamoli,	(61) Borli,	(84) Adasare Khurd,
(40) Waki,	(62) Manwedhe,	(85) Adasare Budruk,
(41) Chinchale,	(63) Bhavali Khurd,	(86) Acharwad,
(Khaire),	(64) Kaluste,	(87) Taked Khurd,
(42) Tringalwadi,	(65) Jamunde,	(88) Taked Budruk,
(43) Adwan,	(66) Gahunde,	(89) Khed,
(44) Awalkhede,	(67) Bharvaj,	(90) Barshingve,
(45) Parderri,	(68) Karungwadi,	(91) Sonoshi,
(46) Balayduri,	(69) Nirpan,	(92) Maidara Dhanoshi,
	(70) Maniargaon,	(93) Wasali,

(iii) The seventy villages in Nasik tahsil as mentioned below and one town Trimbak :

Nasik tahsil

(1) Sapte,	(21) Ambai,	(41) Sadgaon,
(2) Kone,	(22) Shirasgaon,	(42) Vadgaon,
(3) Kharwal,	(23) Talwade Trimbak,	(43) Manoli,
(4) Varasvihir,	(24) Pimpalad Trimbak,	(44) Dhondegaon,
(5) Vaghera,	(25) Khambale,	(45) Dari,
(6) Rohile,	(26) Sapgaoon,	(46) Gimate,
(7) Nandgaon,	(27) Kachurli,	(47) Dugaon,
(8) Gorthan,	(28) Arianeri,	(48) Deorgaon,
(9) Hirdi,	(29) Talegaon Trimbak,	(49) Nagalwadi,
(10) Malegaon,	(30) Pogalwadi Trimbak,	(50) Ozarkheda,
(11) Welunje,	(31) Vacholi,	(51) Chandashi,
(12) Ganeshgaon Waghera,	(32) Ubbrande,	(52) Gangamhalungi,
(13) Pimpri Trimbak,	(33) Kalmuste,	(53) Jalalpur,
(14) Met Kawara,	(34) Trimbak (Rural),	(54) Sawargaon,
(15) Brahmanwade Trimbak,	(35) Harshewadi,	(55) Goverdhan,
(16) Toanangan,	(36) Metgherakilla Trimbak,	(56) Shivangaon,
(17) Dhumbdi,	(37) Mulegaon,	(57) Pimpalgaon
(18) Bese,	(38) Ladachi,	Garudeshwar,
(19) Chakore,	(39) Naikwadi,	(58) Rajewadi,
(20) Amboli,	(40) Vele,	(59) Gangawarhe,

(60) Ganeshgaon Trimbak,	(64) Mahrawani,	(68) Pimplad Nashik,
(61) Ganeshgaon Nashik,	(65) Talegaon Anjaneri,	(69) Rajur Bahula,
(62) Wasali,	(66) Jategaon,	(70) Dahigaon,
(63) Dudgaon,	(67) Sarul,	

(iv) The fifty seven villages in Baglan tahsil as mentioned below :

Baglan tahsil

(1) Borhate,	(20) Mulher,	(39) Kerasane,
(2) Mohalangi,	(21) Babulne,	(40) Vathod,
(3) Jaitapur,	(22) Morane-Digar,	(41) Pathwedigar,
(4) Golwad,	(23) Bordaivat,	(42) Talwade Digar,
(5) Hatnoor,	(24) Bhimkhet,	(43) Morkure,
(6) Maliwade,	(25) Waghambe,	(44) Kikwari Khurd,
(7) Ambapur,	(26) Manoor,	(45) Kelzar,
(8) Jad,	(27) Salher,	(46) Tatani,
(9) Visapur,	(28) Katarwel,	(47) Bhildar,
(10) Shevare,	(29) Bhilwad,	(48) Kikwari Budruk,
(11) Kharad,	(30) Tungan,	(49) Joran,
(12) Vade Digar,	(31) Daswel,	(50) Sakode,
(13) Deothan,	(32) Jakhod,	(51) Karanjkhed,
(14) Kondharabad,	(33) Mungase,	(52) Dang Saundane,
(15) Antapur,	(34) Bhawade,	(53) Nikwel,
(16) Raver,	(35) Dasane,	(54) Bandhate,
(17) Jamoti,	(36) Malgaon Khurd,	(55) Dahindule,
(18) Aliabad,	(37) Salawan,	(56) Sarwar,
(19) Ajande,	(38) Pisore,	(57) Wadichaulher.

3. The following in Dhule District:-

- (a) Tahsils of Nawapur, Taloda, Akkalkuwa and Akrani.
(b) (i) The eighty villages in Sakri tahsil as mentioned below:-

Sakri tahsil

(1) Choupale,	(14) Raitel,	(27) Maindane,
(2) Rothod,	(15) Brahmanwel,	(28) Dapur,
(3) Jamkhel,	(16) Amkhel,	(29) Rohan,
(4) Khuruswade,	(17) Jambore,	(30) Jebapur,
(5) Sutare,	(18) Varsus,	(31) Amode,
(6) Dhaner,	(19) Jamki,	(32) Kirwade,
(7) Amale,	(20) Runmali,	(33) Ghodade,
(8) Machmal,	(21) Vaskhedi,	(34) Surpan,
(9) Khandbare,	(22) Damkani,	(35) Korde,
(10) Raikot,	(23) Saltek,	(36) Valwhe,
(11) Burudkhe,	(24) Dahiwel,	(37) Vitave,
(12) Pangaon,	(25) Bhongaon,	(38) Kasbe Chhadwell,
(13) Lagadwal,	(26) Badgaon,	(39) Basar,

(40) Isarde,	(53) Shenwad,	(67) Chikase,
(41) Petale,	(54) Kudashi,	(68) Jirapur,
(42) Pimpalgaon,	(55) Manjari,	(69) Kokangaon,
(43) Mohane,	(56) Mapalgaon,	(70) Shevage,
(44) Tembhe, Pargane Warse,	(57) Dangshirwade,	(71) Dhamandhar,
(45) Shirsole,	(58) Bopkhel,	(72) Virkhel,
(46) Umarpata,	(59) Shiv,	(73) Pargaon,
(47) Malgaon Pargane Versa,	(60) Khatyal,	(74) Mandane,
(48) Khargaon,	(61) Vardoli,	(75) Balhane,
(49) Kalambe,	(62) Kaksad,	(76) Deshivade,
(50) Chorwad,	(63) Pankhede,	(77) Kadyale,
(51) Lakhale,	(64) Samode,	(78) Dhongaddigar,
(52) Warse,	(65) Mhasadi, Pargane Pimpalner,	(79) Shelbari,
	(66) Pimpalner,	(80) Degaon,

(ii) The eighty two villages in Nandurbar tahsil and town Nandurbar as mentioned below:-

Nandurbar tahsil

(1) Bhangade,	(28) Narayanpur,	(55) Wawad,
(2) Mangloor,	(29) Ghirasgaon,	(56) Chakle,
(3) Vasalai,	(30) Dhekwad,	(57) Dahindule Budruk,
(4) Arditara,	(31) Biladi,	(58) Dahindule Khurd,
(5) Dhanora,	(32) Khairale,	(59) Athore Digar,
(6) Pavale,	(33) Khamgaon,	(60) Umarde Khurd,
(7) Kothede,	(34) Nagasar,	(61) Chaupale,
(8) Umaj,	(35) Virchak,	(62) Akrale,
(9) Kothali Khurd,	(36) Tokartale,	(63) Vadbare,
(10) Vadajakan,	(37) Waghale,	(64) Akhatwade,
(11) Nimbone Budruk,	(38) Ozarde,	(65) Hatti alias Indi,
(12) Jalkhe,	(39) Ashte,	(66) Palashi,
(13) Shirvade,	(40) Thanepada,	(67) Ghuli,
(14) Ranale Khurd,	(41) Amarave,	(68) Rakaswade,
(15) Natawad,	(42) Patharai,	(69) Waghode,
(16) Karanjwe,	(43) Dhamdai,	(70) Patonde,
(17) Shejwe,	(44) Varul,	(71) Hol-tarf-Haveli,
(18) Pimplod-tarf-Dhanore,	(45) Adachhi,	(72) Khodasgaon,
(19) Loya,	(46) Lonkhede,	(73) Shahade,
(20) Velaved,	(47) Karajkupe,	(74) Shinde,
(21) Vyahur,	(48) Nalave Khurd,	(75) Kolde,
(22) Dhulawad,	(49) Sundarde,	(76) Bhagsari,
(23) Gujar Bhavali,	(50) Nalave Budruk,	(77) Dhamdod,
(24) Gujar Jamboli,	(51) Dudhale,	(78) Savalde,
(25) Karankhede,	(52) Nandarkhe,	(79) Korit,
(26) Phulsare,	(53) Dhane,	(80) Sujatpur,
(27) Umarde Budruk,	(54) Vasadare,	(81) Tishi,
		(82) Dhandhane.

(iii) The one hundred forty one villages in Shahada tahsil as mentioned below:-

Shahada tahsil

- | | | |
|--|---------------------------|--|
| (1) Akaspur, | (41) Pari, | (84) Chikhali Khurd, |
| (2) Nawagaon(Forest Village), | (42) Kothali-tarf-haveli, | (85) Bhortek, |
| (3) Virpur, | (43) Aurangpur, | (86) Shrikhede, |
| (4) Dara, | (44) Chikhali Budruk, | (87) Ozarte, |
| (5) Bhuta, | (45) Karankhede, | (88) Ukhalshem, |
| (6) Kansai,(Forest Village), | (46) Nandarde, | (89) Vagharde, |
| (7) Nandya Kusumwade
(Forest Village, Rampur, | (47) Vaijali, | (90) Jam, |
| (8) Chirade, | (48) Vaghode, | (91) Javade-tarf-Haveli, |
| (9) Nagziri (Forest Village), | (49) Parakashe, | (92) Titari, |
| (10) Kusumwade, | (50) Dhamlad, | (93) Hol Mubarakpur (Forest
Village), |
| (11) Nandya (Forest Village), | (51) Katharde Budruk, | (94) Vadgaon, |
| (12) Pimprani, | (52) Katharde Khurd, | (95) Pimparde, |
| (13) Ranipur, (Forest Village), | (53) Kalsadi, | (96) Asalod, |
| (14) Fattepur, | (54) Dhurkhede, | (97) Mandane, |
| (15) Lakkadkot (Forest Village), | (55) Bhade, | (98) Awage, |
| (16) Kotbandhani (Forest
Village), | (56) Pingane, | (99) Tikhore, |
| (17) Pimplod, | (57) Ganor, | (100) Untawad, |
| (18) Kuddawad, | (58) Adgoan, | (101) Hol, |
| (19) Lachhore, | (59) Kharagaon, | (102) Mohide-tarf-Haveli, |
| (20) Kanadi-tarf-Haveli, | (60) Kochrare, | (103) Junwane, |
| (21) Shirud-tarf Haveli, | (61) Biladi-tarf-Haveli, | (104) Lonkhede, |
| (22) Amode, | (62) Bahirpur, | (105) Tembhal, |
| (23) Alkhed , | (63) Bramhanpur, | (106) Holgujari, |
| (24) Padalde Budruk, | (64) Sultanpur, | (107) Asus, |
| (25) Budigavan, | (65) Raikhed, | (108) Bupkari, |
| (26) Umarati, | (66) Khed Digar, | (109) Maloni, |
| (27) Pimpri, | (67) Navalpur, | (110) Dongargaon, |
| (28) Mhasavad, | (68) Chandsaili, | (111) Kothal-tarf-Shahada, |
| (29) Anakwade, | (69) Godipur, | (112) Matkut, |
| (30) Sulwade, | (70) Padalde Khurd, | (113) Borale, |
| (31) Tavalai, | (71) Bhagapur, | (114) Kamravad, |
| (32) Mubarakpur, | (72) Javkhede, | (115) Kahatul, |
| (33) Velavad, | (73) Sonwai-tarf-Haveli, | (116) Vadchhil, |
| (34) Kalmadi-tarf-Boardi, | (74) Kavalith, | (117) Londhare, |
| (35) Wadi, | (75) Tuki, | (118) Udhalod, |
| (36) Sonawadtarf-Boardi, | (76) Sawkhede, | (119) Nimbhore, |
| (37) Thangche, | (77) Karjot, | (120) Dhandre Budruk, |
| (38) Javadetarf-Boardi, | (78) Lohare, | (121) Chirkhan (Forest Village), |
| (39) Tarhadi-tarf-Boardi, | (79) Gogapur, | (122) Asalod (New) (Forest
Village), |
| (40) Vardhe, | (80) Kurangi, | (123) Jainagar, |
| | (81) Tidhare, | |
| | (82) Damalde, | |
| | (83) Kalamad-tarf-Haveli, | |

(124) Dhandre Khurd (Forest Village),	(130) Bhulane (Forest Village),	(136) Langadi Bhavani (Forest Village),
(125) Manmodya (Forest Village),	(131) Chandsaili (Forest Village),	(137) Shahana (Forest Village),
(126) Dutkhede (Forest Village),	(132) Ubhadagad (Forest Village),	(138) Kakarde Budruk,
(127) Bhongara (Forest Village),	(133) Kakarde Khurd,	(139) Abhanpur Budruk,
(128) Vadali,	(134) Khaparkhede (Forest Village),	(140) Katghar,
(129) Kondhawal,	(135) Malgaon (Forest Village),	(141) Nimbaradi (Forest Village),

(iv) The sixty two villages in Shirpur tahsil as mentioned below:-

Shirpur tahsil

(1) Borpani (Forest Village),	(19) Mohide (Forest Village),	(43) Sangavi,
(2) Malkatar (Forest Village),	(20) Dondwada (Forest Village),	(44) Hated,
(3) Fattepur (Forest Village),	(21) Tembha (Forest Village),	(45) Zendya Anjan,
(4) Gadhadeo (Forest Village),	(22) Kharikhan (Forest Village),	(46) Palasner,
(5) Kodid (Forest Village),	(23) Boaradi,	(47) Khambale,
(6) Gurhadpani (Forest Village),	(24) Wasardi,	(48) Panakhed (Forest Village),
(7) Bhudaki (Forest Village),	(25) Nandarde,	(49) Khaikhuti (Forest Village),
(8) Waghade (Forest Village),	(26) Chandase,	(50) Joyada (Forest Village),
(9) Saigarpada (Forest Village),	(27) Wadi Budruk,	(51) Chilare (Forest Village),
(10) Manjriburdi (Forest Village),	(28) Wadi Khurd,	(52) Lakdyan Hanuman (Forest Village),
(11) Chondi (Forest Village),	(29) Jalod,	(53) Mahadeo Dondwade (Forest Village),
(12) Bhudaki (Forest Village),	(30) Abhanpur Khurd,	(54) Malapur (Forest Village),
(13) Chandsurya (Forest Village),	(31) Tarhad,	(55) Rohini,
(14) Boradi (New) (Forest Village),	(32) Ukhalwadi,	(56) Bhoiti,
(15) Kakadmal (Forest Village),	(33) Mukhed,	(57) Ambe,
(16) Vakawad (Forest Village),	(34) Nimzari,	(58) Khamkhede Pargane Ambe,
(17) Umarda (Forest Village),	(35) Varzadi,	(59) Hiwarkhede, (Forest Village),
(18) Durabadya (Forest Village),	(36) Waghbarda,	(60) Higaon,
	(37) Samryapada,	(61) Vadel Khurd,
	(38) Lauki,	(62) Kalapani (Forest Village)
	(39) Sule,	
	(40) Fattepur,	
	(41) Hedakhed,	
	(42) Arunapuri Dam (Deforested),	

4. The following in Jalgaon district:-

(a) (i) **The twenty five villages in Chopda tahsil as mentioned below:-**

Chopda Tahsil

(1) Maratha (Forest Village),	(10) Vaijapur (Forest Village)	(18) Deoziri (Forest Village),
(2) Mordhida (Forest Village),	(54),	(19) Kundyapani (Forest Village),
(3) Umarti (Forest Village),	(11) Borajanti (Forest Village),	(20) Ichapur Pargane Adwad,
(4) Satrasen (Forest Village),	(12) Malapur (Forest Village),	(21) Badhawani,
(5) Krishnapur (Forest Village),	(13) Bormali (Forest Village),	(22) Badhai,
(6) Angurne,	(14) Karajane (Forest Village),	(23) Andane,
(7) Kharya Padav (Forest Village),	(15) Melane (Forest Village),	(24) Moharad,
(8) Vaijapur (Revenue),	(16) Vishnapur (Forest Village),	(25) Asalwadi (Forest Village),
(9) Mulyautar (Forest Village),	(17) Devhari (Forest Village),	

(ii) **The thirteen villages in Yaval tahsil as mentioned below:-**

Yaval Tahsil

(1) Manapuri,	(6) Haripura (Forest Village),	(11) Jamnya (Forest Village),
(2) Tolane,	(7) Vaghazira (Forest Village),	(12) Gadrya (Forest Village),
(3) Khalkot,	(8) Parasade Budruk,	(13) Usmali (Forest Village)
(4) Ichakhede,	(9) Borkhede Khurd,	
(5) Malod,	(10) Langda Amba,	

(iii) **The twenty-one villages in Raver tahsil as mentioned below :-**

Raver Tahsil

(1) Mahumandali (Forest Village),	(6) Garbardi (Forest Village),	(15) Lohare,
(2) Pimparkund (Forest Village),	(7) Janori,	(16) Kusumbhe Budruk,
(3) Andharmali (Forest Village),	(8) Chinchati,	(17) Kusumbe Khurd,
(4) Tidyia (Forest Village),	(9) Pal,	(18) Pimpri,
(5) Nimdya (Forest Village),	(10) Marwhal,	(19) Mohagan Budruk,
	(11) Jinsi,	(20) Padale Budruk,
	(12) Sahasraling (Forest Village),	(21) Mahumandali (old) Deserted)
	(13) Lalmati (Forest Village),	
	(14) Abhode Budruk	

5. The following in Ahmednagar district

(a) The ninety-four villages in **Akole tahsil** as mentioned below:

Akole Tahsil

(1) Tirdhe,	(3) Mhajungi,	(5) Sangavi,
(2) Padoshi,	(4) Ekdare,	(6) Keli Rumhanwadi,

(7) Bitaka,	(36) Samarad	(66) Khadki,
(8) Khirvire,	(37) Bhandardara,	(67) Sakirwadi,
(9) Kombhalne,	(38) Ranad Budruk,	(68) Pachanai,
(10) Tahakari,	(39) Ranad khurd,	(69) Chinchavane,
(11) Samshepur,	(40) Malegaon,	(70) Padalne (80)
(12) Savargaon Pat,	(41) Kohondi,	(71) Shelad,
(13) Muthalane,	(42) Digambar,	(72) Pimpri,
(14) Bari,	(43) Guhire,	(73) Ghoti,
(15) Waranghusi,	(44) Katalapur,	(74) Paithan,
(16) Ladagaon,	(45) Ratanwadi,	(75) Lavali Kotul,
(17) Shenit,	(46) Mutkhel,	(76) Waghdari,
(18) Pabhulwandi,	(47) Terungan,	(77) Shilvandi,
(19) Babhulwandi,	(48) Rajur,	(78) Kohone,
(20) Ambevangan,	(49) Vithe,	(79) Lavali Otur,
(21) Deogaon,	(50) Koltembhe,	(80) Tale,
(22) Pendshet,	(51) Kelungan,	(81) Kothale,
(23) Manhere,	(52) Jangaon,	(82) Somalwadi,
(24) Shelvihire,	(53) Shirpunje Budruk,	(83) Vihir,
(25) Panjare,	(54) Savarkute,	(84) Shinda,
(26) Chinchond,	(55) Kumshet,	(85) Ambit Khind,
(27) Waki,	(56) Shirpunje Khurd,	(86) Palsunde,
(28) Titavi,	(57) Dhamanvan,	(87) Pisewadi,
(29) Pimparkane,	(58) Ambit,	(88) Phopsandi,
(30) Udadawane,	(59) Balthan,	(89) Satewadi
(31) Kodani,	(60) Manik Ozar,	(90) Keli Otur,
(32) Ghatghar,	(61) Puruchawadi,	(91) Keli Kotul
(33) Shinganwadi Rajur,	(62) Maveshi,	(92) Khetewadi,
(34) Murshet,	(63) Shiswad,	(93) Esarthav,
(35) Shendi,	(64) Wapjulshet,	(94) Karandi,
	(65) Gondoshi,	

6. The following in Pune District

(a) (i) The fifty-six villages in **Ambegaon tahsil** as mentioned below :

Ambegaon Tah

(1) Don,	(12) Kondhare,	(22) Savarali,
(2) Pimpargaane,	(13) Adivare,	(23) Megholi,
(3) Aghane,	(14) Borghar,	(24) Vachape,
(4) Ahupe,	(15) Patan,	(25) Sakeri,
(5) Tirpad,	(16) Kushire Khurd,	(26) Pimpri,
(6) Nhaved,	(17) Panchale budruk,	(27) Ambegaon
(7) Asane,	(18) Kushire Budruk,	(28) Jambhori,
(8) Malin,	(19) Digad,	(29) Kalambai,
(9) Nanawade,	(20) Panchale Khurd,	(30) Kondhawal,
(10) Amade,	(21) Mahelunge-tarf-	(31) Phulavade,
(11) Warsawane,	Ambegaon,	(32) Phalode,

(33) Koltavade,	(41) Taleghar,	(49) Gangapur Khurd,
(34) Terungaon,	(42) Mapoli,	(50) Amondi
(35) Dimbhe Budruk,	(43) Dimbhe Khurd,	(51) Kanase,
(36) Mahalunge-tarf-Ghoda,	(44) Pokhari,	(52) Gangapur Budruk,
(37) Rajpur,	(45) Gohe Budruk,	(53) Shinoli,
(38) Chikhali,	(46) Nigadale,	(54) Pimpalgaon-tarf-Ghoda,
(39) Rajewadi,	(47) Gohe Khurd,	(55) Sal,
(40) Supeghar,	(48) Apati,	(56) Dhakale

(ii) **The sixty-five villages in Junnar tahsil as mentioned below :**

Junnar Tahsil

(1) Chilhewadi,	(23) Hadsar,	(45) Wanewadi,
(2) Ambehavhan,	(24) Devale,	(46) Aptale,
(3) Jambhulshi,	(25) Khaire,	(47) Koli,
(4) Khireswar,	(26) Ghatghar,	(48) Shivali,
(5) Mathalane,	(27) Jalwandi,	(49) Utchil,
(6) Kolhewadi,	(28) Hiridi,	(50) Botarde,
(7) Kopare,	(29) Undekhadak,	(51) Dhalewadi-tarf-Minher,
(8) Mandave,	(30) Rajpur,	(52) Bhivade Budruk,
(9) Singanore,	(31) Khatkale,	(53) Ingaloon,
(10) Alu,	(32) Manikdoh,	(54) Bhivade Khurd,
(11) Khubi	(33) Khad kumbe,	(55) Ghangaldare,
(12) Pimpalgaon Joga,	(34) Ursan,	(56) Sonavale,
(13) Karanjale,	(35) Vevadi,	(57) Tambe,
(14) Mach,	(36) Tejpur,	(58) Hivare-tarf-Minher,
(15) Pangri-tarf-Madh,	(37) Phangalghavan,	(59) Hatvij,
(16) Kolwadi,	(38) Ch avand,	(60) Ambe,
(17) Pargaon-tarfModh,	(39) Pur,	(61) Pimparwadi,
(18) Taleran,	(40) Khangaon,	(62) Sukalewdhe,
(19) Sitewadi,	(41) Mankeshwar,	(63) Godre,
(20) Wathale,	(42) Surale,	(64) Khamgaon,
(21) Nimgir,	(43) Amboli,	(65) Somatwadi,
(22) Anjanwale,	(44) Shirol-tarf-Kukadner,	

7. The following in Nanded District:-

(a) The one hundred fifty-two villages and town **Kenwat in kinwat tahsil** as mentioned below:-

Kinwat Tahsil

(1) Takli,	(8) Gondegaon,	(15) Digdi (Kutemar),
(2) Padsa,	(9) Madnapur (Mahore),	(16) Wai,
(3) Sayepal,	(10) Bondgavan,	(17) Hardap,
(4) Murli,	(11) Umra,	(18) Naikwadi,
(5) Wadsa,	(12) Machandra Pard,	(19) Hingani,
(6) Koli,	(13) Karalgaon,	(20) Wazra,
(7) Ashta,	(14) Sawarkhed,	(21) Tulshi,

(22) Gondwadsa,	(66) Pimpalgaon (Sindkhed),	(110) Chikhli,
(23) Anjankhed,	(67) Dongargaon (Sindkhed),	(111) Hudi (Chikhli),
(24) Borad,	(68) Jarur,	(112) Endha,
(25) Chorad,	(69) Minki,	(113) Bhulja,
(26) Dhanora (sindkhed),	(70) Pachunda,	(114) Darsangvi (Chikhli),
(27) Rampur,	(71) Wanola,	(115) Malakwadi,
(28) Pathri,	(72) Sakur,	(116) Penda,
(29) Khambala,	(73) Mendki,	(117) Pardi Khurd,
(30) Pardi,	(74) Digdi (Mohanpur),	(118) Karla,
(31) Sindkhed,	(75) Dhanora (Digdi),	(119) Degaon,
(32) Cinchkhed,	(76) Mohapur,	(120) Lingdhari,
(33) Hatola,	(77) Mungshi,	(121) Pardi Budruk,
(34) Waifani,	(78) Singdi (Kinwat),	(122) Bodhadi Khurd,
(35) Dhundra,	(79) Malbargaon,	(123) Bodhadi Budruk,
(36) Gouri,	(80) Nejpur,	(124) Sindgi (Chikhli),
(37) Both,	(81) Rajgad,	(125) Andbori (Chikhli),
(38) Sailu,	(82) Wadoli,	(126) Kopara,
(39) Karanji (Sindkhed),	(83) Anji,	(127) Piperphodi,
(40) Bhagwati,	(84) Kanakwadi,	(128) Patoda (Chikhli),
(41) Wazra Budruk,	(85) Loni,	(129) Pipri,
(42) Umri,	(86) Dhamandhari,	(130) Dhanora (Chikhli),
(43) Unakdeo,	(87) Pandhara,	(131) Sawari,
(44) Chais,	(88) Bellori (Kinwat),	(132) Thara,
(45) Pimpalsenda,	(89) Maregaon,	(133) Poth Redy,
(46) Sarkhani,	(90) Kamthala,	(134) Singarwadi,
(47) Delhi,	(91) Ambadi,	(135) Anjegaon,
(48) Nirala,	(92) Kherda,	(136) Bhandarwadi,
(49) Noorgaon,	(93) Malkapur,	(137) Jaldhara (Chandrapur),
(50) Titvi,	(94) Ghoti,	(138) Belori (Chikhli),
(51) Lingi,	(95) Sirmetti,	(139) Malkolari,
(52) Nagapur,	(96) Bhimpur,	(140) Digras,
(53) Jununi,	(97) Pipalgaon (Kinwar),	(141) Dongargaon(Chikhli),
(54) Digadwazra,	(98) Ghogarwadi,	(142) Shivoni (Chikhli),
(55) Darsangvi (Sindkhed),	(99) Gokunda,	(143) Paroti,
(56) Singoda,	(100) Mandva,	(144) Sawargaon,
(57) Sirpur,	(101) Digdi (Mangabodi)	(145) Jaldhara (Islapur),
(58) Tembhi,	(102) Nagzari,	(146) Kothari,
(59) Patoda Budruk,	(103) Kothari (Chikhli),	(147) Hudi (Islapur),
(60) Mandvi,	(104) Pradhan Sangvi,	(148) Karanji (Islapur),
(61) Jawarla,	(105) Bendi,	(149) Kupti Khurd,
(62) Palsi,	(106) Amadi,	(150) Kupti Budruk,
(63) Belgaon,	(107) Madnapur (Chikhli),	(151) Wagdhari,
(64) Kanki,	(108) Shaniwar Peth,	(152) Talari,
(65) Kothari, (Sindkhed),	(109) Dabhadi,	

8. **The following in Amravati district:-**

(a) The tahsils of Chikhaldara and Dharni

9. **The following in Yavatmal district**

(a) (i) The one hundred thirty villages in **Maregaon tahsil** as mentioned below

Maregaon Tahsil

(1) Ghoguldara,	(36) Wagdhara,	(72) Darara,
(2) Shionala,	(37) Mendhani,	(73) Asan,
(3) Buranda,	(38) Ghanpur,	(74) Jaglon,
(4) Phapal,	(39) Hatwaniri,	(75) Zamkola,
(5) Kanhalgaon	(40) Khapri,	(76) Isapur,
(6) Khepadwai,	(41) Uchatdevi (Forest Village),	(77) Kilona,
(7) Ghodadhara,	(42) Maregaon (Forest Village),	(78) Umarghat,
(8) Narsala,	(43) Khandani,	(79) Wallasa,
(9) Dhamani,	(44) Mhasdodka,	(80) Junoni (Forest Village),
(10) Madnapur,	(45) Palgaon,	(81) Lenchori,
(11) Bori Khurd,	(46) Botoni,	(82) Chinchghar,
(12) Pisgaon,	(47) Girjapur (Forest Village),	(83) Ambizari, Khurd,
(13) Wadgaon,	(48) Pachpohar,	(84) Ambezari Badruk,
(14) Phiski (Forest Village),	(49) Ambezari,	(85) Kargaon Khurd,
(15) Bhalewadi,	(50) Rohapat,	(86) Nimbadevi,
(16) Pathari,	(51) Raipur,	(87) Tembhi,
(17) Chinchala,	(52) Sagnapur,	(88) Kundi,
(18) Pan Harkawala,	(53) Hiwara Barsa,	(89) Mandiv,
(19) Kharda (Forest Village),	(54) Rampur	(90) Junoni,
(20) Pimprad (Forest Village),	(55) Katli Bargaon,	(91) Parambha,
(21) Phaparwada,	(56) Pardi,	(92) Pokharni (Forest Village),
(22) Salabhatti (Forest Village),	(57) Shibla,	(93) Piwardol,
(23) Doldongargaon,	(58) Chiali (Forest Village),	(94) Bhorad, (Forest Village),
(24) Machindra,	(59) Boargaon (Forest Village),	(95) Chikhaldoh,
(25) Pandwihir,	(60) Pendhari,	(96) Mulgawaan,
(26) Jalka,	(61) Arjuni,	(97) Bhimnala,
(27) Pandhardevi (Forest Village),	(62) Kagaon,	(98) Chatwan,
(28) Ambora (Forest Village),	(63) Rajani,	(99) Araiakwad,
(29) Chinchoni Botoni,	(64) Majara,	(100) Gawara,
(30) Awalgaon (Forest Village),	(65) Gangapur (Forest Village),	(101) Matharjun,
(31) Kanhalagaon,	(66) Bhoikund (Forest Village),	(102) Mahadapur,
(32) Khairgaon,	(67) Wadhona,	(103) Pandharwani,
(33) Sarati,	(68) Susari,	(104) Demad Devi,
(34) Buranda,	(69) Surla,	(105) Mandwa,
(35) Durgada,	(70) Godani,	(106) Dongargaon (Forest Village),
	(71) Nimani,	

(107) Dabhadi,	(116) Chalbardi,	(125) Ganeshpur,
(108) Umari,	(117) Jamani,	(126) Pawnar (Forest Village),
(109) Mudhati,	(118) Shirola,	(127) Krishnapur (Forest Village),
(110) Parsodi,	(119) Adkoli,	(128) Khekadi (Forest Village),
(111) Kodpakhindi,	(120) Khalakloh,	(129) Shekapur,
(112) Mangrul Khurd,	(121) Birsapeth,	(130) Yeoti.
(113) Mangrul Badruk,	(122) Muchi,	
(114) Gopalpur,	(123) Marki Budruk,	
(115) Rampeth,	(124) Marki Khurd,	

(ii) The forty-three villages in Ralegaon tahsil as mentioned below :-

Ralegaon Tahsil

(1) Lohara,	(16) Tejani,	(30) Pardi (Forest Village),
(2) Eklara,	(17) Anji,	(31) Umarvihir,
(3) Sonerdi	(18) Loni,	(32) Adni,
(4) Watkhed,	(19) Borati (Forest Village),	(33) Khatara,
(5) Jalka,	(20) Sarati,	(34) Munzala,
(6) Wama,	(21) Khairgaon Kasar,	(35) Palaskund,
(7) Pimpri Durga,	(22) Wardha,	(36) Vhirgaon,
(8) Mandawa,	(23) Bhulgad,	(37) Khairgaon,
(9) Kolwan,	(24) Pimpalshenda (75)	(38) Deodhari,
(10) Soit,	(25) Atmurdi	(39) Singaldip,
(11) Varud,	(26) Sawarkhed,	(40) Sonurli,
(12) Bukai,	(27) Chondhi,	(41) Shindola,
(13) Zargad,	(28) Wadhoda,	(42) Zotingdara,
(14) Khadki Sukli,	(29) Khemkund,	(43) Sakhi Khurd.
(15) Dongargaon,		

(iii) The one hundred three villages in Kelapur tahsil as mentioned below and town Pandharkawada:-

Kelapur Tahsil

(1) Mohdari,	(12) Kothada,	(25) Chopan,
(2) Jogin Kohla,	(13) Surdevi,	(26) Malkapur (Forest Village),
(3) Mira,	(14) Chanai,	(27) Kgaon,
(4) Jira,	(15) Asoli,	(28) Vadner,
(5) Ghoddara (Forest Village),	(16) Mohada,	(29) Zuli,
(6) Sakhi Budruk,	(17) Karegaon,	(30) Bhad umari,
(7) Wadhona Khurd,	(18) Chikhaldara,	(31) Patoda,
(8) Zolapur (Forest Village),	(19) Krishnapur,	(32) Pahapal,
(9) Karanii,	(20) Dabha,	(33) Nagazari Khurd,
(10) Wadhona Budruk	(21) Morwa,	(34) Bahattar,
(11) Tiwsala (Forest Village),	(22) Khairgaon,	(35) Susari,
	(23) Wagholi,	(36) Naiksukali, (Forest Village),
	(24) Kusal,	

(37) Pedhari,	(58) Wai,	(81) Chalbardi,
(38) Pilpali,	(59) Pimpalapur,	(82) Beluri,
(39) Dongaragaon,	(60) Ganespur,	(83) Tadumari,
(40) Both,	(61) Khairgaon	(84) Bargaon,
(41) Malegaon Khurd (Forest Village),	(62) Pah,	(85) Acoli Budruk,
(42) Hiwardari (Forest Village),	(63) Niljai,	(86) Mahandoli,
(43) Malagaon Budruk (Forest Village),	(64) Margaon,	(87) Sakhara,
(44) Daryapur,	(65) Ambhora	(88) Marathwakadi,
(45) Pilwahari,	(66) Dongargaon	(89) Dhoki,
(46) Arli,	(67) Pimpari,	(90) Ballarpur,
(47) Hiwari,	(68) Khairgaon,	(91) Tokwanjari,
(48) Pimpalshenda,	(69) Muchi,	(92) Wanjari,
(49) Karagaon,	(70) Mangurda,	(93) Khairgaon Budruk,
(50) Wadwat,	(71) Pandharwani Budruk (Forest Village),	(94) Tembhi,
(51) Khairi,	(72) Kondhi,	(95) Radhapur (Forest Village),
(52) Ghubadi,	(73) Wedad,	(96) Pikhana (Forest Village),
(53) Konghara,	(74) Baggi,	(97) Wasari,
(54) Sakhara Budruk,	(75) Ghanmode,	(98) Andharwadi,
(55) Dharna,	(76) Nandgaon,	(99) Yellapur (Forest Village),
(56) Mangi,	(77) Ganeshpur (30)	(100) Chanakha,
(57) Dhaki,	(78) Tatapur,	(101) Nimdheli,
	(79) Zunzapur,	(102) Rudha,
	(80) Gondwakadi,	(103) Sukli

(iv) The fifty-five villages in Ghatanji tahsil as mentioned below :-

Ghatanji Tahsil

(1) Marweli,	(20) Ayate,	(37) Rasa (Forest Village),
(2) Rajurwadi,	(21) Kap,	(38) Zatala,
(3) Lingi,	(22) Kavatha Budruk,	(39) Chikhalwardha,
(4) Koli Khurd,	(23) Bilayat,	(40) Tad-Sawali,
(5) Koli Budruk,	(24) Khadki,	(41) Saifal,
(6) Rampur Undharni,	(25) Chimta,	(42) Nagezari Budruk,
(7) Kapshi,	(26) Kopri Khurd,	(43) Kawatha (Forest Village),
(8) Datodi,	(27) Chincholi (268)	(44) Parwa,
(9) Gudha,	(28) Kindhi (Forest Village)	(45) Majhada,
(10) Warud (240)	(29) Gawara (Forest Village),	(46) Pardi,
(11) Zaparwadi,	(30) Titwi,	(47) Jamb,
(12) Umri (242)	(31) Muradgavhan (Forest Village)	(48) Kaleshwar,
(13) Palodi,	(32) Pimpal Khuti (Forest Village),	(49) Sherad,
(14) Kopri (244)	(33) Kharoni (Forest Village),	(50) Dhunki(Forest Village),
(15) Ghoti,	(34) Wadhona,	(51) Mathani (Forest Village),
(16) Bodadi,	(35) Dorli,	(52) Rajagaon (Forest Village),
(17) Mudhati (Forest Village),	(36) Rahati,	(53) Khapri (Forest Village),
(18) Jalandri,		(54) Honegaon
(19) Manusdhari,		(55) Ganeri

10. The following in Gadchiroli district:-

(a) The tahsils of Ettapalli, Sironcha, Aheri, Dhanora, Kurkheda.

(b) (i) The sixty-two villages in **Gadchiroli tahsil** as mentioned below:-

Gadchiroli Tahsil		
(1) Nawgaon,	(22) Mudza Tukum,	(43) Gajanguda,
(2) Chak Churchura,	(23) Krupala,	(44) Banoli,
(3) Kurhadi,	(24) Masli,	(45) Suryadongri,
(4) Chak Maushi,	(25) Ranbhumi,	(46) Salaitola,
(5) Murmadi,	(26) Chandala,	(47) Bitantota,
(6) Botheda,	(27) Ranmul,	(48) Potegaon,
(7) Palandur,	(28) Kumbhi Patch,	(49) Rajoli,
(8) Gilgaon,	(29) Kumbhi Mokasa,	(50) Madras,
(9) Chak Kharpurdi,	(30) Made Mul,	(51) Jaller,
(10) Japra,	(31) Maroda,	(52) Devapur,
(11) Chak Dhibhana,	(32) Kosamghat,	(53) Ramgad
(12) Marumbodi,	(33) Raipur,	(54) Gavallheti,
(13) Kurkheda,	(34) Rawanzora,	(55) Deoda,
(14) Khursa,	(35) Pekinkasa,	(56) Kharadguda,
(15) Visapur,	(36) Sawela,	(57) Talguda,
(16) Sonapur,	(37) Suimara,	(58) Jangaon,
(17) Mondha,	(38) Sakhera,	(59) Kads,
(18) Sawrgaon,	(39) Karkazara,	(60) Korkuti,
(19) Kanri,	(40) Kanhalgaon,	(61) Nagweli,
(20) Pulkhal,	(41) Keligatta,	(62) Jalegaon.
(21) Mudza Budruk,	(42) Tohagaon,	

(ii) The seventy-four villages in **Armori tahsil** as mentioned below :-

Armori Tahsil		
(1) Koregaon	(17) Mangewada,	(33) Mohatala Chak Kukodi,
(2) Kalamgaon,	(18) Armori,	(34) Mendha,
(3) Kural,	(19) Salmara,	(35) Dongartamsi Patch,
(4) Selda Tukum,	(20) Thanegaon,	(36) Nagarwadi,
(5) Selda Lambe,	(21) Patanwada,	(37) Chak Naroti,
(6) Kasari Tukum,	(22) Puranawairagad,	(38) Chak Kurandi
(7) Kasarigaon,	(23) Deulgaon,	(39) Wadegaon,
(8) Shivrajpur,	(24) Sukala,	(40) Thotebodi,
(9) Potegaon,	(25) Mohazari alias Sakharbodi,	(41) Dellanwadi,
(10) Vhirgaon,	(26) Chak Kernada,	(42) Manapur,
(11) Pimpalgaon,	(27) Lohara,	(43) Kosari,
(12) Arat-tondi,	(28) Chak Sonpur,	(44) Mangoda,
(13) Dongargaon (Halbi),	(29) Hirapur,	(45) Tultuli,
(14) Palasgaon,	(30) Dongartamsi,	(46) Chaknagarwahi,
(15) Navargaon,	(31) Shiani Khurd,	(47) Vhirgaon,
(16) Pathargota,	(32) Chavhela,	(48) Kurandi,

(49) Umari,	(58) Warkheda,	(67) Maregaon Patch,
(50) Yengada,	(59) Kharadi,	(68) Maregaon
(51) Pisewadadha,	(60) Bhansi,	(69) Chak Maregaon
(52) Paraswadi,	(61) Dorli,	(70) Chak Chicholi,
(53) Dawandi,	(62) Wanarchuwa,	(71) Mousi Khamb,
(54) Khadaki,	(63) Jambhali,	(72) Belgaon,
(55) Bhakarandi,	(64) Mendha,	(73) Chicholi,
(56) Naroti Malgujar,	(65) Narchuli,	(74) Wankheda
(57) Koregaon,	(66) Khairi,	

(iii) The one hundred thirty-two villages in Chamorshi tahsil as mentioned below :-

Chamorshi Tahsil

(1) Saganpur,	(34) Fuser,	(67) Chak Belgatta,
(2) Bandhona,	(35) Dhekani,	(68) Manjigaon,
(3) Gilgaon,	(36) Chak Mudholi No.2,	(69) Machhalighot,
(4) Bhendi Kanhal,	(37) Lakshamanpur,	(70) Chak Makepalli No. 4,
(5) Thatari,	(38) Saganapur,	(71) Darpanguda,
(6) Chite Kanhar,	(39) Amboli,	(72) Chak Makepalli No. 2.
(7) Kalamgaon,	(40) Gahubodi,	(73) Chak Makepalli No. 3,
(8) Kurud,	(41) Chak Narayanpur No. 1,	(74) Garanji,
(9) Maler,	(42) Chak Narayanpur No. 2,	(75) Chak Made Amgaon,
(10) Kulegaon,	(43) Rajur Budruk,	(76) Chak Made Amgaon No. 1,
(11) Nachangaon,	(44) Bhadbid,	(77) Chak Made Amgaon No. 2,
(12) Bhadbhid,	(45) Manger,	(78) Tumdi,
(13) Walsara,	(46) Chichpally,	(79) Regadi,
(14) Chak Visapur,	(47) Wanarchuwa,	(80) Makepalli Malgujari,
(15) Jogana,	(48) Jairampur,	(81) Borghat,
(16) Murmuri,	(49) Waigaon,	(82) Ashti Nokewada,
(17) Rawanpalli,	(50) Narayanpur,	(83) Bramhanpeth,
(18) Sonapur,	(51) Rajur Khurd,	(84) Venganur,
(19) Darli,	(52) Haladwahi,	(85) Nokewada,
(20) Rekhagaon,	(53) Mudholi,	(86) Allapalli,
(21) Yedanur,	(54) Kothari,	(87) Rengewahi,
(22) Pailsanpeth,	(55) Bamhani Deo,	(88) Kolpalli
(23) Pandhri Bhatal,	(56) Somanpalli,	(89) Ambela (Forest village),
(24) Rajangatta,	(57) Kanhalgaon,	(90) Gatta (Forest Village),
(25) Chak Amagaon No.1,	(58) Singela,	(91) Adgepalli,
(26) Mutnur,	(59) Belgatta,	(92) Surgaon (Forest Village),
(27) Abapur,	(60) Pethtala,	(93) Yellur,
(28) Murandapi,	(61) Chak Pethtala No. 1,	(94) Thakari,
(29) Lenguda,	(62) Pardideo,	(95) Rajgatta,
(30) Adyal,	(63) Yadavpalli,	(96) Lohara,
(31) Karkapalli,	(64) Rajpur,	(97) Mukaritola,
(32) Chak Karakapalli,	(65) Jambhalirith,	(98) Bholkhandi (Forest Village),
(33) Jangamkurul,	(66) Meteguda,	(99) Hetalkasa,

(100) Bolepalli,	(111) Mukadi (Forest Village),	(122) Nagulwahi,
(101) Pulligudam,	(112) Singanpalli,	(123) Chintugunha,
(102) Kunghada,	(113) Dhamanpur,	(124) Tumugunda,
(103) Kunghada,	(114) Kothari (930)	(125) Machingatta,
(104) Kalapur,	(115) Ambatpalli,	(126) Yella,
(105) Gangapur,	(116) Gomani,	(127) Tikepalli,
(106) Chandankheddi	(117) Lagamhetti,	(128) Marpalli,
(107) Malera,	(118) Damapur,	(129) Jamgaon,
(108) Basarwada,	(119) Bandukpalli,	(130) Kultha,
(109) Chaprala,	(120) Kodigaon,	(131) Rampur,
(110) Chaidampatti,	(121) Chichela,	(132) Lagam Chak.

11. The following in Chandrapur district:-

The one hundred eighty-two villages in **Rajura tahsil** as mentioned below :-

Rajura Tahsil

(1) Parasoda,	(30) Khairgaon,	(60) Markagondi,
(2) Raipur,	(31) Hatloni	(61) Belgaon,
(3) Kothoda Khurd,	(32) Yergoan,	(62) Zulbardi,
(4) Govindpur,	(33) Umarzara,	(63) Sawalhira,
(5) Kothoda Budruk,	(34) Yellapur,	(64) Khiragaon,
(6) Mehandi,	(35) Singar Pathar,	(65) Pandharwani,
(7) Pardi,	(36) Lambori,	(66) Jambuldhara,
(8) Jewra,	(37) Shedwai,	(67) Dhanak Devi,
(9) Chanai Khurd,	(38) Narpathar,	(68) Yermi Isapur,
(10) Akola,	(39) Kodapur,	(69) Sarangapur,
(11) Korpana,	(40) Gharpana,	(70) Jiwati
(12) Durgadi,	(41) Nokewada,	(71) Nagapur,
(13) Rupapeth,	(42) Gudsela,	(72) Markalmotta,
(14) Chanai Budruk,	(43) Wani,	(73) Dhonda Arguni,
(15) Mandwa,	(44) Kokazari,	(74) Dhondha Mandwa,
(16) Kanergaon Budruk,	(45) Mohda,	(75) Teka Arjuni,
(17) Katlabodi,	(46) Pudiyal Mohda,	(76) Teka Mandwa,
(18) Shivapur,	(47) Kamalapur,	(77) Rahpalli Budruk,
(19) Chopan,	(48) Chickhkhod,	(78) Chikhili
(20) Kerambodi,	(49) Wansadi,	(79) Patan,
(21) Kukulbodi,	(50) Paramba,	(80) Hirapur,
(22) Tippa,	(51) Devghat,	(81) Isapur,
(23) Mangulhira,	(52) Kusal,	(82) Asan Khurd,
(24) Khadki,	(53) Dahegaon,	(83) Asan Budruk,
(25) Jamuldhara,	(54) Sonurlo,	(84) Pipalgaon,
(26) Borgaon Budruk,	(55) Kargaon Khurd,	(85) Palezari,
(27) Borgaon Khurd,	(56) Dhanoli,	(86) Borinavegaon,
(28) Asapur,	(57) Piparda,	(87) Nanda,
(29) Tangala,	(58) Chincholi,	(88) Bibi
	(59) Kargaon Budruk,	(89) Dhunki,

(90) Dhamangaon,	(121) Yergavan,	(152) Winirgaon,
(91) Kakhampur,	(122) Kawadgondi,	(153) Magi,
(92) Wadgaon,	(123) Sorakasa,	(154) Wangi,
(93) Injapur,	(124) Kusumbi,	(155) Pandharpouni,
(94) Chandur,	(125) Jankapur,	(156) Aheri,
(95) Kukadsat,	(126) Punaguda (Navegaon),	(157) Kochi,
(96) Khirdi,	(127) Dewada,	(158) Goraj,
(97) Thutra,	(128) Khadki Raipur,	(159) Warur,
(98) Behlampur,	(129) Govendpur,	(160) Raniwcli,
(99) Manoli Khurd,	(130) Maraipatan,	(161) Bhedoda,
(100) Jamani,	(131) Umarzara,	(162) Tembhurwahi
(101) Nokari Budruk,	(132) Rahpalli Khurd,	(163) Chirud,
(102) Sonapur,	(133) Dharamaram,	(164) Chinchbodi,
(103) Upparwai,	(134) Bhoksapur,	(165) Kawthala,
(104) Bhurkunda Khurd,	(135) Bambezari,	(166) Sonurli,
(105) Kaadki,	(136) Bhari,	(167) Sirsi,
(106) Nokari Khurd,	(137) Pandarwani,	(168) Berdi,
(107) Nagrala,	(138) Sindolta,	(169) Bhendala,
(108) Palezari,	(139) Sondo,	(170) Kelzari,
(109) Kakban,	(140) Belgaon,	(171) Navegaon
(110) Dongargaon,	(141) Kakadghat,	(172) Chinchala,
(111) Chikhali,	(142) Ganeri,	(173) Wirur,
(112) Bhurkhunda Budruk,	(143) Khirdi,	(174) Siddheshwar,
(113) Pachgaon,	(144) Sedwai,	(175) Ghatta,
(114) Sengaon,	(145) Babapur,	(176) Dongargaon,
(115) Tatakohadi,	(146) Hirapur,	(177) Subai,
(116) Bhendvi,	(147) Sakhari,	(178) Kostala,
(117) Sukadpalli,	(148) Manoli Budruk,	(179) Lakadkot
(118) Markagondi,	(149) Goyegaon,	(180) Ambezari,
(119) Titvi,	(150) Hardona Khurd,	(181) Antargaon
(120) Nadpa,	(151) Hardona Budruk,	(182) Annur

The Scheduled Areas in the State of Maharashtra were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O.9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O. 26) dated 7.12.1950 and have been respecified under the Scheduled Areas (Maharashtra) Order, 1985 (C.O. 123) dated 2.12.1985 after recinding the Orders cited earlier in so far as they related to the State of Maharashtra.

V. Orissa##

1. Mayurbhanj district
2. Sundargah district
3. Koraput district
4. Kuchinda tahsil in Sambalpur district
5. Keonjhar and Telkoi tahsils of keonjhar sub-division, and Champua and Barbil tahsils of Champua sub-division in Keonjhar district.

6. Khondmals tahsil of Khondmals sub-division, and Balliguda and G Udayagiri tahsils of Balliguda sub-division in Boudh-Khondmals district
7. R. Udayagiri tahsil, and Guma and Rayagada Blocks of Parlakhemundi Tahsil of Parlakhemundi sub-division, and Surada tahsil, excluding Gazalbadi and Gocha Gram Panchayats of Ghumsur sub-division, in Ganjam district
8. Thuamul Rampur Block of Kalahandi Tahsil, and Lanjigarh Block, falling in Lanjigarh and Kalahandi tahsils, in Bhawanipatna sub-division in Kalahandi district.
9. Nilgiri Community Development Block of Nilgiri tahsil in Nilgiri Sub-division in Balasore district.

###The Scheduled Areas in the State of Orissa were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950, (Constitution Order, 26) dated 7.12.1950 and have been respecified as above by the Scheduled Areas (States of Bihar Gujarat, Madhya Pradesh and Orissa) Order, 1977, (Constitution Order, 109) dated 31.12.1977 after rescinding the Orders cited earlier in so far as they related to the State of Orissa.

VI. Rajasthan\$

1. Banswara district
2. Dungarpur district
3. The following in Udaipur district :-
 - (a) Tahsils of Phalsia, Kherwara, Kotra, Sarada, Salumbar and Lasadia.
 - (b) The eighty one villages of Girwa tahsils as mentioned below:

- (i) Sisarma Devali, Baleecha, Sethji Ki Kundal, Rayta, Kodyat and Peepliya villages of Sisarma panchayat,
- (ii) Bujra, Naya Gurha, Popalti and Naya Khera villages of Bujra Panchayat,
- (iii) Nai village of Nai Panchayat,
- (iv) Dodawali Kaliwas, Kar Nali Surna, Borawara Ka Khera, Madri, Bachhar and Keli villages of Dodawali Panchayat,
- (v) Bari Undri, Chhoti Undri, Peepalwas and Kumariya Kherwa villages of Bari Undri Panchayat,
- (vi) Alsigarh, Pai and Aar Villages of Alsigarh Panchayat,
- (vii) Padoona Amarpura and Jawala villges of Padoona Panchayat,
- (viii) Chanawada village of Chanawada panchayat,
- (ix) Saroo and Baran villages of Saroo Panchayat
- (x) Teeri, Borikuwa and Gojiya villages of Terri Panchayat.
- (xi) Jawar, Rawan, Dhawari Talai, Nayakhera, Kanpur and Udaiya Khera villages of Jawar Panchayat
- (xii) Barapal, Torana Talab and Kadiya Khet villages of Barapal Panchayat,
- (xiii) Kaya and Chandani Villages of Kaya Panchayat
- (xiv) Teetardi, Phanda, Biliya, Dakankotra, Dholiya Ki Pati and Saweena Khera villages of Teetardi Panchayat,
- (xv) Kanpur village of Kanpur Panchayat
- (xvi) Wali, Boodel, Lalpura, Parawal, Kheri and Jaspur vllages of Wali Panchayat.
- (xvii) Chansada, Dameron Ka Guda, Mamadeo, Jhamar Kotra, Sathpura Gujaran, Sathpura Meenan. Jali Ka Gurha, Kharwa, Manpura and Jodhipuriya villages of Chansada Panchayat.

- (xviii) Jagat village of Jagat Panchayat
- (xix) Dateesar, Runeeja, Basu and Rodda villages of Dateesar Panchayat,
- (xx) Lokarwas and Parola villages of Lokarwas Panchayat
- (xxi) Bhala Ka gurha, Karget, Bhesadha and Bichhri villages of Bhala Ka Gurha Panchayat.

- 4. Pratapgarh tahsil in Chittaurgrah district.
- 5. Abu Road Block of Abu Road tahsil in Sirohi district.

§ The Scheduled Areas in the State of Rajasthan were originally specified under the Scheduled Areas (Part B States) Order, 1950 (C.O. 26) dated 7.12.1950 and have been respecified vide the Scheduled Areas (State of Rajasthan) Order, 1981 (C.O. 114) dated 12.2.1981 after recinding the Order cited earlier in so far as it related to the State of Rajasthan.

VII. Jharkhand§§

- | | | |
|----------------------------|---|---|
| 1. Ranchi District | 8. Sarikela-Kharsawan District | Satbarwa Block |
| 2. Lohardaga District | 9. Sahebganj District | 14. Garhwa district- Bhandaria Block |
| 3. Gumla District | 10. Dumka District | 15. Godda District- Sunderpahari and Boarigor Blocks. |
| 4. Simdega District | 11. Pakur District | |
| 5. Latehar District | 12. Jamtara District | |
| 6. East Singhbhum District | 13. Palamu District-Rabda and Bakoria Panchayats of | |
| 7. West Singhbhum District | | |

§§ The Scheduled Areas in the composite State of Bihar were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and thereafter they had been respecified by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31.12.1977 after rescinding the Order cited first so far as that related to the State of Bihar. Consequent upon formation of new State of Jharkhand vide the Bihar Reorganisation Act, 2000, the Scheduled Areas which were specified in relation to the composite State of Bihar stood transferred to the newly formed State of Jharkhand. The Scheduled Areas of Jharkhand have been specified by the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) dated 20.2.2003 after rescinding the order dated 31.12.77 so far as that related to the State of Bihar. The Schedule Area of Jharkhand specified in the the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) have been rescinded vide the Scheduled Areas (State of Jharkhand) Order, 2007 (C.O. 229) dated 11.04.07.

VIII. Madhya Pradesh§§§

- 1. Jhabua district
- 2. Mandla district
- 3. Dindori district
- 4. Barwani district
- 5. Sardarpur, Dhar, Kukshi, Dharampuri, Gandhwani and Manawar tahsils in Dhar district
- 6. Bhagwanpura, Segaon, Bhikangaon, Jhirniya, Khargone and Meheshwar tahsils in Khargone (West Nimar) district

7. Khalwa Tribal Development Block of Harsud tahsil and Khaknar Tribal Development Block of Khaknar tahsil in Khandwa (East Nimar) district
8. Sailana and Bajna tahsils in Ratlam district
9. Betul tahsil (excluding Betul Development Block) and Bhainsdehi and Shahpur tahsils in Betul district
10. Lakhanadone, Ghansaur and Kurai tahsils in Seoni district
11. Baihar tahsil in Balaghat district
12. Kesla Tribal Development Block of Itarsi tahsil in Hoshangabad district
13. Pushparajgarh, Anuppur, Jaithari, Kotma, Jaitpur, Sohagpur and Jaisinghnagar tahsils of Shahdol district
14. Pali Tribal Development Block in Pali tahsil of Umaria district
15. Kusmi Tribal Development Block in Kusmi tahsil of Sidhi district
16. Karahal Tribal Development Block in Karahal tahsil of Sheopur district
17. Tamia and Jamai tahsils, patwari circle Nos. 10 to 12 and 16 to 19, villages Siregaon Khurd and Kirwari in patwari circle no. 09, villages Mainawari and Gaulie Parasia of patwari circle No. 13 in Parasia tahsil, village Bamhani of Patwari circle No. 25 in Chhindwara tahsil, Harai Tribal Development Block and patwari circle Nos. 28 to 36,41,43,44 and 45B in Amarwara tahsil
Bichhua tahsil and patwari circle Nos. 05,08,09,10,11 and 14 in Saunsar tahsil, Patwari circle Nos. 01 to 11 and 13 to 26, and patwari circle no. 12 (excluding village Bhuli), village Nandpur of patwari circle No. 27, villages Nikanth and Dhawdikhapa of patwari circle no 28 in Pandurna tahsil of Chhindwara district.

IX. Chhattisgarh\$\$\$

1. Surguja district
2. Korla district
3. Bastar district
4. Dantewara district
5. Kanker district
6. Marwahi, Gorella-I, Gorella-2 Tribal Development Blocks and Kota Revenue Inspector Circle in Bilaspur district
7. Korba district
8. Jashpur district
9. Dharmjaigarh, Gharghoda, Tamnar, Lailunga and Kharsia Tribal Development Blocks in Raigarh district
10. Dondi Tribal Development Block in Durg district
11. Chauki, Manpur and Mohla Tribal Development Blocks in Rajnandgaon district
12. Gariaband, Mainpur and Chhura Tribal Development Blocks in Raipur district
13. Nagri (Sihawa) Tribal Development Block in Dhamtari district

\$\$\$ The Scheduled Areas in the State of Madhya Pradesh were originally specified by the Scheduled Areas (Part A States), Order, 1950 (Constitution Order, 9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950. (Constitution Order 26) dated 7.12.1950 and had been respecified as above by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977, (Constitution

Order, 109) dated 31.12.1977 after rescinding the Orders cited earlier in so far as they related to the State of Madhya Pradesh. Consequent upon the formation of new State of Chhattisgarh by the Madhya Pradesh Reorganisation Act, 2000 some Scheduled Areas stood transferred to the newly formed State of Chhattisgarh. Accordingly, the Scheduled Areas have been respecified by the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) dated 20.2.2003 after rescinding the Order dated 31.12.77 so far as that related to the States of Madhya Pradesh.

Comparative Chart of ILO Conventions 107 (1957) and 169 (1989)

ILO 107		ILO 169		Best practices emerged from the Conventions	Relevant safeguards in constitution/ Constitutional/ legislative changes required
Art.	Relevant extract	Art.	Relevant extract		
1	<p>(a) Members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited</p>	1	<p>(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation</p>		

	<p>the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.</p> <p>2. For the purposes of this Convention, the term semi-tribal includes groups and persons who, although they are in the process of losing their tribal characteristics, are not yet integrated into the national community.</p>		<p>or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.</p> <p>2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply</p>		
2	1 Governments shall have the primary responsibility for developing co-ordinated	2	1. Governments shall have the responsibility for developing, with the participation of	Governments to bear responsibility, in consultation with STs for protection of their rights STs and to guarantee respect	

	and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries.		the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.	for their integrity.	
	2(a) enabling the said populations to benefit on an equal footing from the rights and opportunities which national laws or regulations grant to the other elements of the population;				
	2(b) promoting the social, economic and cultural development of these populations and raising their standard of living;		(b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;	Promotion of full realisation of social, economic and cultural rights of STs with respect for their social and cultural identity, their customs and traditions and their institutions	
	(c) creating possibilities of national integration to the exclusion of measures tending towards the artificial		c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and	Elimination of socio-economic gaps between STs and other members of the national community, in a manner compatible with their aspirations and ways of life	

	assimilation of these populations.		other members of the national community, in a manner compatible with their aspirations and ways of life		
3	1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations. 2. Care shall be taken to ensure that such special measures of protection--	4	1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. 2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.	Special measures for safeguarding the persons, institutions, property, labour, and environment of STs (not e contrary to the freely-expressed wishes of the STs.	
4	In applying the provisions of this Convention relating to the integration of the populations concerned-- (a) due account shall be taken of the cultural and religious values and of the forms of	5	In applying the provisions of this Convention: (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account	Recognition and protection of the social, cultural, religious and spiritual values and practices of STs , and due account to be taken of the nature of the problems which face them both as groups and as individuals;	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act ,1989

	<p>social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;</p> <p>(b) the danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognised;</p> <p>(c) policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.</p>		<p>shall be taken of the nature of the problems which face them both as groups and as individuals;</p> <p>(c) policies aimed at mitigating the difficulties experienced by these peoples in adjusting new conditions of life and work shall be adopted, with the participation and cooperation of the peoples affected.</p>	<p>Framing of policies aimed at mitigating the difficulties experienced by STs in facing new conditions of life and work and their adoption with the participation and cooperation of the STs</p>	
5	<p>In applying the provisions of this Convention relating to the protection and integration</p>	6.	<p>1. In applying the provisions of this Convention, governments shall:</p>	<p>Consultation with STs through appropriate procedures and in particular through their representatives</p>	<p>Tribal Advisory Council (Schedule V) Autonomous Council (Schedule VI)</p>

	<p>of the populations concerned, governments shall--</p> <p>(a) seek the collaboration of these populations and of their representatives;</p> <p>(b) provide these populations with opportunities for the full development of their initiative;</p>		<p>(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;</p> <p>(c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.</p>	<p>Establishment of means for the full development of STs' own institutions and initiatives, and provision of necessary resources for this purpose</p>	
6	<p>The improvement of the conditions of life and work and level of education of the populations concerned shall be given high priority in plans for the over-all economic development of areas inhabited by these populations. Special projects for economic development of the areas in</p>	7	<p>2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of</p>	<p>Priority in plans for the overall economic development of areas, inhabited by STs including improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation. Designing of special projects for development of such areas</p>	<p>Tribal-sub plan (TSP) strategy</p>

	question shall also be so designed as to promote such improvement.		the areas in question shall also be so designed as to promote such improvement		
7	<p>1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.</p> <p>2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.</p>	8	<p>1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws</p> <p>2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.</p>	<p>Laws and regulations, concerning STs to have due regard to their customs or customary laws; not restricted to such methods</p> <p>Permission to allow STs their own customs and institutions where these not incompatible with the national legal system or the objectives of integration programmes.</p>	<p>Adoption of laws by Governor (Schedule V)</p> <p>Framing of laws by Autonomous Council (Schedule VI)</p>
8	To the extent consistent with	9	1. To the extent compatible with	Respect to the customary methods	

	<p>the interests of the national community and with the national legal system--</p> <p>(a) the methods of social control practised by the populations concerned shall be used as far as possible for dealing with crimes or offences committed by members of these populations;</p> <p>(b) where use of such methods of social control is not feasible, the customs of these populations in regard to penal matters shall be borne in mind by the authorities and courts dealing with such cases</p>		<p>the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.</p> <p>2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.</p>	<p>practised by STs for dealing with offences committed by their <i>members</i></p>	
11	<p>PART II. LAND</p> <p>The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised</p>	14	<p>1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the</p>	<p>Measures to safeguard the right of STs for the land, not exclusively occupied by them, but having traditional access for their subsistence and traditional activities, particularly shifting cultivators..</p> <p>Identification of the land Governments shall take steps as</p>	<p>Land alienation laws/Regulations</p> <p>Forest rights accorded under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006</p>

		<p>right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.</p> <p>2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.</p> <p>3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.</p>	<p>necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.</p> <p>3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned</p>	
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12	<p>1.The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.</p> <p>2. When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations</p>				<p>Special provisions Land Acquisition Act (contemplated)</p> <p>Provisions in The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006</p>
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	<p>concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.</p> <p>3. Persons thus removed shall be fully compensated for any resulting loss or injury.</p>				
11	<p>The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.</p>	15	<p>2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The</p>	<p>1. Recognition of traditional rights of ownership, collective or individual</p> <p>2. Govt. to establish or maintain procedures, while retaining the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, for consultation with STs with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands.</p>	<p>Mining Act,2011 (proposed)</p>

			peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.		
12	<p>1. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations.</p> <p>2. When in such cases removal of these populations is</p>	16	<p>1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.</p> <p>2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of STs</p> <p>3. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, ST to be provided in all possible cases with</p>	Removal of STs from their land only when (a) relocation is considered necessary as an exceptional measure, subject to their free and informed consent. Where their consent cannot be obtained, such relocation to take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of STs	

	<p>necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees.</p> <p>(a) the provision of more land for these populations when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;</p>		<p>which provide the opportunity for effective representation of the peoples concerned</p> <p>3. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.</p> <p>5. Persons thus relocated shall be fully compensated for any resulting loss or injury</p>	<p>lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where affected STs express a preference for compensation in money or in kind, compensation under appropriate guarantees.</p> <p>5 Full compensation to relocated persons for any resulting loss or injury</p>	
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13	<p>1. Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned shall be respected, within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.</p> <p>2. Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.</p>	17	<p>1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.</p> <p>2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.</p> <p>3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.</p>	<p>1. Respect to Procedures for the transmission of land rights among STs.</p> <p>1. Consultation with STs whenever, considering alienation their lands or transmission of their rights outside their community</p> <p>2. Prevention of non-STs from taking advantage of customs of STs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.</p>	Land alienation laws/regulations
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		18	Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.	Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.	
15	1. Each Member shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to the populations concerned so long as they are not in a position to enjoy the protection granted by law to workers in general.	20	1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.	1. Govts to take special measures , within the framework of national laws and regulations, and in co-operation with STs to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to STs to the extent that STs are not effectively protected by laws applicable to workers in general.	Reservation law (contemplated)
18	1. Handicrafts and rural industries shall be encouraged as factors in the economic	23	1. Handicrafts, rural and community-based industries, and subsistence economy and	1. Govts to ensure, with the participation of STs strengthening and promotion of handicrafts, rural and community-	

	<p>development of the populations concerned in a manner which will enable these populations to raise their standard of living and adjust themselves to modern methods of production and marketing.</p> <p>2. Handicrafts and rural industries shall be developed in a manner which preserves the cultural heritage of these populations and improves their artistic values and particular modes of cultural expression.</p>		<p>traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development.</p> <p>Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.</p> <p>2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural characteristics of these peoples, as well as the importance of sustainable and equitable development.</p>	<p>based industries, and subsistence economy and traditional activities and their recognition as important factors in the maintenance of their cultures and in their economic self-reliance and development.</p> <p>2. Appropriate technical and financial assistance wherever possible, taking into account the traditional technologies and cultural characteristics of STs as well as the importance of sustainable and equitable development, on request of the STs</p>	
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20	<p>1. Governments shall assume the responsibility for providing adequate health services for the populations concerned.</p> <p>2. The organisation of such services shall be based on systematic studies of the social, economic and cultural conditions of the populations concerned.</p> <p>3. The development of such services shall be co-ordinated with general measures of social, economic and cultural development.</p>	25	<p>1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.</p> <p>2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.</p> <p>3. The health care system shall give preference to the training and</p>	<p>Govt. to ensure that adequate health services to STs and provision of resources to allow them to design and deliver such services under their own responsibility and control, to enjoy the highest attainable standard of physical and mental health.</p> <p>2 Planning of community-based. Health services, to the extent possible and administration in co-operation STs and taking into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.</p> <p>3. Preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.</p> <p>4. Co-ordination of health services with other social, economic and cultural measures</p>	
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			<p>employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.</p> <p>4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.</p>		
21	<p>Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.</p> <p>Article 22</p> <p>1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and</p>	27	<p>1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.</p> <p>2. The competent authority shall ensure the training of members of these peoples and their</p>	<p>1. Measures to ensure that ST populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.</p> <p>2. Development of education programmes and services for STs and their implementation in co-operation with STs to address their special needs, incorporation of their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.</p> <p>3. Ensuring that the training of STs and their involvement in the formulation and</p>	<p>Right of Children to Free and Compulsory Education (RTE) Act 2009</p>

	cultural integration into the national community.		involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate. 3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.	implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to them 3. Govt. to recognise the right of STs to establish their own educational institutions and facilities with provision of appropriate resources, subject to these institutions meeting minimum standards established by the competent authority in consultation with STs.	Safeguards for (religious) Minorities
23	1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used	28	1. Children belonging to the peoples concerned <i>shall</i> , wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the	Teaching to ST children, wherever practicable, (both reading and writing) in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent	Constitutional safeguards for linguistic minorities under Article 29 and 30

	<p>by the group to which they belong.</p> <p>3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.</p>		<p>group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.</p> <p>3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.</p>	<p>authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective. Measures for preservation and promotion of the development and practice of the indigenous languages of STs</p>	
24	<p>The imparting of general knowledge and skills that will help children to become integrated into the national community shall be an aim of primary education for the populations concerned.</p>	29	<p>The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.</p>	<p>Education to STs to aim at imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community</p>	
25	<p>Educational measures shall be taken among other sections of the</p>	31	<p>Educational measures shall be taken among all sections of the national</p>	<p>Educational measures among all sections of the national community, and particularly</p>	

	national community and particularly among those that are in most direct contact with the populations concerned with the object of eliminating prejudices that they may harbour in respect of these populations		community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.	among those that are in most direct contact with the STs , with the object of eliminating prejudices that they may harbour in respect of these peoples; efforts to be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.	
27		33	1. The Governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfillment of the	Government to ensure that agencies or other appropriate mechanisms exist to administer the programme affecting STs Proposing of legislative and other measures and supervision of the application of the measures taken, in co-operation with the STs	

			<p>functions assigned to them.</p> <p>2. These programmes shall include:</p> <p>(a) The planning, co-ordination, execution and evaluation, in co-operating with the people concerned of measures provided for in this Convention.</p> <p>(b) The proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned</p>		
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National Commission for Scheduled Tribes

Summary Record of the Proceedings of the Sitting taken by Hon'ble Chairperson, NCST on 16th February, 2012 to discuss applicability of best practices emerged from ILO C-107 and C-109 for adoption in relation to Scheduled Tribes

List of the officials who were present in the meeting is enclosed at **ANNEXURE**.

2. The Commission mentioned that the meeting was convened to discuss applicability of best practices emerged from ILO C-107 and C-109 for adoption in relation to Scheduled Tribes. The Commission had sought views of the MEA, MHA and the MTA vide letter dated 31st January, 2012 on the approach of the Government with regard to the various provisions in the ILO C-169. In response, MTA has communicated vide D.O. No. 368/JS(UNES)/121 dated 3rd February, 2012 that Ministry of Labour and Employment is the nodal Ministry for dealing with issues relating to ILO. On the other hand, Ministry of Labour and Employment vide D.O. No.W-13014/1/2002-ILAS (i) dated 6th February, 2012 has furnished comments of the (MEA, MHA and MTA in the context of ratification of ILO Convention 169. The reply of the Ministry of Labour and Employment does not indicate the views of the Govt. of India communicated, if any, to the ILO.

3. The Commission has noted from the Ministry of Labour and Employment letter dated 6th February, 2012 that C-169 has not been ratified by India mainly due to non-applicability of the concept of indigenous people (as defined in C-169) in the Indian context. While we may also heed political overtones (MEA), indigenous citizen concerns (MHA) and the reporting load (MTA) arising out of ratification of C-169, and on such considerations, not subscribing to the Convention does not appear rational or egalitarian to ignore the best practices which emerge from the Convention(s), that are also aimed to uplift the tribal people bringing them to the level of general population especially in the context of increasing resentment/ unrest in tribal areas.

4. The Commission noted that MEA has mentioned that subjecting to our laws to any scrutiny in accordance with the relevant provisions of the C-169 is bound to provoke a litany of motivated complaints. The Commission desired to know the views of the MEA as to why our laws should not be aligned with best practices emerged from the Convention (s) and whether such adoption will result in any international merit. JS, MEA explained that the best practices arising out of the Convention (s) should be adopted with a view to improving out system. He

also mentioned that MEA also highlights such matters at various international forums.

5. The representative of MHA expressed that provisions like right to indigenous and tribal people to decide their own priorities for the purpose of development (Article 7 of C-169) would create administrative problems in the formulation of development plans and may distort the planning process in the country. In the context of spreading violence in tribal population/ areas, Commission desired to know the views of MHA on their objection if any, to the inclusion of a re-furbished TSP strategy predicated on increased Gol responsibility in the Vth and VIth Schedule, which also aims at focussed development of respective Scheduled Areas. Director, MHA informed that MHA in principle agrees to the above views. However, these may require review of the existing provisions in Vth and VIth Schedules to the Constitution.

6. The Commission also noted that MHA have mentioned that the existing laws don't confer rights on landholders, whether tribal or non-tribal, over sub-surface resources. It was mentioned that the Vth and VIth Schedule provide for separate regulations in respect of land rights of tribals. These do not mention about excluding sub-surface rights. Thus, the views expressed by the MHA are not in line with the existing provisions of the Vth and VIth Schedules. Representative of MHA, however, mentioned that the Ministry will take up the matter with the Ministry of Law for their opinion and advice on the sub-surface rights of the tribals in the Schedule Areas under Vth and VIth Schedule to the Constitution.

7. The Commission desired to know the views of the MTA on the need to incorporate international best practices into our constitutional safeguards for STs and also spell out these aspirations in the Tribal Policy. The Commission noted that Governors' Conference, the second Administrative Reforms Commission (ARC) and the Standing Committee on Inter-Sectoral Issues have also argued for issue of directions by Gol to implement the spirit of Vth Schedule/ discretionary powers of Governors. The Commission pointed out that after making monetary compensation to the tribals after acquiring their lands, the tribals become jobless as well as landless and the compensation received is not sufficient to secure peaceful livelihood to the tribals and this was a major cause for uprising and naxalism in various tribal/ scheduled areas in the country. The Commission mentioned that it has already recommended on the MMDR Bill,2011 that besides compensation for entrustment of land surface rights, future earnings from mining activity should also be shared with land owners in perpetuity. Therefore, while redesigning the quantum and nature of (sweat) equity participation to allay the apprehensions of promoters in respect of enterprise management, a sum equal to royalty be paid to the land rights holders for the duration of mineral extraction; and sweat equity holdings may be redeemed by the lessee to purchase lifelong annuity payments after mining operations have ceased in a particular location.

8. Secretary, MTA informed that the best practices could be incorporated in the related issues concerning Scheduled Tribes. The Secretary also informed that the Task Force under the Chairmanship of Dr. Narendra Jadhav, Member, Planning Commission has already examined the working of Tribal Sub-Plan in various States and by the Central Ministries/Departments. The Task Force has given its recommendations for revised guidelines for preparing TSP by the Central Ministries. Recommendations of the Task Force relating to revised guidelines for TSP of States is in the process. He further mentioned regarding sub-surface rights over land that the proposed provisions by the Ministry of Mines in the MMDR Bill, 2011 may also be examined.

9. Secretary, Ministry of Labour and Employment mentioned that a draft Cabinet Note regarding ratification of ILO Convention (C 169) was mooted in 2003 which was not finalized taking into consideration the views expressed by the MEA, MHA and MTA. He further mentioned that, so far, only 22 countries have ratified ILO C 169. He also emphasized the need to adopt best practices out of ILO Conventions to improve our systems.

10. Chairman, NCST observed that while some of the best practices have been embedded through existing safeguards in our Constitution, in respect of remaining, a view should be taken for Constitutional/ legislative changes which may be appropriate for modern times/context. He further mentioned that based on the position emerged from the discussion, Commission will propose to recommend to the Govt. for considering the need for amendments of Schedule Vth and VIth to provide a comprehensive Charter for tribal communities incorporating the best practices enumerated in the ILO Convention (s). It was also decided that the MHA will take up the matter with the Ministry of Law and Ministry of Mines in relation to the Scheduled Areas under VIth Schedule. Similarly, MTA, (which is the nodal Ministry for Tribal Affairs) may take up the matter with the Ministry of Mines in the context of sub-surface rights of the tribals in the Country.

ANNEXURE

F. No. 4/5/11-Coord.

National Commission for Scheduled Tribes

Sitting held on 16-02-2012 at 12:00 hrs. on Approach to ILO Convention 107: Indigenous and Tribal Population Convention, 1957 and Convention 169: Indigenous and Tribal Peoples Convention, 1989.

List of officials present in the meeting

National Commission for Scheduled Tribes	
Sl. No.	Name & Designation
1.	Dr. Rameshwar Oraon, Chairperson (In chair)
2.	Shri Aditya Mishra, Joint Secretary
Ministry of External Affairs	
1.	Shri T. S. Tirumurti, Joint Secretary (UNES)
Ministry of Tribal Affairs	
1.	Shri A. K. Chugh, Secretary
2.	Shri K. Touthang, Director
Ministry of Home Affairs	
1.	Shri Ashok Kumar, Director
2.	Shri Ajay Kanoujia, Dy. Secretary, NE
3.	Shri N. Kindo, Section Officer
Ministry of Labour & Employment	
1.	Shri Mrityunjay Sarangi, Secretary
2.	Shri Vikas, Director

S. No 11 (R)

No.1343/M&G/2010
Government of India
Ministry of Home Affairs

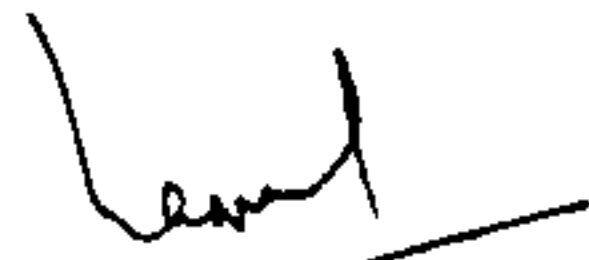
North Block, New Delhi
7th December, 2010.

OFFICE MEMORANDUM

Sub: - Article, captioned 'Centre may take over control of tribal areas', published in the Times of India dated 5/11/2010.

The undersigned is directed to refer to National Commission for Scheduled Tribes letter No, PDN/Development/MTA (Policy)/2010/RU-II dated 24.11.2010 on the subject mentioned above and to state that Ministry of Home Affairs had obtained the opinion of the Learned Attorney General on the specific powers of the Governor under Schedule-V to the Constitution. All the Governors of the states concerned have been apprised of the opinion of the Ld. Attorney General. CS Division in the Ministry of Home Affairs has no proposal, under consideration, for review the role and powers of the Governors in respect of Scheduled Area. A copy of the opinion of Attorney General of India is enclosed for information.

2. A copy of the letter received from the National Commission for Scheduled Tribes has been forwarded to NM Division of this Ministry for providing details, if any.


(NEERAL KANSAL)
DIRECTOR (CS)
Tel. No. 2309 2933

307/35/2010
7/12

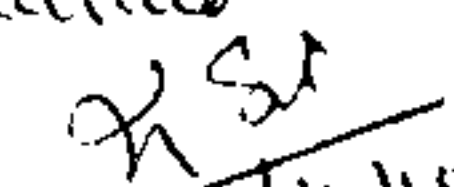
To

National Commission for Scheduled Tribes,
(Shri Aditya Mishra, Joint Secretary)
6th Floor, 'B' Wing, Lok Nayak Bhavan,
Khan Market, New Delhi-110003.

Consultant
Please
give a
copy to
DIRVA
also

Copy to: Joint Secretary (NM), Ministry of Home Affairs, North Block, New Delhi with request to provide the requisite information, if any, to the National Commission for Scheduled Tribes.


7/12

Copy retained

8/12/10
Dir (VA)

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OFFICE OF SHRI GOJAM E VAHANVATI
ATTORNEY GENERAL FOR INDIA
SUPREME COURT
NEW DELHI 110 001

F.NO. 1046/ADV. A/2010.

1. My opinion has been sought on the nature of powers of the Governor under the Fifth Schedule read with Article 244 of the Constitution of India in respect of administration of Scheduled Areas and Tribal Areas
2. The background of this Opinion is the proceedings of the Conference of Governors held on 16th and 17th September, 2008 where the Hon'ble President of India stated that.

"In view of the provisions under Fifth Schedule there is a feeling in certain quarters that the Governor should play a pro-active role. On the other hand, it is understood that court judgments and debates in the Constituent Assembly provide that the Governor is bound by the advice of the Council of Ministers in the exercise of his powers under the Fifth Schedule. This causes considerable uncertainty. The Government could seek authoritative legal opinion to set at rest this ambiguity."

3. In short, the issue raised is whether the powers conferred upon the Governor under Article 244 read with the Fifth Schedule are to be exercised on the aid and advice of the Council of Ministers of the State or are discretionary powers of the Governor.
4. Before answering the query raised, it is necessary to trace the history and evolution of Article 244 and the Fifth Schedule of the Constitution.

HISTORICAL BACKGROUND

5. The genesis of the Fifth Schedule can be traced to certain provisions of the Government of India Act 1935. Under the said Act, certain backward areas were placed under the personal rule of the Governor. These areas had to be administered by the Governor in the exercise of his personal discretion. Section 91 and 92 of the Government of India Act, 1935 deal with the administration of backward areas. The same are extracted hereunder for the sake of convenience.

"Section 91:

Excluded areas and partially excluded areas - (1) In this Act the expressions "excluded areas" and "partially" excluded area mean respectively such areas as His Majesty may by Order in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the Order which it is proposed to recommend His Majesty to make under this sub-section before Parliament within six

months from the passing of this Act (2) His Majesty may at any time by order in Council--

(a) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;

(b) direct that the whole or any specified part of a partially excluded area shall cease to be a partially excluded area or a part of such an area.

(c) alter, but only by way of rectification of boundaries, and excluded or partially excluded area.

(d) on any alteration of the boundaries of a Province, or the creation of a new Province, declare any territory not previously in any Province to be, or to form part of, an excluded area or a partially excluded area, and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under sub-section (1) of this section shall not be varied by any subsequent Order "

Section 92:

"Administration of excluded areas and partially excluded areas - (1) The executive authority of a province extends to excluded and partially excluded areas therein, but notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the areas, or to any special part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) the Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area and any regulation so made may repeal or amend any Act of the Federal Legislature or the Provincial Legislature, or any existing Indian Law, which is for the time being applicable to the area in question

Regulations made under this sub-section shall be submitted for with to the Governor-General and until assented to by him in his discretion shall have no effect, [and the provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial Legislature assented to by him.

(3) The Governor shall, as respects any area in a Province which is for the time being an excluded area, exercise his functions in his discretions."

6. Dr Subhash Kahsyap in his **Constitutional Law of India Vol. II, 2008 Edition at page 1795** has explained the genesis of the Fifth Schedule:

"During the period of the British Rule in India, there were small areas in different parts of the country which were recognized as specially backward. These were mostly inhabited by tribal or aboriginal population. Under Section 91 and 92 of the Government of India Act, 1935, these backward areas were classified as excluded areas and partially excluded areas. A small number of excluded areas were placed under the personal rule of the Governor acting in his discretion, while partially excluded areas were within the field of ministerial responsibility, but the Governors exercised a special responsibility in respect of the administration of all these areas; and they had the power in the individual judgment to overrule their Ministers if they thought fit to do so. No Act of the Federal or Provincial Legislature would apply to any of these areas; but the Governors' or the authority to apply such Act with such modifications as they considered necessary. In addition to the excluded and partially excluded areas, there were certain "Tribal Areas". The powers exercisable in these areas were described as arising out of "treaty, grant, usage, sufferance or otherwise" and the Act of 1935 contained a specific authorization enabling these powers to be exercised as a part of the executive authority of the Central Government by the Governor-General acting in his discretion and, therefore, outside the area of responsibility of the Ministry. The actual extent of administrative authority exercised in each of these tribal areas differed."

7 The Draft Constitution prepared by the Drafting Committee in February, 1948 contained the following provisions with regard to the administration of the scheduled and tribal areas. Articles 189 and 190 of the Draft Constitution dealt with the same and read as follows:

Article 189

"In this Constitution -

- (a) the expression "schedule areas" means the areas specified in Parts I to VII of the table appended to paragraph 18 of the Fifth Schedule in relation to the state to which those Parts respectively relate;
- (b) the expression "tribal areas" means the areas specified in Part I and II of the table appended to paragraph 19 of the Sixth Schedule."

Article 190

"Administration of schedule and tribal areas -

- 1. The provisions of the fifth Schedule shall apply to the administration and control of the schedule areas and schedule tribes in any State for the time being specified in Part I of the First Schedule.

Constitutional Law of India by Dr. Subhash Kashyap, Vol. II, 2008 Edition, Page 1795

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2 The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam."

8 At the revision stage, Article 244 was brought in to encapsulate Articles 189 and 190.²

THE RELEVANT PROVISIONS OF THE CONSTITUTION

9. Article 244 of the Constitution falls in Part X of the Constitution and states as under:

"Article 244

Administration of Scheduled Areas and tribal areas

1. The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.
2. The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram."

10 The provisions of the Fifth Schedule are reproduced hereunder for the sake of convenience:

Fifth Schedule

"PART A - GENERAL

1. Interpretation.—In this Schedule, unless the context otherwise requires, the expression "State" does not include the States of Assam, Meghalaya, Tripura and Mizoram.
2. Executive power of a State in Scheduled Areas.—Subject to the provision of this Schedule, the executive power of a State extends to the Scheduled Areas therein.
3. Report by the Governor to the President regarding the administration of Scheduled Areas.—The Governor of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

PART B - ADMINISTRATION AND CONTROL OF SCHEDULED AREAS AND SCHEDULED TRIBES

² *Constitutional Law of India by Dr. Subhash Kashyap, Vol. II, 2008 Edition, page 1797*

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4. Tribes Advisory Council –(1) There shall be established in each State having Scheduled Areas therein and, if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than twenty members of whom, as nearly as may be, three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State:

Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes

(2) It shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

(3) The Governor may make rules prescribing or regulating, as the case may be, –

(a) the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof;

(b) the conduct of its meetings and its procedure in general; and

(c) all other incidental matters.

5. Law applicable to Scheduled Areas –(1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area In particular and without prejudice to the generality of the foregoing power, such regulations may –

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

PART C - SCHEDULED AREAS

6. Scheduled Areas.—(1) In this Constitution, the expression "Scheduled Areas" means such areas as the President may by order³ declare to be Scheduled Areas.

(2) The President may at any time by order⁴—

(a) direct that the whole or any specified part of a Scheduled Area shall cease to be a Scheduled Area or a part of such an area;

(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;

(b) alter, but only by way of rectification of boundaries, any Scheduled Area;

(c) on any alteration of the boundaries of a State or on the admission into the Union or the establishment of a new State, declare any territory not previously included in any State to be, or to form part of, a Scheduled Area;

¹ [(d) rescind, in relation to any State or States, any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders redefining the areas which are to be Scheduled Areas;

and any such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper, but save as aforesaid, the order made under sub-paragraph (1) of this paragraph shall not be varied by any subsequent order.

PART D - AMENDMENT OF THE SCHEDULE

7. Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to this Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an

amendment of this Constitution for the purposes of article 368."

- 11. The note of Shri G.B. Mukherjee, Secretary, Ministry of Tribal Affairs states that Mangeshkar Committee Report of the Planning Commission has recommended that in the Fifth Schedule areas, the office of the Governor must play a pro-active role for ensuring protection of tribal rights and tribal welfare/development. The note of Shri G.B. Mukherjee states as follows:

"The Mungekar Committee Report of the Planning Commission, vide page 8-28/C, recommends that in the Fifth Schedule Areas, the office of the Governor must play a more pro-active for ensuring the protection of tribal rights and for tribal welfare/development. It suggests that besides a critical review of the Governor's report, the Governor should also decide on the application of central laws as well as notification of new laws in Schedules Areas as provided in Schedule V of the Constitution."

- 12. In the background of the aforesaid history of the administration of scheduled areas and the relevant provisions in the Constitution of India, I would now straight away proceed to answer the query raised on whether the Governor can exercise the powers vested in him under the Fifth Schedule in his personal or discretionary capacity or whether the same have to be exercised only on the aid and advice of the Council of Ministers of the State.

ANALYSIS OF THE PROVISIONS OF THE FIFTH SCHEDULE

- 13. The Framers of our Constitution were sensitive to the administration of scheduled areas and special provisions were carved for administration of the said areas.
- 14. Under Clause 2 of the Fifth Schedule, the extent of executive power of the state in the Scheduled areas has been made subject to the provisions of the Fifth Schedule. In other words, the exercise of the executive power of the State in Scheduled areas is subservient to the provisions of the Fifth Schedule which grants important and crucial powers to the Governor in respect of scheduled areas.
- 15. Under Clause 3 the Governor is mandated to make a report to the President regarding the administration of Scheduled areas and the executive power of the Union extends to the giving of directions to the State as to the administration of the said areas. This provision categorically shows the overarching control of the Union which the Constitution Framers envisaged in respect of Scheduled Areas.
- 16. Clause 5 is important and deals with the legislative powers of the Governor. Clause 5 opens with a *non-obstante* clause stating that the power exercisable under clause 5 overrides any other provisions in the Constitution. Under clause 5, the Governor may, by a public notification, direct that any particular Act of Parliament or of the Legislature of the State will not apply to a scheduled area or would apply subject to such exceptions and modifications as he may specify in the notification. The Governor is also empowered to make

regulations for peace and good governance of any area in a State which is for the time being a scheduled area. The regulations made under clause 5 have to be submitted to the President and have no effect until assented to by the President.

EXECUTIVE AND DISCRETIONARY POWERS OF THE GOVERNOR

- 17. Under Article 163(1) of the Constitution, the Council of Ministers along with the Chief Minister, aid and advice the Governor in the exercise of his functions except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion.

Article 163(1) and (2) are reproduced hereunder for the sake of Convenience:

"163. Council of Ministers to aid and advise Governor. – (1)

There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion

(2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion."

- 18. The question as to whether all the functions of the Governor have to be exercised in accordance with the aid and advice of the Council of Ministers is an issue which is no longer res-integra. The Hon'ble Supreme Court has held in a catena of decisions that this principle that the Governor is bound by the aid and advice of the Council of Ministers in exercise of his functions is only applicable in situations where there is no discretion conferred by the Constitution. In matters where the Constitution expressly or implicitly confers discretionary powers, the Governor is not bound by the aid and advice of the Council of Ministers.

regular

exception

- 19. In Shamsher Singh Vs. State of Punjab [(1974) 2 SCC 831], a Bench of seven Judges of the Hon'ble Supreme Court of India categorically held that certain provisions of the Constitution require that the Governor should act in his discretion. In such circumstances, the Governor is not bound by the aid and advice of the Council of Ministers. The Hon'ble Court held that:

"Where the Governor has any discretion, the Governor acts on his judgment."

- 20. In M.P. Special Police Establishment Vs. State of M.P. [(2004) 8 SCC 788], the Constitution Bench of five Hon'ble Judges again reiterated that although the normal rule is that the Governor acts on the aid and advice of the Council of Ministers, but there are exceptions under which the Governor can act in his own discretion. In this regard, the Court observed that:

"The normal rule is that the Governor acts on the aid and advice of the Council of Ministers and not independent or contrary to it, but there are exceptions in which the Governor can act in his own discretion. Some of the exceptions are as set out hereinabove. It is, however, clarified that the exceptions mentioned in the judgment are not exhaustive. It is also recognized that the concept of the Governor acting in his discretion or exercising independent judgment is not alien to the Constitution. It is recognized that there may be situations where by reason of peril to democracy or democratic principles, an action may be compelled which from its nature is not amenable to ministerial advice."

21. In **Pu Myllai Hlychho v. State of Mizoram [(2005) 2 SCC 92]**, a Constitution Bench of five Hon'ble Judges again reiterated the principles that there are certain powers in the Constitution which are to be exercised in the discretion of the Governor. The Hon'ble Court held that:

"There are several powers and duties for the Governor and some of these powers are to be exercised in his discretion and some other powers are to be exercised by him with the aid and advice of the Council of Ministers. The executive powers of the State are vested in the Governor under Article 154(1). Article 163(1) states that there shall be a Council of Ministers with the Chief Minister as the head to aid and advise the Governor in the exercise of his functions, except insofar as he is by or under this Constitution, required to exercise his functions or any of them in his discretion."

22. A perusal of the aforesaid decisions would show that the Governor has undoubtedly discretionary powers under the Constitution of India

THE NATURE OF POWERS EXERCISED BY THE GOVERNOR UNDER THE FIFTH SCHEDULE

23. The next question which would arise is whether the powers exercised by the Governor under Fifth Schedule are discretionary powers
24. In **Ram Kripal Bhagat Vs. State of Bihar, [(1969) 3 SCC 471]** the Hon'ble Supreme Court considered the provisions of the Fifth Schedule and observed that they were para-materia with Section 91 and 92 of the Government of India Act, 1935 which conferred on the Governor "an utmost discretion of enactment for the containment of the objects pointed to".
25. In the said judgment, the Apex Court considered the background of the Fifth Schedule. The Apex Court observed that the powers conferred on the Governor under the Government of India Act, 1935 were discretionary powers. In this regard, the Court observed that:

"The Scheduled Areas are dealt with by Article 244 of the Constitution and the Fifth Schedule to the Constitution. Prior to the Constitution, the excluded areas were dealt with by Sections 91 and 92 of the Government of India Act.

1935. The excluded and the partially excluded areas were areas so declared by order in Council under Section 91 and under Section 92. No act of the Federal Legislature or of the Provincial Legislature was to apply to an excluded or a partially excluded area unless the Governor by public notification so directed. Sub-section (2) of Section 92 of the Government of India Act, 1935 conferred power on the Governor to make regulations for the peace and good government of any area in a Province which was an excluded or a partially excluded area and any regulations so made might repeal or amend any Act of the Federal Legislature or the Provincial Legislature or any existing Indian law which was for the time being applicable to the area in question. The extent of the legislative power of the Governor under Section 92 of the Government of India Act, 1935 in making regulations for the peace and good government of any area conferred on the Governor in the words of Lord Halsbury, "an utmost discretion of enactment for the attainment of the objects pointed to". (See *Riel v. Queen*). In that case the words which fell for consideration by the Judicial Committee were "the power of the Parliament of Canada to make provisions for the administration, peace, order and good government of any territory not for the time being included in any province". It was contended that if any legislation differed from the provisions which in England had been made for the administration, peace, order and good government then the same could not be sustained as valid. That contention was not accepted. These words were held to embrace the widest power to legislate for the peace and good government for the area in question."

26. In Paragraph 22 of the judgment, the Hon'ble Apex Court considered the nature of powers exercisable under clause 5 of the Fifth Schedule. Paragraph 22 reads as follows:

"The Fifth Schedule to the Constitution consists of 7 paras and consists of Parts A, B, C and D. Para 6 in Part C deals with Scheduled Areas as the President may by order declare and there is no dispute in the present case that the Santhal Parganas falls within the Scheduled Areas. Para 5 in the Fifth Schedule deals with laws applicable to Scheduled Areas. Sub-para 2 of para 5 enacts that the Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. Under sub-para 3 of para 5 the Governor may repeal or amend any Act of Parliament or of the legislature of the State or any existing law which is for the time being applicable to the area in question. It may be stated that a contention was advanced by counsel for the appellants that Section 92 of the Government of India Act, 1935 was still in operation and the Governor could only act under that section. This contention is utterly devoid of any substance because Section 92 of the Government of India Act, 1935 ceased to exist after repeal of the Government of India Act, 1935 by Article 395 of the Constitution. It was contended that the power to make regulations did not confer power on the Governor to apply any law. It was said that under Section 92 of the

Government of India Act, 1953 the Governor could do so but under the Fifth Schedule of the Constitution the Governor is not competent to apply laws. This argument is without any merit for the simple reason that the power to make regulations embraces the utmost power to make laws and to apply laws. Applying law to an area is making regulations which are laws. Further the power to apply laws is inherent when there is a power to repeal or amend any Act, or any existing law applicable to the area in question. The power to apply laws is really to bring into legal effect sections of an Act as if the same Act had been enacted in its entirety. Application of laws is one of the recognised forms of legislation. Law can be made by referring to a statute or by citing a statute or by incorporating a statute or provisions or parts thereof in a piece of legislation as the law which shall apply."

27 The Hon'ble Court further held that:

"the Governor had full powers to make regulations which are laws and just as Parliament can enact that a piece of legislation which applies to a particular State; similarly under Clause 5 of the Fifth Schedule, Governor can apply specified laws to a scheduled area"

28. In *State of Meghalaya Vs. Ka Bhyien Kurkalang* [(1972) 1 SCC 148], the Hon'ble Supreme Court, following *Ram Kripal's Case*, held that the power contained in Clause 5 of the Fifth Schedule was of the widest amplitude. In this regard the Hon'ble Court held that:

"In *Ram Kripal v. Bihar* this Court had the occasion of considering the provisions of the Fifth Schedule to the Constitution, and in particular its para 5(2) which empowers the Governor to "make regulations for the peace and good government of any area in a State which is for the time being a scheduled area" and which power under sub-paragraph (3) includes the power to repeal or amend, while making such a regulation, any Act of Parliament or of a State Legislature or any existing law which is for the time being applicable to the area in question. Explaining the content and the scope of that power, Ray, J., speaking for the Court observed at p. 244 of the report that the power contained in para 5(2) of that Schedule embraced the widest power to legislate for the peace and good government for the area in question which comprised of not only making of laws but also of selecting and applying laws, and that "the power to apply laws is inherent when there is a power to repeal or amend any Act or any existing law applicable to the area in question".

29 In *Samata Vs. State of A.P.* [(1997) 8 SCC 191], the Hon'ble Supreme Court again considered the provisions of the Fifth Schedule. The Hon'ble Court held that the provisions of Clause 5 (2) (a) and (c) were legislative powers and Clause 5 (2) (b) comprise of legislative as well as executive powers. The Hon'ble Court also observed that the executive power of the State is subject to the legislative powers under

Clause 5(1) of the Fifth Schedule. The relevant portions of the judgment in this regard reads as follows:

"The executive power especially conferred by the Constitution like the pleasure tenure or the power of pardoning a convict are in our view, not apposite to the issue. The power of the executive Government in that behalf has wisely been devised in the Constitution and is not subject to any restriction except in accordance with the Constitution and the law made under Article 245 read with the relevant entry in the Seventh Schedule to the Constitution subject to the Fifth Schedule when it is applied to Scheduled Area. The power of the Government to acquire, hold and dispose of the property and the making of contracts for any purpose conferred by Article 298 of the Constitution equally is coextensive with the legislative power of the Union/State. However, Article 244(1) itself specifies that provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State except the excluded areas specified therein. The legislative power in clause (1) of Article 245 equally is "subject to the provisions of the Constitution" i.e. Fifth Schedule. Clause (1) of para 5 of Part B of the Fifth Schedule applicable to Scheduled Areas, adumbrates with a non obstante clause that: "Notwithstanding anything in the Constitution, in other words, despite the power, under Article 298, the Governor may, by public notification direct that any particular Act of Parliament or of the legislature of a State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State, subject to such exceptions and modifications as he may specify in the notification and any direction given under clause (1) of para 5, may be given so as to have retrospective effect." The executive power of the State is, therefore, subject to the legislative power under clause 5(1) of the Fifth Schedule. Similarly sub-para (2) thereof empowers the Governor to make Regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such Regulations may regulate the allotment of land to members of the Scheduled Tribes in such area or may prohibit or restrict the transfer of land under clause (a) by or among the members of the Scheduled Tribes in such areas. In other words sub-para 5(2) combines both legislative as well as executive power, clause 5(2)(a) and (c) legislative power and clause (b) combines both legislative as well as executive power. The word "regulation" in para 5(2)(b) is thus of wide import."

- 30. The Hon'ble Court further held that the legislative powers of the Governor under the Fifth Schedule was of very wide import and gave wide discretion to the Governor to make laws for such purposes. Paragraph 173 of the judgment reads as under:

"The Governor has also been given the legislative power to make Regulations for the "peace and good government" of any area in a State which is a Scheduled Area. The words

"peace and good government" are words of very wide import and give wide discretion to the Governor to make laws for such purpose. In *King Emperor v. Banoari Lal Sarmu* and in *Attorney General for Saskatchewan v. Canadian Pacific Rly. Co.* it was held that the words "peace, order and good government" are words of very wide import giving wide power to the authority to pass laws for such purposes. In *Raja Jogendra Narayan Deb v. Debendra Narayan Roy* it was explained that these words, namely, "peace, order and good government" have reference to the scope and not to the merits of the legislation. It was again explained in *Girindra Nath Banerjee v. Birendra Nath Pal* that these words are words of the widest significance and it is not open to a court to consider whether any legislation made by the Governor would conduce to peace and good government."

GOVERNOR NOT BOUND BY THE AID AND ADVICE OF THE COUNCIL OF MINISTERS IN PERFORMANCE OF FUNCTIONS UNDER SCHEDULE V.

- 31. The Hon'ble Supreme Court in *Bhuri Nath v. State of J& K*, (1997) 2 SCC 745 has categorically held that the powers exercised by the Governor under the fifth Schedule are discretionary powers and that whilst doing so the Governor does not act on the aid advice of the Council of Ministers. The Hon'ble Supreme Court in the said case overruled the judgement in *Mansingh Suraj Singh Padvi's* case and held:

"The ratio in *Mansingh Suraj Singh Padvi case*³ relates to the exercise of the power by the Governor under the West Khandesh Mehwasli Estates (Proprietary Rights Abolition, etc.) Regulation, 1961. From the notification issued thereunder, the learned Judges appear to have reached the conclusion that the Governor acts with the aid and advice of the Council of Ministers. They did not correctly understand the scope of Schedule V to the Constitution in its relation to the administration of the scheduled area. The power of State and the Governor in that behalf was not properly understood nor brought home to the learned Judges. Therefore, the learned Judges were not right in holding that the Governor while exercising the power under Schedule V of the Constitution acts with the aid and advice of the Council of Ministers. The law laid down therein is not correct in law."

- 32. In my opinion, the powers exercisable by the Governor especially under the Fifth Schedule are discretionary powers. Under Clause 3 of the Fifth Schedule, the Governor has to annually make a report regarding the administration of the scheduled areas in that State. This report is his personal assessment of the administration of the scheduled areas in that State. The Governor is not only the administrative and executive Head of the State but is also an agency of the Centre representing the Centre at the State level. The Governor is not only the executive head of the State but also is vital link in the quasi federal structure of our Constitution.

33. Charles Henry Alexandrowicz in his treatise, *Constitutional Developments in India*, OUP, 1957 discusses the special role assigned to the Governor in the quasi federal context of the Indian Constitution. At page 144, it is observed that:
- "On the one hand, the Governor is the Constitutional head of the local State, on the other hand, he is the agency of the Centre called upon to implement its policy from a wider federal point of view..."
- In this respect, the view was expressed in the Constituent Assembly that the Governor is... the agency which will press for and guard the central policy and that the local states must follow..."
34. In *Surya Narain Choudhary v. Union of India*, AIR 1982 Raj 1, the Hon'ble Rajasthan High Court whilst dealing with the nature of powers of the Governor observed that:
- "It must be realized that the Governor while discharging his functions works as a channel of communication and contact between State and Centre."
35. In *Rameshwar Prasad (VI) v. Union of India*, (2006) 2 SCC 1, Justice Pasayat highlighted the role of the Governor as a bridge between the Centre and the State. In his dissenting opinion, the Hon'ble Judge observed as follows:
- "213. ...A Governor has been assigned the role of a constitutional sentinel and a vital link between the Union and the State. A Governor has also been described as a useful player in the channel of communication between the Union and the State in matters of mutual interest and responsibility.
272. The key actor in the Centre-State relations is the Governor who is a bridge between the Union and the State. The founding fathers deliberately avoided election to the office of the Governor, as is in vogue in the USA to insulate the office from linguistic chauvinism..."
36. Clause 3 of the Fifth Schedule is one such provision which seeks to make the Governor a vital link and an agency of the Centre at the State level. The Governor is expected to take a personal assessment of the administration of scheduled areas and report to the President so that the appropriate directions can be passed by the Centre in relation to the same in exercise of the Executive Power of the Union..
37. Thus, under Clause 3 the executive powers of the Union extends to the giving of directions to the State for administration of Scheduled areas. This is a clear indication that the framers of the Constitution had intended that overarching power to administer the Scheduled areas would vest with the Centre. This being the position, it cannot but be said that the exercise of powers by the Governor cannot be controlled by the Council of Ministers.
38. Under Clause 5, the Governor may by notification direct that any particular Act of Parliament or Legislature shall not apply to a

(293)

scheduled area or any part thereof or be applicable with such exceptions and modifications as may be specified in the notification.

39. A perusal of the Clause 5 would reveal that framers of the Constitution deemed it appropriate to confer on the Governor wide powers for the administration of scheduled areas. Under Clause 5 the Governor can declare that a law made by a State or by Parliament be not applicable to the scheduled areas. The Governor is also entitled to make regulations for the peace and good governance of any scheduled area. In my opinion this power is discretionary as has been held by the Hon'ble Supreme Court [see (1997) 8 SCC 191, paragraph 173 and 1997 2 SCC 745 para 25].
40. If the powers exercisable under Clause 5 are construed to be non-discretionary the entire scheme of the Fifth Schedule would fail. The legislative power under Clause 5 of the Fifth Schedule was conferred on the Governor so that he could independently assess the administration of the scheduled areas. The Governor can not only declare that particular state or Central laws would not be applicable to scheduled areas but also is empowered to make regulations for the administration of the scheduled areas. To say that the powers under clause 5 of the Fifth schedule can be exercised only on the aid and advice of the council of ministers would be to empower the council of ministers of a State to override/ repeal a Central law which could not have been the intention of the framers of the Constitution. The only restriction which was placed on this power of the Governor was that all the regulations made in Clause 2 of Fifth Schedule came into effect only upon the assent by the President.
41. The matter can be looked at from another angle. Clause 2 of Fifth Schedule states that the executive power of the State is subject to the provisions of the Fifth Schedule. Under Article 154, the executive power of the State is vested in the Governor. In so far as exercise of executive powers of the State are concerned, the Governor has to be exercise the same on the aid and advice of the Council of Ministers along with the Chief Minister. However, the exercise of powers by the Governor under the Fifth Schedule is not *co-terminus* with exercise of the executive power of the State but it is within the discretion of the Governor. In other words, the executive power of the State which is exercisable by the Governor on the aid and advice of the Council of Ministers has been expressly been made *subject to* the provisions of the Fifth Schedule. In performance of the functions and exercise of powers under the Fifth Schedule, the Governor is not bound by the aid and advice of the Council of Ministers of the State.

discretion

Goolam E. Vahanvati
Goolam E. Vahanvati
Attorney General for India

21 April 2010

Shri R.L.Koli, A.S.

Governments decisions on the recommendations contained in the Reports of the Second Administrative Reforms Commission

S. No.	Subject	Decision taken on Report or not.
1st Report	Right to Information - Master key to good governance	YES
2nd Report	Unlocking Human Capital Entitlements And Governance - Implementation of NREGA	YES
3rd Report	Crisis Management - From Despair to Hope	YES
4th Report	Ethics in Governance	YES
5th Report	Public Order	No
6th Report	Local Governance	YES
7th Report	Capacity Building for Conflict Resolution - Friction to Fusion	YES
8th Report	Combating Terrorism - The report is being handled by Ministry of Home Affairs	No
9th Report	Social Capital - A Shared Destiny	YES
10th Report	Refurbishing Personnel Administration - Scaling New Heights	No
11th Report	Promoting e-Governance - The Smart Way Forward	YES
12th Report	Citizen Centric Administration - The Heart of Governance	YES
13th Report	Organisational Structure of Government of India	YES
14th Report	Strengthening Financial Management System	YES
15th Report	State and District Administration	YES

Source: Website of DARPG



भारत सरकार
राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

MOST
IMMEDIATE
BY FAX/ SPL.
MESSENGER

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- No:4/3/11-Coord.

दिनांक/ Date: 16/02/2012

To

The Secretary,
Department of Administrative Reforms & Public Grievances
Ministry of Personnel, Public Grievances and Pensions,
Sardar Patel Bhawan, New Delhi – 110001.

Sub: Report of the National Commission for Scheduled Tribes on Role of the Governors in the Scheduled Areas under Fifth and Sixth Schedules to the Constitution

Sir,

I am to refer to this Commission's letter of even no. dated 14/02/2012 regarding sitting in the Chamber of Dr. Rameshwar Oraon, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above subject and your discussions over phone today with the Secretary, National Commission for Scheduled Tribes. It has been noted that decisions of the Government on the 7th and 15th Report of the 2nd Administrative Reforms Commission (which have recommendations relating to Scheduled Tribes) are available on the Website of the DARPG. The Commission is interested to know the manner in which decisions taken by the Government have been implemented by the Governments of the Union and the concerned States in respect of the recommendations mentioned at (i) S.No.37 to 45 of the Decision taken (7th) Report and (ii) S.No.87 to 158 of the Decision taken (15th) Report.

2. The 10th Report of Administrative Reforms Commission- "Refurbishing of Personnel Administration, Scaling New Heights" (November, 2008)- also has important recommendations relating to the Scheduled Tribes. However, the Decision taken by the Government on the 10th Report is not available on the Website of the DARPG. The NCST has noted that general reluctance on the part of the officers and staff for posting in Scheduled Areas/ Tribal Areas is mainly on account of lack of housing, medical and education facilities. In order to address these problems, the Commission is considering to recommend that Government should formulate regulations in respect of Scheduled Areas for personnel management with the formation of a State level Civil Services Authority for Scheduled Areas, which would deal with matters of assignment of functional domains to officers, preparing a panel for posting of officers, fixing tenures for senior posts etc., in line with the Central Civil Services Authority proposed by the SARC (p. 325). In order to improve personnel management in respect of all category of employees, it is necessary to fix a minimum tenure for cadre posts, which be filled on the basis of merit, suitability and experience, prescribe norms and guidelines for transfers and posting to maintain continuity and predictability in career advancement and acquisition of necessary skills and experiences as well as promotion of good

governance. The normal tenure of all public servants shall not be less than two years and Transfers before the specified tenure should only be for valid reasons to be recorded in writing. This is in accordance with the observations contained in para 8.5.11, 8.5.12 and 8.5.14 of the 10th Report. DARPG may give their views on the above since the Department's Website does not disclose current status of the recommendations.

3. It is requested that additional information on the above points may also be provided before discussions in the meeting

Yours faithfully,

Sd/-
(Aditya Mishra)
Joint Secretary
Tel: 24603669



MOST
IMMEDIATE
BY FAX/ SPL.
MESSENGER

भारत सरकार
राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- No:4/3/11-Coord.

दिनांक/ Date: 14/02/2012

To

The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Sub: Report of the National Commission for Scheduled Tribes on Role of the Governors in the Scheduled Areas under Fifth and Sixth Schedules to the Constitution

Sir,

As you are aware, the National Commission for Scheduled Tribes set up under Article 338A of the Constitution is vested with the duty *inter-alia* to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards and to present to the President, annually and at such other times as the commission may deem fit, reports upon the working of those safeguards. The National Commission for Scheduled Tribes has decided to submit to the President of India, a Special Report on Good Governance in Scheduled Areas under Fifth and Sixth Schedule and Tribal Development Administration, under the provision of article 338A (6) of the Constitution.

2. It may be recalled that Second Administrative Reforms Commission set up in August 2005 submitted its fifteenth report on **STATE AND DISTRICT ADMINISTRATION** in April 2009. Chapter-5 of the Report relates to GOVERNANCE ISSUES IN NORTH-EASTERN STATES. The Commission made several recommendations relating to the subject matter. Some of the recommendations needed immediate steps to be taken by the Government. Specific attention is invited to the recommendations contained in the following para of the Chapter.

Para	<u>5.3.6(c)</u>	<u>5.4.8(a)</u>	<u>5.5.5(a)</u>	<u>5.5.5(c)</u>	<u>5.7.3</u>	<u>5.8.4.1.5</u>
(Point)	<u>5.8.5.2</u>	<u>5.8.6</u>	<u>5.11.5</u>	<u>5.12.5</u>	<u>5.15.2.5.5(d)</u>	<u>5.15.3.9.3</u>

3. As it is about three years when the report was submitted, action on the above mentioned points of recommendations might have been taken/ completed by now. This Commission has to incorporate in its Special Report, the present status of the recommendations made in the Report. As these recommendations relate to Governance in North-Eastern States, particularly Governance in the Sixth Schedule Areas and the Ministry of Home Affairs is the Nodal Ministry for implementation of Sixth Schedule, it is requested that a statement highlighting the point-wise action taken by the Union and the State Governments concerned on the above mentioned recommendations may be furnished to this Commission by 12:00 hrs on 21/02/2012.

4. As the matter requires urgency, for incorporation in the Special Report to be finalized by end of February 2012 for submission to the President, the Hon'ble Chairperson, National Commission for Scheduled Tribes has decided to hold a Sitting at **15:00 hrs on 21/02/2012** to discuss the progress in the matter in detail in his chamber. You are accordingly requested to kindly make it convenient to attend the Sitting along with relevant documents on the date and time mentioned above. In case similar issue has been covered in any of the earlier or other Report of the Administrative Reforms Commission, action taken information on those points may also be furnished. Since the information received from your Ministry will form the basis for discussion in the Sitting, it is requested that the requisite information may be furnished to this Commission **by 12:00 hrs on 21/02/2012** positively. Soft copy of the material may also be sent in a CD or by E-mail at dircood@ncst.nic.in.

Yours faithfully,

Sd/-
(Aditya Mishra)
Joint Secretary
Tel: 24603669



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

संख्या/ No.- No:4/3/11-Coord.

दिनांक/ Date: 14/02/2012

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To

The Secretary,
Ministry of Personnel, Public Grievances and Pensions,
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Sub: Report of the National Commission for Scheduled Tribes on Role of the Governors in the Scheduled Areas under Fifth and Sixth Schedules to the Constitution

Sir,

As you are aware, the National Commission for Scheduled Tribes set up under Article 338A of the Constitution is vested with the duty *inter-alia* to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards and to present to the President, annually and at such other times as the commission may deem fit, reports upon the working of those safeguards. The National Commission for Scheduled Tribes has decided to submit to the President of India, a Special Report on Good Governance in Scheduled Areas under Fifth and Sixth Schedule and Tribal Development Administration, under the provision of article 338A (6) of the Constitution.

2. It may be recalled that Second Administrative Reforms Commission set up in August 2005 submitted its fifteenth report on **STATE AND DISTRICT ADMINISTRATION** in April 2009. Chapter-5 of the Report relates to GOVERNANCE ISSUES IN NORTH-EASTERN STATES. The Commission made several recommendations relating to the subject matter. Some of the recommendations needed immediate steps to be taken by the Government. Specific attention is invited to the recommendations contained in the following para of the Chapter.

Para	<u>5.3.6(c)</u>	<u>5.4.8(a)</u>	<u>5.5.5(a)</u>	<u>5.5.5(c)</u>	<u>5.7.3</u>	<u>5.8.4.1.5</u>
(Point)	<u>5.8.5.2</u>	<u>5.8.6</u>	<u>5.11.5</u>	<u>5.12.5</u>	<u>5.15.2.5.5(d)</u>	<u>5.15.3.9.3</u>

3. As it is about three years when the report was submitted, action on the above mentioned points of recommendations might have been taken/ completed by now. This Commission has to incorporate in its Special Report, the present status of the recommendations made in the Report. It is therefore, requested that a statement highlighting the **point-wise** action taken by the Union and the State Governments concerned on the above mentioned recommendations may be furnished to this Commission by 12:00 hrs on 21/02/2012.

4. As the matter requires urgency, for incorporation in the Special Report to be finalized by end of February 2012 for submission to the President, the Hon'ble Chairperson, National Commission for Scheduled Tribes has decided to hold a Sitting at **15:00 hrs on 21/02/2012** to discuss the progress in the matter in detail in his chamber. You are accordingly, requested to kindly make it convenient to attend the Sitting along with relevant documents on the date and time mentioned above. In case similar issue has been covered in any of the earlier or other Report of the Administrative Reforms Commission, action taken information on those points may also be furnished. Since the information received from your Ministry will form the basis for discussion in the Sitting, it is requested that the requisite information may be furnished to this Commission **by 12:00 hrs on 21/02/2012** positively. Soft copy of the material may also be sent in a CD or by E-mail at dircood@ncst.nic.in.

Yours faithfully,

Sd/-
(Aditya Mishra)
Joint Secretary
Tel: 24603669

	Table No. 4.15. This could be reviewed once in five years. Within such delegated powers, the UT Administration should be given full administrative and functional autonomy. (83)	
	28. (Para 4.7.6) Daman and Diu and Dadra & Nagar Haveli	
84.	a) The recommendations made by the Commission in its Report on 'Local Governance' should be implemented on priority by the Union Government in Daman & Diu and Dadra & Nagar Haveli. (84)	(a) to (c) Recommendations have been accepted.
85.	b) The Union Government should immediately enhance financial powers of the UT administration by notifying delegation proposed at Table No. 4.16. This should be revised once in five years. Within such delegated powers, the UT Administration must be given full administrative and functional autonomy. (85)	
86.	c) The Union Government should review the requirement of personnel at different levels in both the UTs. The operating levels should be adequately manned. At the same time, the Government should examine the issue of having so many senior level posts in Daman & Diu, which has resulted in a top-heavy administration. (86)	
	29. (Para 5.3.6) North Eastern Region: Ethnic Conflicts - in Places, Manifesting as Territorial Conflicts and Violence (Problem of Insurgency and Law and Order)	
87.	a) In order to address the genuine and legitimate concerns of the local people, there is need to continue political dialogue among various stakeholders. Steps should be taken to upgrade the capacity and capability of the police forces of the States so that they are able to uphold the law. In order to control cross border movement of insurgents, in addition to other measures, diplomatic efforts should be stepped up. (87)	(a) Recommendation has been accepted.
88.	b) The North-East Division of the Ministry of Home Affairs should be upgraded to a separate wing and put under the charge of an	(b) Recommendation has been accepted in principle. Details for augmenting resources would be worked out by MHA.

93.	c) The Union Government should also take similar action with regard to Centrally Sponsored Schemes being implemented in these areas. (93)	(c) Recommendation has been accepted.
94.	<p>32. (Para 5.6.6) Predominance of non-elected Customary Heads/Bodies at the Village Level; Issue of Village Self Governance in the Sixth Schedule Areas</p> <p>a) Autonomous Councils should be encouraged to pass suitable legislation for establishment of elected bodies at the village level with well defined powers and a transparent system of allocation of resources. (94)</p>	(a) to (c) Recommendations have been accepted.
95.	b) Suitable stipulations may be made in the procedure for release of grants to the Councils that a certain portion thereof will be disbursed only in the event of a Council passing and implementing the legislation referred at (a) above. (95)	
96.	c) While an Autonomous District Council should be free to lay down a suitable framework for Village Councils under its jurisdiction, this freedom should be subject to certain general principles such as, the number of ex officio members/ traditional village functionaries should not be in a majority and the Village Council should be responsible for implementation of development schemes at the village level (including planning, monitoring and selection of beneficiaries). (96)	
97.	<p>33. (Para 5.7.3) Absence of Linkage between the Sixth Schedule and the 73rd Amendment</p> <p>a) Autonomous Districts/Councils in Sixth Schedule Areas should also be covered by the State Finance Commission and the State Election Commission. (97)</p>	(a) Recommendation has been accepted in principle. The implementation mechanism may be determined by State Governments.
	34. (Para 5.8.6) Special Powers of the Governors of Assam, Meghalaya, Tripura	

<p>98.</p> <p>99.</p> <p>100.</p>	<p>and Mizoram with respect to Schedule 6 Areas</p> <p>a) The Governors of Assam, Tripura and Mizoram should be empowered to exercise discretionary powers in respect of all the provisions pertaining to the Autonomous Councils under the Sixth Schedule in consultation with the Council of Ministers and if necessary, in consultation with these Councils. A Constitutional amendment will be required for this purpose. (98)</p> <p>b) Paragraph 14 of the Sixth Schedule should be suitably amended to enable the Union Government to appoint a common Commission to review the working of all autonomous districts of the North-East and to make recommendations as envisaged therein. A periodicity may also be provided for the Commission. (99)</p> <p>c) A high-level Review Committee headed by the Governor and consisting of representatives of both the State Government and the District Councils should be formed in each State to review the functioning of these bodies. This Committee should submit its report to the Union Government. (100)</p>	<p>(a) Recommendation has been accepted.</p> <p>(b) & (c) Recommendations have been accepted in principle. However, it is suggested that Committees may be formed for reviewing the working in place of the Commission.</p>
<p>101.</p> <p>102.</p>	<p>35. (Para 5.11.5) Issue of Tribal Areas Lying outside the Sixth Schedule</p> <p>a) For tribal areas which lie outside the Sixth Schedule as well as the Seventy Third Constitutional Amendment the State Government should take steps to create specially at the district level bodies which should consist of both elected as well as traditionally selected representatives. The States which show initiative and take a lead in this matter should be given incentives. (101)</p> <p>b) The District Rural Development Authority of the district should work as a body accountable to this District Level Body. (102)</p>	<p>(a) & (b): Recommendations have not been accepted.</p>
	<p>36. (Para 5.12.6) Personnel Management and Capacity Building of Administration</p>	

103.	a) The North Eastern Council, in consultation with the Universities and other educational institutions of the region, should draw up programmes for coaching students for the Civil Services, and other competitive tests such as the Combined Defence Services Examination and the Engineering/ Medical Examinations. (103)	(a) Recommendation has been accepted.
104.	<p>37. (Para 5.13.2) Issues of Recruitment in the Sixth Schedule Areas</p> <p>a) Immediate steps should be taken to constitute District cadres for all Groups 'C' and 'D' posts (Classes III and IV) for performance of all 'transferred functions' wherever such action has not been taken. (104)</p>	(a) to (e): Recommendations have been accepted.
105.	b) Recruitment to Groups 'A' and 'B' posts (Classes I and II) by the Autonomous District Councils or analogous bodies particularly to positions requiring technical/ professional qualifications should ordinarily be left to the State level. (105)	
106.	c) State Governments and the Autonomous District Councils should jointly draw up norms for arriving at the number of technical and professional posts required in the tribal areas. Personnel for such posts should be made available on priority basis. (106)	
107..	d) Postings to the tribal areas should be for a fixed tenure and must be followed by, as far as practicable, to a posting at a place of the officer's choice. (107)	
108.	e) On satisfactory completion of tenure in such areas the incumbent should be entitled to benefits like deputation for higher professional qualifications, training abroad and higher weightage in Departmental promotions. (108)	
109.	<p>38. (Para 5.14.4) Regional Institutes</p> <p>a) For improving delivery systems and development processes, emphasis ought to be given to capacity building of personnel and it should be a priority activity of the</p>	(a) & (b), (d) to (f): Recommendations have been accepted.

	<p>government. (109)</p> <p>110. b) There should be comprehensive training programmes for all government employees working in the North-Eastern States. The programmes should consist of (i) a long duration induction module when he joins service, (ii) mid career training opportunities and (iii) officials should be encouraged to acquire higher professional qualifications/ skill sets in their respective branches and also in subjects such as Public Administration, Trade laws, project investment/ appraisal/ management and information technology applications. (110)</p> <p>111. c) The North Eastern Council (NEC) should establish an apex Regional Academy for Human Resource Development as an autonomous body with academic and executive flexibility. The mandate of the Academy may extend to the entire range of services under the government. (111)</p> <p>112. d) The North-Eastern Council should be given the responsibility to undertake a review of various regional institutes under the Union Government/Ministries and come up with suitable recommendations for bringing improvements in their functioning whenever required. An officer/ member of the NEC should be placed on the governing body of these institutions. (112)</p> <p>113. e) The NEC should take up monitoring and evaluation of these Institutes. The Commission in its Seventh Report has already recommended that the NEC should be suitably strengthened. Once this is done, it should be possible for the NEC to undertake these additional and important responsibilities. (113)</p> <p>114. f) The North Eastern Hill University (NEHU) could provide the academic foundation for policy research on issues impinging on the entire region and which need to be addressed by State action. (114)</p>	<p>(c) Recommendation has not been accepted.</p>
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	<p>40. (Para 5.15.1.6.8) Tribe Specific Councils (Created under State Enactment) in Assam</p> <p>118. a) The Government of Assam should apportion functions between the tribe specific Councils/Village Councils and the Panchayati Raj Institutions in a manner that schemes involving individual tribal beneficiaries may be assigned to the 'Tribe Specific Councils' while area development schemes are assigned to the latter. (118)</p> <p>119. b) The State Government should initiate a system of meeting at least the establishment costs of the 'Tribe Specific Councils' from sources outside the tribal sub plan and build in these requirements in their projections to the next Finance Commission. (119)</p> <p>120. c) The State Government should take steps to identify innovative initiatives which could be entrusted to the Tribe Specific Councils for the benefit of the concerned tribes without</p>	<p>(a) to (d) Recommendations have been accepted in principle and may be referred to State Government.</p>

<p>121.</p>	<p>affecting area development and local government concerns. (120)</p> <p>d) Suitable guidelines may be drafted for preparation of District and sub-District plans in the relevant areas through joint efforts of the Tribe Specific Councils and the Panchayati Raj Institutions. (121)</p>	
<p>122.</p> <p>123.</p> <p>124.</p> <p>125.</p>	<p>41. (Para 5.15.2.5.5) Arunachal Pradesh</p> <p>a) The recommendations made in its Report on “Local Governance” for strengthening and empowering PRIs need to be implemented on priority. (122)</p> <p>b) Some districts of Arunachal Pradesh are presently affected by insurgency from neighboring States. Firm steps should be taken by both the Union and the State Government to restore peace in the affected areas. (123)</p> <p>c) Traditionally, land in Arunachal Pradesh is owned by the community. However, this system has gradually weakened primarily because community owned land is not a bankable collateral. This issue needs to be resolved in consultation with the Reserve Bank of India, banks and stake-holders in the land. (124)</p> <p>d) Because of the gradual expansion of the formal judicial system in place of the traditional ‘Kebang system’, it would be necessary for the Ministry of Home Affairs to examine the Assam Frontier (Administration of Justice) Regulation Act 1945 in the State, to ensure a smooth transition to the formal judicial system. (125)</p>	<p>(a) to (d) Recommendations have been accepted.</p>
<p>126.</p>	<p>42. (Para 5.15.3.7) Manipur</p> <p>a) Sincere, proactive measures should be taken to revive and activate the Hill District Councils in Manipur. It will be imperative to devolve a major domain of developmental activities to them. It will have to be done along with transfer of funds and functionaries. The local functionaries of the field offices/ departments of the State Governments and</p>	<p>(a) to (c) Recommendations have been accepted.</p>

<p>127.</p> <p>128.</p>	<p>the parallel bodies which are currently handing these activities at the district level will also need to be placed at the disposal of the District Councils. (126)</p> <p>b) All steps should be taken to put in place elected Village Councils in rural areas. Suitable incentives should be provided to the State for initiating proactive legislative measures in this direction having due regard to the local circumstances. (127)</p> <p>c) As regards the PRIs the Commission has already made a number of recommendations for their strengthening and empowerment in its Report on "Local Governance" (sixth Report) which needs to be implemented on priority. (128)</p>	
<p>129.</p>	<p>43. (Para 5.15.3.8.5) Issues of Personnel Management in Manipur</p> <p>a) Initiatives of the Manipur Government in human resource management need to be sustained. Similar initiatives may also be considered by other States of the region. (129)</p>	<p>(a) Recommendations has been accepted.</p>
<p>130.</p>	<p>44. (Para 5.15.3.9.3) Special Powers to the Governor of Manipur under Article 371</p> <p>a) In view of the circumstances prevailing in Manipur, the Governor of Manipur should be given special powers/responsibility with respect to law and order on the lines of the powers vested in the Governors of Nagaland and Arunachal Pradesh under Articles 371A and 371H of the Constitution respectively. This could be done by inserting a suitable paragraph in Article 371C. (130)</p>	<p>(a) Recommendation has not been accepted.</p>
<p>131.</p>	<p>45. (Para 5.15.4.7) Meghalaya</p> <p>a) The fact of Autonomous District Councils should be accepted and the State should undertake comprehensive activity mapping with regard to all the matters mentioned in para 3 of the Sixth Schedule. This process should cover all aspects of the subjects viz planning, budgeting and provisioning of finances. This will necessitate full transfer of</p>	<p>(a) to (d) Recommendations have been accepted.</p>

	<p>local functionaries of the field offices/ departments and bodies relating to these activities at the district level to the control of the Councils. The State Government should set-up a task force to complete this work in a time bound manner. (131)</p> <p>132. b) Allocation of funds to the District Councils should be based on normative and transparent considerations. These allocations should be budgeted in detail and released in agreed installments during the financial year. (132)</p> <p>133. c) The Union Government would also need to take similar action with regard to Centrally Sponsored Schemes being implemented in these areas. (133)</p> <p>134. d) Appropriate measures may be taken for capacity building in Autonomous Councils so that they are able to utilize the funds in a better way. (134)</p> <p>135. e) Government of Meghalaya may take steps for extension of the experiment of elected village committees in the Garo Hills for implementing the National Employment Guarantee Act and for implementation of other rural development programmes as well. (135)</p> <p>136. f) In the long run, directly elected village level representative bodies will need to be constituted and adequately empowered in autonomous Hill Councils areas of Meghalaya. (136)</p>	<p>(e) Recommendation has been accepted in principle and referred to State Government for consideration.</p> <p>(f) Recommendation has been accepted.</p>
<p>137.</p>	<p>46. (Para 5.15.5.5) Mizoram</p> <p>a) The State should undertake comprehensive activity mapping with regard to all the matters mentioned in para 3 of the Sixth Schedule. This process should cover all aspects of the subjects viz planning, budgeting and provisioning of finances. This will necessitate full transfer of functionaries of the field offices/ departments/bodies relating to these activities to the control of the Councils. The State Government should set-up a Task Force to complete this work in a</p>	<p>(a) & (b) Recommendations have been accepted.</p>

138.	<p>time bound manner. (137)</p> <p>b) The Union Government will also need to take similar action with regard to Centrally Sponsored Schemes being implemented in these areas. (138)</p>	
139.	<p>47. (Para 5.15.6.9) Nagaland</p> <p>a) The Commission would like to reiterate the following recommendation in this regard made in its Seventh Report:-</p> <p>Nagaland has made commendable efforts to usher in a paradigm of decentralized village self-governance through effective use of “Social Capital”. The State has communitised a large number of service delivery schemes. The Ministry of Rural Development should formally recognize this arrangement for implementation of various development and poverty alleviation initiatives in this State.</p> <p>Its replication by other States should be pursued. (139)</p>	<p>(a) Recommendation has been accepted in principle and referred to State Governments for consideration.</p>
140.	<p>48. (Para 5.15.7.6) Sikkim</p> <p>a) The Commission has made a number of recommendations for strengthening and empowering PRIs in its Report on “Local Governance” which needs to be implemented on priority. (140)</p>	<p>(a) & (b) Recommendations have been accepted.</p>
141.	<p>b) There is need to rationalize the large cadre strength of various All India Services in the State, in accordance with actual requirements. (141)</p>	
142.	<p>49. (Para 5.15.8.8) Tripura</p> <p>a) DPCs may be constituted in all the districts of Tripura with representation from both the TTADC and the District Administration as all the districts in Tripura comprise of both TTADC and part IX areas. The TTADC should also be involved in the planning process at the State level. (142)</p>	<p>(a) to (d) Recommendations have been accepted in principle and may be referred to State Government.</p>
143.	<p>b) Immediate steps should be taken to ensure that there is only one intermediate</p>	

<p>144</p> <p>145.</p>	<p>structure between the village and the district bodies of the TTAADC. (143)</p> <p>c) The State Government should take steps to evolve a mechanism which could coordinate block level committees chaired by MLAs and zones and sub-zones which are headed by elected representatives of TTAADC. (144)</p> <p>d) The State may also undertake comprehensive activity mapping exercise to delineate functions among various levels operating within the system such as the District Council, the Block committee and the Village Council. (145)</p>	
<p>146.</p>	<p>50. (Para 6.5.1.3) Financial Delegation and Operational Flexibility – the IFA system</p> <p>a) Based on the experience of the Union Government with regard to the IFA, States should take steps to introduce / strengthen the IFA system in the State administration. (146)</p>	<p>(a) Recommendation has been accepted.</p>
<p>147.</p>	<p>51. (Para 6.5.2.3) Avoiding Fiscal Profligacy</p> <p>a) The State Governments need to take steps to ensure that projects and programmes are included in the budget only after well considered deliberations and processes. The practice of announcing projects and schemes on an ad-hoc basis needs to be done away with. (147)</p>	<p>(a) Recommendation has been accepted.</p>
<p>148.</p> <p>149.</p>	<p>52. (Para 6.5.3.3) Expenditure Management</p> <p>(a) The States should take priority steps to improve their expenditure profile by (a) finalizing the detailed project reports of schemes in the preceding year and (b) ensuring that the financial sanctions are given to the departments in the first two months of the current financial year. (148)</p> <p>(b) The States should conduct a zero-base review of programmes and schemes which are more than five years old and which involve large sums of public money. (Say over 50 crores) (149)</p>	<p>(a) & (b) Recommendations have been accepted.</p>
	<p>53. (Para 6.5.4.7) Prudent Budget</p>	

<p>150.</p> <p>151.</p> <p>152.</p> <p>153.</p> <p>154.</p>	<p>formulation</p> <p>a) There should be prudent and realistic economic assumptions in formulation of budget estimates. At the end of every financial year, the gap between the estimates and the actuals should be analyzed so that the underlying economic assumptions could be suitably calibrated for the future. (150)</p> <p>b) There should be interaction between the State Government and stakeholders including industry associations, think tanks etc. in budget formulation. In order to make such consultations effective and meaningful, steps should be taken to (a) provide information-access to citizens and (b) educate citizens and leaders of society on budget making and its implications. (151)</p> <p>c) State Governments should shift to multi-year budgeting and give the estimates of revenue and expenditure for a period of four years in addition to the year which the budget pertains. This should be done on a roll-on basis. (152)</p> <p>d) The States should follow the practice of preparation and implementation of the MTFP. (153)</p> <p>e) In order to remove prejudice against non-plan expenditure, the State should take steps to provide for maintenance of the asset in the project cost itself and ensure its maintenance for at least five years after it is acquired. This action should go hand in hand with recovery of adequate user charges. (154)</p>	<p>(a) to (e) Recommendations have been accepted.</p>
<p>155.</p>	<p>54. (Para 6.5.5.2) Revenue Forecast and Need for a Tax Research Unit</p> <p>a) The State Governments should initiate steps to set up dedicated cell within its Finance Department to provide input on the revenue forecast with the reasons thereof. (155)</p>	<p>(a) Recommendation has been accepted.</p>
<p>156.</p>	<p>55. (Para 6.5.6.2) Mechanism for Internal Control</p> <p>a) The State Governments should take steps</p>	<p>(a) Recommendation has been accepted.</p>

	to set up internal audit committees in each of its departments. (156)	
157.	<p>56. (Para 6.5.7.3) External Audit</p> <p>a) The State Governments should specify a time frame for the Departments for necessary follow up action on the recommendations of Audit and forwarding of the ATN after incorporating such action to Audit for vetting before their final submission to the State PAC/COPI. All Departments should adhere to the prescribed time limits. (157)</p>	(a) Recommendation has been accepted.
158.	<p>57. (Para 6.5.8.3) Projectisation and Appraisal</p> <p>a) In order to deploy public funds prudentially, with inbuilt financial closure, the States should take steps to strengthen their project formulation and appraisal capacity. (158)</p>	(a) Recommendation has been accepted.

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision
34.	(l) There should be training programmes for the law enforcement agencies to suitably sensitise them to the problems of the Scheduled Castes and the need for strict enforcement of laws.(34)	
35.	(m) The local governments – municipalities and panchayats – should be actively involved in various programmes concerned with effective enforcement of various social legislations.(35)	
36.	(n) The corporate sector and NGOs need to be involved in complementing the efforts of government for the development of the Scheduled Castes. Such voluntary action should not only be directed towards economic and social empowerment of the SCs, but also towards enabling them to raise their voice against atrocities, discrimination and exploitation. (36)	
37.	<p>5. (Para 7.10) Issues Related to Scheduled Tribes</p> <p>(a) While all States in the Fifth Schedule Area have enacted compliance legislations vis-à-vis PESA, their provisions have been diluted by giving the power of the Gram Sabha to other bodies. Subject matter laws and rules in respect of money lending, forest, mining and excise have not also been amended. This needs to be done. In case of default, Government of India would need to issue specific directions under Proviso 3 of Part A of the Fifth Schedule, to establish a forum at the central level to look at violations and apply correctives. The Commission would like to re-iterate the importance of the Annual Reports of the Governors under the Fifth Schedule of the Constitution.(37)</p>	<p>(a) Recommendation has not been accepted. Moral suasion of State Governments seems a better option. Ministry of Tribal Affairs and Ministry of Panchayati Raj Institutions were directed to resolve any overlapping issues hence the two operative Acts.</p>
38.	(b) Awareness campaigns should be organised in order to make the tribal population aware of the provisions of PESA and the 73rd amendment to the Constitution so as to demand accountability in cases in which the final decisions are contrary to the	(b) to (i) The recommendations have been accepted.

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision
	decisions of the Gram Sabha or Panchayat.(38)	
39.	(c) There should be a complete overhaul and systematic re-organisation of existing land records with free access to information about land holdings.(39)	
40.	(d) There is need to harmonise the various legislations and government policies being implemented in tribal areas with the provisions of PESA. The laws that require harmonisation are the Land Acquisition Act, 1894, Mines and Minerals (Development and Regulation) Act, 1957, the Indian Forest Act, 1927, the Forest Conservation Act, 1980, and the Indian Registration Act. National policies such as the National Water Policy, 2002, National Minerals Policy, 2003, National Forest Policy, 1988, Wildlife Conservation Strategy, 2002 and National Draft Environment Policy, 2004 would also require harmonisation with PESA.(40)	
41.	(e) Mining laws applicable to Scheduled Tribal Areas should be in conformity with the principles of the Fifth and Sixth Schedules of the Constitution.(41)	
42.	(f) Government should select such police, revenue and forest officials who have the training and zeal to work in tribal areas and understand as well as empathise with the population they serve.(42)	
43.	(g) A national plan of action for comprehensive development which would serve as a road map for the welfare of the tribals should be prepared and implemented.(43)	
44.	(h) There should be convergence of regulatory and development programmes in the tribal areas. For the purpose, a decadal development plan should be prepared and implemented in a mission mode with appropriate mechanism for resolution of	

Sl. No.	Recommendations made by Administrative Reforms Commission (ARC)	Government's Decision
45.	<p>conflicts and adjustments.(44)</p> <p>(i) The authorities involved in determining the inclusion and exclusion of tribes in the list of Scheduled Tribes should adopt a mechanism of consultation with the major States and those with tribal populations, on the basis of which a comprehensive methodology with clearly defined parameters is arrived at.(45)</p>	
46.	<p>6. (Para 8.6) Issues Related to Other Backward Classes</p> <p>(a) Government may work out the modalities of a survey and take up a statewide socio-economic survey of the "Other Backward Classes", which could form the basis of policies and programmes to improve their status.(46)</p>	(a) & (b) The recommendations have been accepted.
47.	<p>(b) Government needs to formulate and implement a comprehensive scheme for capacity building of OBCs that would bring them at par with the rest of society.(47)</p>	
48.	<p>7. (Para 9.6) Religious Conflicts</p> <p>(a) Community policing should be encouraged. The principles laid down by the Commission in paragraph 5.15.5 of its Report on 'Public Order' should be followed.(48)</p>	(a) to (c) The recommendations have been accepted.
49.	<p>(b) District Peace Committees/Integration Councils should be made effective instruments of addressing issues likely to cause communal disharmony. The District Magistrate in consultation with the Superintendent of Police should constitute these committees. In Police Commissionerates, these committees should be constituted by the Police Commissioner in consultation with the Municipal Commissioner. The committees should be of permanent nature. These committees should identify local problems with a potential to degenerate into communal conflicts and suggest means to deal with them at the earliest. Further, Mohalla Committees should</p>	

ACTION TAKEN REPORT ON THE ACCEPTED RECOMMENDATIONS OF THE 15TH REPORT OF 2ND ADMINISTRATIVE REFORMS COMMISSION - STATE AND DISTRICT ADMINISTRATION

Name of the Division: NE Division

Date of submission of ATR : 17th February, 2012

S.No.	Text of the recommendations made by the Department of AR&PG including para no. and heading of the recommendation	Government's decision	Action Taken Report
89.	Para 5.3.6 (c) To oversee the formulation and implementation of the plans for this region, a Standing Committee of the National Development Council should be constituted and may be headed by a Cabinet Minister. The Committee should report to the Chairman, NDC twice a year to ensure both speedy resolution of any differences and coordinated action regarding development of the region. (89)	Recommendation has not been accepted. "Core Group of Administrative Reforms (CGAR)"	
90.	30. (Para 5.4.8) Provisions of the Sixth Schedule of Constitutions with Respect to Assam, Meghalaya, Tripura and Mizoram a) The Government may undertake an exercise to incorporate provisions which currently occur as footnotes, in the main text of the Sixth Schedule. This will make the Schedule more accessible to members of the public. (90)	A recommendation has been accepted.	Law Ministry is to take action.
91	31. (Para 5.5.5) Adhoc Transfer of Subjects/Activities to Autonomous Councils a) The power of the Councils to make laws, as permitted by the Schedule, should be respected in its true spirit and draft	a)Recommendation has been accepted.	State Government to take action.

	legislations should not be stalled at the State level for years, while ensuring that they are not inconsistent with the provisions of the Constitution and relevant Union and State Laws. (91)		
93	(c) The Union Government should also take similar action with regard to Centrally Sponsored Schemes being implemented in these areas. (93)	(c) Recommendation has been accepted.	Action on this recommendation is to be taken by Planning Commission.
97.	33. (Para 5.7.3) Absence of Linkage between the Sixth Schedule and the 73rd Amendment a) Autonomous Districts/Councils in Sixth Schedule Areas should also be covered by the State Finance Commission and the State Election Commission. (97)	(a) Recommendation has been accepted in principle. The implementation mechanism may be determined by State Governments.	-do-
	Para 5.8.4.1.5 Ministry of Home Affairs may consultation with concern State Governments and the Autonomous Councils, identify powers under the Sixth Schedule that Governors may exercise at their direction without having to act on the aid and advices of the Council of Ministers as envisaged in Article 163(1) of the Constitution.	This Recommendation was not referred by (CGAR) for comments.	However, MHA would take necessary action in this regard.
	Para 5.8.5.2 It was accordingly recommended that:- iii) Administration of Civil and Criminal Justice involving decisions accordingly to Naga Customary Law: iv) Ownership and transfer of land and its resources Shall apply to the State of Nagaland unless the legislative Assembly of Nagaland by a Resolution decides:	This Recommendation was not referred by (CGAR) for comments.	This may be referred to the State Government of Nagaland.

98	<p>34. (Para 5.8.6) Special Powers of the Governors of Assam, Meghalaya, Tripura and Mizoram with respect to Schedule 6 Areas</p> <p>(a) The Governors of Assam, Tripura and Mizoram should be empowered to exercise discretionary powers in respect of all the provisions pertaining to the Autonomous Councils under the Sixth Schedule in consultation with the Council of Ministers and if necessary, in consultation with these Councils. A Constitutional amendment will be required for this purpose. (98)</p>	(a) Recommendation has been accepted.	Governors of Assam, Tripura and Mizoram have already been given discretionary powers in certain matters of Sixth Schedule.
99	(b) Paragraph 14 of the Sixth Schedule should be suitably amended to enable the Union Government to appoint a common Commission to review the working of all autonomous districts of the North-East and to make recommendations as envisaged therein. A periodicity may also be provided for the Commission. (99)	(b) & (c) Recommendations have been accepted in principle. However, it has been decided that Committees may be formed for reviewing the working in place of Commission.	The Ministry of Home Affairs has prepared a Cabinet Note for making amendments to Sixth Schedule to the Constitution of India extending certain features of Panchayati Raj System to the Sixth Schedule areas. These interalia includes mandatory village Councils/Village Development Board and election to Village Council, Regional Council and District Councils supplementing the existing powers of the Councils, so that additional powers and subjects included under Schedule 11 and Schedule 12 could be developed to the ADCs/ACs, setting up of State Finance Commission to make the distribution of

		<p>taxes, tolls, duties, etc. between the States and the District Councils, administrative and financial control and effective mechanism for audit accounts of the Council and setting up of Election Commission for election to the Council etc. The draft Cabinet Note has been sent to the Law Ministry, Planning Commission, M/o Finance for their comments.</p> <p>In addition to above, an initiative for deepening the process of Decentralized Governance in North East where Panchayati Raj Institutions (PRIs) do not exist is being taken up by an Inter-Ministerial Team (IMT) from Ministries of Panchayati Raj, Home Affairs, Development of North Eastern Region, Urban Development and Tribal Affairs. In respect of District Councils, the following amendments to the existing arrangements have been proposed:-</p> <p>(a) Conduct of elections through the State election</p>
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			<p>Commission.</p> <p>(b) Making the process of supersession of Deputy Commissioner by the State Government transparent.</p> <p>(c) Reservation for women.</p> <p>(d) Development of funds through the State Finance Commission.</p> <p>(e) Consitution of Village Councils where they do not exist.</p> <p>(f) Identification of functions and responsibilities between District Councils and Village Councils.</p>
100	<p>(c) A high-level Review Committee headed by the Governor and consisting of representatives of both the State Government and the District Councils should be formed in each State to review the functioning of these bodies. This Committee should submit its report to the Union Government. (100)</p>	-do-	-do-
	<p>35 (Para 5.11.5) Issue of Tribal Areas Lying outside the Sixth Schedule</p> <p>(a) For tribal areas which lie outside the Sixth Schedule as well as the Seventy Third Constitutional Amendment the State Government should take steps to create specially at the district level bodies which should consist of both elected as well as traditionally selected representatives. The States which show initiative a and take a lead in this matter should be given incentives. (101)</p>	<p>(a) &(b) : Recommendations have not been accepted.</p> <p>(CGAR)</p>	

	((b) The District Rural Development Authority of the District should work as a body accountable to this District Level Body (102)		
	Para 5.12.5 The Committee has suggested a large number of measures for improvement of personnel Management in the North Eastern States its Seventh and Tenth report. They need be implemented.		Matter pertains to Department of Personnel & Training.
	41 (Para 5.15.2.5.5) (d) Arunachal Pradesh d) Because of the gradual expansion of the formal judicial system in place of traditional 'Kebang System'. It would be necessary for Ministry of Home affairs to examine the Assam Frontier (Administration of Justice) Regulation Act, 1945 in the State to ensure a smooth transition to the formal judicial system. (125)	Recommendations have been accepted.	
	(Para 5.15.3.9.3) Special Powers to the Governor of Manipur under Article 371 a) In view of the circumstances prevailing in Manipur, the Governor of Manipur should be given special powers/responsibility with respect to law and order on the lines of the powers vested in the Governors of Nagaland and Arunachal Pradesh under Articles 371 A and 371H of the Constitution respectively. This could be done by inserting a suitable paragraph in Article 371C (13)	Recommendation has not been accepted. (CGAR)	

ANNEXURE-I

**DETAILS OF FUNDS RELEASED UNDER MODERNISATION OF POLICE FORCES (MPF)
SCHEME TO NE STATES DURING 2005-2006 TO 2010-11 (UPTO 6TH DECEMBER, 2010**

(Rs. in crore)

Name of the State	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11* (upto 06.12 2010)	Total
Arunachal Pradesh	7.00	11.53	11.71	14.72	11.50	1.91	58.37
Assam	56.68	52.18	88.12	68.12	60.79	47.00	372.89
Manipur	16.97	14.09	32.06	39.24	27.44	19.91	149.71
Meghalaya	6.57	8.59	15.41	10.82	9.73	2.45	53.57
Mizoram	6.00	10.48	10.98	12.69	11.48	11.70	63.33
Nagaland	17.52	22.68	30.72	38.43	31.50	29.69	170.54
Sikkim	2.43	3.46	4.42	6.12	4.72	0.90	22.05
Tripura	11.83	11.34	8.85	20.66	22.92	21.70	97.3
TOTAL	125.00	134.35	202.27	210.80	180.08	135.26	987.76

F.No. 11011/97-2011-NE-III
Government of India
Ministry of Home Affairs

Subject:- Report of the National Commission for Scheduled Tribe on Role of the
Governments in the Scheduled Areas under Fifth and Sixth Schedules to the
Constitution.

National Commission vide letter No. 4/3/11-Coord. dated 14/02/2012 has addressed to Secretary, MHA and informed that they have decided to submit to the President of India, a special Report on Good Governance in Schedule Areas under Fifth and Sixth Schedule and Tribal Development Administration, under the provision of article 338A(6) of the Constitutions.. They have also mentioned that Second Administrative Reforms Commission set up in August 2005 submitted its fifteenth report on **STATE AND DISTRICT ADMINISTRATION in April, 2009**. Chapters-5 of the r\Relates to Governance issues in North-Eastern States. The Commission made several recommendations relating to the subject matter, Some Specific attention is invited to the recommendations contained in the following para of the Chapter:

**Para 5.3.6 (c), 5.4.8(a), 5.5.5(a), 5.5.5(c), 5.7.3, 5.8.4.1.5
(Point) 5.8.5.2, 5.8.6, 5.11.5 5.12.5, 5.12.2.5.5(d) and 5.15.3.9.3**

2. On the above points, they have requested to send them Action Taken Report latest by 21.2.2012.

3. As per the information available in the Section, the item and point wise ATR has been prepared and placed below for kind approval. If approve, we may forward the same to National Commission for Scheduled Tribes. DFA please.

Sd/-
(H.Kujur)
SO(NE-III)
17.02.2012

DS(NEII)

F.No. 11011/97-2011-NE-III
Government of India
Ministry of Home Affairs

New Delhi dated 21st February, 2012

To

Shri Adhya Mishra,
Joint Secretary,
National Commission for Scheduled Tribes,
6th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110003

Subject:- Report of the National Commission for Scheduled Tribe on Role of the
Governors in the Scheduled Areas under Fifth and Sixth Schedules to the
Constitution.

Sir,

I am directed to refer to the National Commission for Scheduled Tribes
letter No.4/3/11-Coord. dated 14.2.2012 on the subject mentioned above.

2. As desired, Para and point-wise information is forwarded for information
and necessary action.

Yours faithfully,

Sd/-
(Ajay Kanoujia)
Deputy Secretary to the Government of India

Regulations promulgated for Good Governance in Scheduled Areas- Meeting held on 11/01/2012 to discuss the Role of the Governors in the Scheduled Areas under Fifth and Sixth Schedule to the Constitution- Status position w. r. t. Ministry of Tribal Affairs.

In the meeting held on 11/01/2012 to discuss the role of Governors in Schedule V & Schedule VI States as per Constitution provision, the Joint Secretary, MTA informed that use of any of the discretionary powers of the Governor under the provisions in Schedule V and VI had not been reported. Tribes Advisory Councils have been constituted and their meetings were being held in the States having Scheduled Areas and two other States namely, Tamil Nadu and West Bengal. As per the records available in the Ministry, meetings of TACs during the year 2011 were held in the States of Chhattisgarh (26/09/2011), Jharkhand (19/04/2011 and 16/06/2011), Madhya Pradesh (20/07/2011), Maharashtra (25/10/2011), Orissa (13/05/2011) and Rajasthan (21/07/2011). The details of the meetings of the TACs convened in the year relating to other States were not available with the MTA.

2. The Joint Secretary, MTA further informed that The States having Scheduled Areas have been requested to set up the cell in the office of the Governor to oversee the constitutional responsibilities relating to the Scheduled Tribes and Scheduled Areas. He also informed that the Government of India have prescribed a format of the Governor's Report and the States were directed to submit the Report by 30th September every year and the Government was considering revising the format of the Report to include:

- Objective assessment of the quality and adequacy of administration touching upon exploitative elements, development programmes undertaken and existing level of administration including measures proposed for improving the administration.
- The report should give, as far as possible, and ITDA/ITDP/District-wise analysis of the issues mentioned above.
- Each department at the State level should prepare a Report for the Scheduled Areas in respect of its functional jurisdiction and a department-wise analysis should be included in the report.
- Observations made by the Tribes Advisory Council of the State should be dealt with in the Report.

3. Regarding status of Governor's Reports received in the Ministry, the following position was furnished.

State	Reports awaited
Andhra Pradesh	2010-11

Chhattisgarh	2010-11
Gujarat	2010-11
Jharkhand	2006-07 onwards
Himachal Pradesh	2010-11
Madhya Pradesh	-
Maharashtra	2010-11
Orissa	2010-11
Rajasthan	2010-11

4. The Joint Secretary further informed that the Ministry of Panchayati Raj was also considering modalities to extend the provisions of the PESA to the Sixth Schedule Areas. It was decided in the meeting that the MTA may collect the ground position from all the Scheduled Areas States and furnish a report to the Commission on the following points.

- (a) Enumeration and details of the instances in which President's powers have been exercised to issue directions to the States under paragraph 2 of the Fifth Schedule.
- (b) Enumeration and details of the Regulations assented/refused assent by the President under paragraph 5(4) of the Fifth Schedule. The details should include name of the Regulation, date of notification, and salient features (along with copy thereof).
- (c) An objective assessment of the adequacy of reasons in respect of the cases included in (b) above.

5. The Ministry of Tribal Affairs vide its letter No. 17014/1/2011-C&LM-II-(Part) dated 24/01/2012 requested the Principal Secretary to Governors of Scheduled Areas States to furnish information with respect to points (b) and (c) above by 27/01/2012. The Ministry of Tribal Affairs also requested the Ministry of Home Affairs to furnish information with respect to (a) above.

Regulations promulgated for Good Governance in Scheduled Areas-Meeting held on 11/01/2012 to discuss the Role of the Governors in the Scheduled Areas under Fifth and Sixth Schedule to the Constitution-Status position w. r. t. Ministry of Home Affairs.

Deputy Secretary (NE), MHA informed during the meeting that Autonomous district councils/ Autonomous councils have been set up in the States of Assam, Meghalaya, Mizoram and Tripura for administration of the tribal areas.

Assam

- i) Karbi Anglong Autonomous Council (KAAC)
- ii) North Cachar Hills Autonomous Council (NCHAC)
- iii) Bodoland Territorial Areas District (BTAD) included after signing of **Bodo Accord in 2003.**

Meghalaya

- iv) Khasi Hills Autonomous District Council (KHADC)
- v) Jaintia Hills Autonomous District Council (JHADC)
- vi) Garo Hills Autonomous District Council (GHADC)

Tripura

- vii) Tripura Tribal Areas Autonomous District Council (TTAADC)

Mizoram

- viii) Lai Autonomous District Council (LADC)
- ix) Mara Autonomous District Council (MADC)
- x) Chakma Autonomous District Council (CADC)

2. The above councils have been vested with legislative, judicial, financial and executive powers in respect of the subjects provided in the Sixth Schedule and any additional subject transferred to them by the State Government such as :

- a) The allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town;
- b) The management of any forest not being a reserved forest.
- c) The use of any canal or water-course for the purpose of agriculture
- d) The regulation of the practice of jhum or other forms of shifting cultivation.

- e) The establishment of village or town committees or councils and their powers.
- f) Any other matter relating to village or town administration, including village or town police and public health and sanitation.
- g) The appointment or succession of Chiefs or Headmen.
- h) The inheritance of property.
- j) Marriage and divorce (Social customs)

3. He further informed that The Sixth Schedule has entrusted several key powers to the Governors of the Sixth Schedule States in respect of concerned District and Regional Councils. These powers are briefly described below:

Description of Power entrusted to the Governor	Para	Brief Content
Power to constitute district and regional councils	19	Constitute district councils for each autonomous district as soon as possible and until constitution of district Council, to be the head of the administration of the district.
	1(2)	Divide areas of district council into autonomous regions.
	1(3)	Issue notification for inclusion, exclusion, creation, increase, decrease, unite or define areas of district council or alter the name of any district council.
	2(6)	Frame rules of the first constitution of district council or regional council.
	14(3)	Place one of the Ministers in charge of the welfare of the autonomous district region.
Power to dissolve and supersede councils	16(1)	Dissolve a district or regional council and assume to himself all or any of the functions or powers of the district or the regional council on the recommendation of the Commission appointed under Paragraph 14.
	16(2)	Dissolve a district or regional council and assume to himself all or any of the functions or powers of the district or regional council if satisfied that the administration of the autonomous district or region cannot be carried out in accordance with the provisions of the sixth schedule to the constitution.
Power affecting electoral representation in the council area	2(1) , 2 & 2(6A)	Nominate four members in each district council who hold office at his pleasure.
	17	For the purpose of elections to the legislative assembly of the State, declare that any area

		within an autonomous district shall not form part of any constituency to fill a seat or seats in the assembly not so reserved to be specified in the order.
Power to enlarge, diminish powers or review decisions of District and Regional Councils	4(3)	Extention of jurisdiction of the High Court over suits and cases tried by District Council Courts.
	5	Confer power under CPC and CrPC on district council courts for trial of specified nature of cases and withdraw or modify the same.
	6(2)	Entrust conditionally or unconditionally all or any of the executive powers available to the State to the District council or its officers with the consent of the District Council.
	15(1)	Annul or suspend acts and resolutions of the district and regional council if such act or resolution is likely to endanger the safety of India or is prejudicial to the public order .
Give prior assent to laws, rules and regulations of the district and regional councils	3(3)	Assent to laws made by the District and Regional councils, without which they have no force of law.
	2(7)	Approve the rules made by the District and Regional council for composition and delimitation of the Council, qualification terms of office etc, of its members and generally for all matters regulating the transaction of business pertaining to the administration of the district.
	6(1)	Give prior approval for framing of the regulations by the District Council for the regulation and control of primary schools, dispensaries, markets, road transport, waterways etc.
	4(4)	Approve rules regarding constitution procedure etc of village council and district council courts, made by the district and regional councils.
	7(2)	Make rules for the management of district and regional fund
	8(4)	Give prior assent to regulations framed by District and Regional Council for the control of money lending, without which they do not have the force of law.
	10(3)	Give prior assent to regulations framed by District council for the control of money lending, without which they do not have the force of law.

Powers of arbitration	9(2)	Give the final decision in respect of disputes between district council and regional council in cases of royalty for extraction of minerals, which shall be referred to the governor for resolution
Powers to appoint a Commission	14(1)	Appoint a commission to inquire into the administration of autonomous district regions.
	14(2)	Report of Commission appointed under paragraph 14 is required to be laid before the State legislature with the recommendation (except in the case of State of Assam) with respect thereto.

4. In addition to the above powers, special powers have been conferred in respect of the Governors of Assam, Tripura and Mizoram, as described below:-

**States concerned Para Details of the provision in the Sixth Schedule
Brief content**

Tripura and Mizoram 9 (3) Prescribe the period within which the royalty acquiring from grant of lease for extraction of minerals is to be shared between the State Government and the District Council.

12 A Direct that any Act of the State legislature other than (b) matters specified in paragraph 3 and legislation prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall not apply to any 12B autonomous district or an autonomous region or shall (b) apply subject to such exceptions or modifications as may be notified.

Assam 12 (1) Direct that any Act of Parliament or of the State (b) Legislature other than matters specified in paragraph 3 and Legislation prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall not apply to an autonomous district or an autonomous region or shall apply subject to such exception and modifications as may be notified.

5. The provisions contained in paragraphs 12, 12A, 12AA and 12B provide for different schemes with respect to:

- a. Laws of the State Legislature on the subjects mentioned in para 3, 3A and 3B.
- b. Laws of the State Legislature on the subjects other than those mentioned in para 3, 3A and 3B.

- c. Laws of the State Legislature on the subjects other than those mentioned in para 8 and 10.
- d. Laws of the State Legislature prohibiting or restricting the consumption of any non-distilled alcoholic liquor; and
- e. Laws made by the Parliament.

Category of laws	Assam (under para 12)	Meghalaya (under para 12A)	Tripura (under para 12AA)	Mizoram (under para 12B)
a. Laws of the State Legislature on the subjects mentioned in para 3, 3A and 3B.	Not applicable unless District Council so directs with or without modification	State Legislation prevails and District Council laws to the extent of repugnancy are void	Not applicable unless District Council so directs with or without modification	Not applicable unless District Council so directs with or without modification
b. Laws of the State Legislature on the subjects mentioned in para 3, 3A and 3B	Governor may direct not to apply or may apply with or without modification	There is no special mention meaning thereby that the District Council laws shall prevail.	Governor may direct not to apply or may apply with or without modification	Governor may direct not to apply or may apply with or without modification
c. Laws of the State Legislature on the subjects mentioned in para 8 and 10.	There is no special mention meaning thereby that the District Council laws shall prevail.	State Legislation prevails and District Council Regulation to the extent of repugnancy are void.	There is no special mention meaning thereby that the District Council laws shall prevail.	There is no special mention meaning thereby that the District Council laws shall prevail.
d. Laws of the State Legislature prohibiting or restricting the consumption of any non-distilled alcoholic liquor; and	Not applicable unless District Council so directs with or without modification	There is no special mention meaning thereby that the District Council laws shall prevail	Not applicable unless District Council so directs with or without modification	Not applicable unless District Council so directs with or without modification
e. Laws made by the Parliament	Governor may direct not to apply or may apply with or without modification	President may direct not to apply or may apply with or without modification	President may direct not to apply or may apply with or without modification	President may direct not to apply or may apply with or without modification

6. The Commission was also informed that a comprehensive amendment of the Sixth Schedule was under process. On a query from the Secretary, NCST, the Deputy Secretary confirmed that as per the directive of the Cabinet Secretariat, the Commission would be consulted in the matter before its submission to the Cabinet. Regarding the information sought by the Commission, Deputy Secretary mentioned that the same was not available with the Ministry. It was decided in the meeting that the MTA may collect the ground position from all the Scheduled Areas States and furnish a report to the Commission on the following points.

- (a) Enumeration and details of the instances in which the President's or Governor's powers have been exercised regarding applicability or adaptation of an Act of Parliament or State legislature as provided under para 12,12A, 12AA and 12B of the Sixth Schedule (after ascertaining the position in the matter from the Governor's Secretariat and Law Deptt. of the respective States).

The details should include the Title of the Act not applied/modified, date of relevant President's/Governor's notification and salient features thereof (along with copy of notification).

- (b) Enumeration and details of the instances wherein the recommendations of the District or Regional Council relating to any laws proposed by them have not been accepted by the Governor under Paragraph 3(3) of the Sixth Schedule together with an objective assessment of the reasons therefor.

7. The Ministry of Home Affairs vide letter No. 11012/4/2112 dated 18/01/2012 requested the States of Assam, Meghalaya, Mizoram and Tripura for furnishing information w.r.t. above points. Replies received from the State Governments were forwarded to the National Commission for Scheduled Tribes. The information, as received from the above States has been separately consolidated and the same is placed at **ANNEXURE 1.XVIII** in this Report.

ANNEXURE 1.XVII
(Ref. para 1.49 of SR_Ch 1)

Regulations promulgated for Good Governance in Scheduled Areas-position submitted by the Fifth Schedule States

S.No.	State → Provision in the Fifth Schedule ↓	A.P.	Chhattisgarh	Gujarat	H.P.	Jharkhand	M.P.	Maharashtra	Orissa	Rajasthan
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)	(xi)
1.	3. Report by the Governor to the President regarding the administration of Scheduled Areas.—	Reports submitted upto 2009-10	No information about last available report and the no. of reports submitted	No information about last available report and the no. of reports submitted	No information about last available report and the no. of reports submitted	No information about last available report and the no. of reports submitted	Reports submitted upto 2009-10	No information about last available report and the no. of reports submitted	No information about last available report and the no. of reports submitted	Annual Report submitted regularly. No information about last available report and the no. of reports submitted
2.	4. Establishment of Tribes Advisory Council	Initially constituted in 1958 under AP TAC Rules 1958. Last reconstituted in 2009.	The State was created in November 2000. Initially TAC was constituted on 25th Nov 2000 with 27 Members under the provision of TAC Rules 1957 (of erstwhile MP). Last reconstituted on 20th May 2009 with 20 Members.	Initiallyl constituted in 1960 under Gujarat TAC Rules 1960. Rules amended six times. Last amendment on 24/06/2008.	The State was given Statehood in 1971. First TAC was constituted in June 1978 under H. P. TAC Rules 1976 notified on 09/01/1976 with Total 12 Members. Rules amended 4 times. Last constituted on 26 Nov. 2010 with 16 Members	The State was created in Nov. 2000. First TAC was constituted with 30 Members vide notification dated 16/06/2001. Last reconstituted with 21 Members on 29/03/2011	Initially constituted in 1958 under MP Adimjati Mantrana Parishad Niyamawali, 1957. Last reorganized on 18/02/2009	Constituted As per Maharashtra Tribes Advisory Council Rules 1960. Last reconstituted on 08/09/2011.	Initially constituted under Orissa T.A.C. Rules, 1950. Last reconstituted on 10/11/2009	Initially constituted as per the Rajasthan TAC Rules, 1952, repealed by the Rajasthan TAC Rules 1980 Notified on 24th Sep. 1981. Last reconstituted on 27th Aug. 2010. TAC to meet once in a quarter. 31 meetings held from 16th Mar 1982 to 21/07/2011

3.	4 (2) Duty of the TAC to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor	Agenda for the meeting prepared by TW Department. No information about issues referred by Governor.				Agenda for the meeting prepared by TW Department. For the first time Agenda for meeting on 30/01/2012 sent by Governor's Sectt.		Agenda for the meeting prepared by TW Department. No information about issues referred by Governor.		Agenda for the meeting prepared by TW Department. No information about issues referred by Governor.
4.	(3) The Governor may make rules prescribing or regulating, as the case may be,—									
4(a)	(a) appointment of the Chairman of the Council and of the officers and servants thereof;	Minister for TW Ex-Officio Chairman and Commissioner of TW is the Secretary. years.	Chief Minister is Ex-Officio Chairman, Minister of TW is Deputy Chairman & Principal Secretary, TW is the Secretary of TAC.	Chief Minister is Ex-Officio Chairman, Minister/ Dy. Minister of TW is Vice Chairman & State Minister/ Dy. Minister of TW is Co-Vice - Chairman Chief Secretary, is also Member.	Chief Minister is Ex-Officio Chairman, & Minister of TW is Member.	Chief Minister is Ex-Officio Chairman, Minister of TW is Vice-Chairman and Secretary, TW is the Secretary of TAC.	Chief Minister is Ex-Officio Chairman, Minister for TW is Vice-Chairman and Secretary, TWD is the Secretary of the TAC.	Chief Minister Ex-Officio Chairman, Minister for TW is Vice-Chairman & Principal Secy. TWD is Secretary of TAC.	Chief Minister Ex-Officio Chairman, Minister for TW is Vice-Chairman of the TAC.	Minister for Tribal Development Ex-Officio Chairman, and Commissioner TAD is the Secretary of TAC.
4(b)	(b) the conduct of its meetings and its procedure in general; and	. Not less than 2 meetings in a year. 105 meetings held upto 2011.		21 Meetings held from 07/05/1991 to 01/06/2011	41 Meetings held till 24th March, 2011	10 meetings upto 16/06/2011. 11th meeting scheduled on 30/01/2012.	One meeting in every six months. 31 meetings held from 09/07/1982 to 20/07/2011. Information not available about meetings held prior to 09/07/1982.	47 meetings held upto 2011-12.	Details of meetings of TAC held so far, not furnished.	

							Rules provide for including such matters on the Agenda which are referred by the Governor.			
4(c)	(c) all other incidental matters		Amendment in Chhattisgarh Civil Services (General Conditions of Service) Rules 1961 providing that "only local residents of the district falling under Bastar and Sarguja Division, shall be eligible for recruitment to the vacancies arising in Class – III and Class – IV posts of the districts cadre in various departments of the concerned district, for a period of two years from	(i) Gujarat Panchayats (Amendment) Act 1998 to amend Gujarat Panchayats Act 1993, (ii) Bombay Land Revenue (Gujarat 2nd Amendment) Act 1980 (iii) Notification dated 23/11/2001 to further amend Gujarat Panchayats Act 1993 (iv) Gujarat Minor Mineral Concession Rules 2010 for regulating grant of mining lease in respect of minor minerals under Mines and Minerals (Development and	H. P. Transfer of Land (Regulation) Act, 1968 H. P. Transfer of Land (Regulation) Rules, 1969		<u>Laws applicable to Scheduled Areas</u> : (i)MP Land Revenue Code 1959 and (ii) MP Anusuchit Janjati Sahukar Viniyam, 1972 <u>Laws in consonance with PESA Act</u> : (i) MP Excise (Amendment) Act 1997, (ii) MP Panchayati Raj (2nd Amendment) Act 1997 & 1999 (iii) MP Money Lenders (Amendment) Act 2000 (iv) MP Land Revenue Code		Laws/ Regulations framed for Scheduled Areas : Orissa Gram Panchayat Act, 1964, Orissa Money Lenders Regulation 1967 (amended in 1976 & 2001) Orissa (Sch. Areas) Debt Relief Regulation 1967 Orissa Sch. Areas Exercise of Criminal Powers Validation Regulation 1963 Orissa Sch. Areas Transfer of Immovable Property (by STs) Regulation	Notification dated 12/09/2007 provide for reservation of 45 % for STs and 5% for SCs in posts under Government Services other than State Service Cadre, in the Scheduled Areas of the State, as against 12% for STs and 16% for SCs in other Areas

			the date of issue of this Notification."	Regulation) Act, 1957					1956 Amendment to Panchayat Samiti Act (for extension to Sch. Areas) 1996	
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ANNEXURE 1.XVIII
(Ref. para 1.49 of SR_ Ch 1)

Regulations promulgated for Good Governance in Scheduled Areas-position submitted by the Sixth Schedule States

<u>S.No.</u>	<u>State</u>	<u>Provision</u>	<u>Status</u>
	Assam	12(a) no Act of the Legislature of the State of Assam in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Assam prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that State unless in either case the District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall in its application to such district or region or any part thereof have effect subject to such exceptions or modifications as it thinks fit;	
	Assam	12(b) the Governor may, by public notification, direct that any Act of Parliament or of the Legislature of the State of Assam to which the provisions of clause (a) of this sub-paragraph do not apply shall not apply to an autonomous district or an autonomous region in that State, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification.	(As per Legislative Department, Government of Assam) There is no such record of any measure taken by the Governor of Assam under Para – 12 of the Sixth Schedule of the Constitution regarding applicability and non-applicability of an Act of Parliament or the State Legislature in the Autonomous Region of the State of Assam i. e. Bodoland Territorial Area Districts of Assam. The Governor Secretariat of the State is yet to furnish their comments. The same will be intimated as and when received.
	Meghalaya	12A(a) if any provision of a law made by a District or Regional Council in the State of Meghalaya with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Meghalaya with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before	All Acts of Parliament after independence apply to the whole of India including Autonomous Districts unless the Act of Parliament specifically excludes Autonomous District Councils or other areas, for example, Section 2(2) of the Gram Nyayalayas Act, 2008, proviso to sub-section (2) of Section 1 of CrPC, 1972 except chapter VIII, X and XI, Articles 243ZC of the Constitution of India, Section 10(26) of Income Tax Act [1976 AIR (SC) 670] specify the laws that does not apply to the scheduled areas. Various sections of the Administration of Justice in Meghalaya provide that only the spirit of CrPC and CPC

		or after the law made by the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Meghalaya shall prevail;	are applicable in the tribal areas and not in letter. The Law of Limitation does not apply to disputes between tribals. Law of Easement does not apply to the Atunomous Districts.
	Meghalaya	12A(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Meghalaya, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.	<p>Various Acts, Rules and Regulations have been passed by the three Autonomous District Councils in Meghalaya and received the approval of the Governor, the list of which are sent herewith as Annexure. The Bill passed by the District Council but not approved due to various legal issues and legislative incompetency of the District Council is the Khasi Hills Autonomous District (Allotment Occupation or Use or Setting Apart of Land) Regulation Bill, 2005.</p> <p>Till date no law of the District Council has been in conflict with the law made by the State Legislature.</p>
	Mizoram	12B(a) if any provision of a law made by a District or Regional Council in the State of Meghalaya with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Meghalaya with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Meghalaya, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Meghalaya shall prevail;	<p>As Mizoram was initially created as a Union Territory by Carving the Areas from then State of Assam, by various Adaptation Orders, the then existing Central Laws and State Laws of Assam continued to apply to the whole of the Union Territory of Mizoram including the District Council/Tribal Areas in Mizoram. No separate notification or notifications appears/appear to have been issued under Paragraph 12B the Sixth Schedule to the Constitution.</p> <p>Mizoram became a State with effect from 20/02/1987. Section 43 of the State of Mizoram Act, 1986 provides for continuation of all existing laws including the Central laws to the whole State of Mizoram, subject to the exceptions/modifications as may be provided for in the Adaptation Orders. Accordingly, the Central and the U.T. laws as existing on 20th February, 1987 continued to apply to the autonomous districts of Lai (previously, Pawi), Mara (previously, Lakher) and Chakma in the State of Mizoram by virtue of this legal fiction,</p>
		12B(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the State of Meghalaya, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have	<p>There has been no instances in which the President's or the Governor's powers have been exercised under Paragraph 12B regarding applicability or adaptation of an Act of Parliament or State Legislature.</p> <p>Similarly, there has been no instances wherein the recommendations of the District or Regional Council relating to any</p>

		retrospective effect.	laws proposed by them but not accepted by the Governor under Paragraph 3(3)
	Tripura	12AA(a) no Act of the Legislature of the State of Tripura in respect of any of the matters specified in paragraph 3 of this Schedule as matters with respect to which a District Council or a Regional Council may make laws, and no Act of the Legislature of the State of Tripura prohibiting or restricting the consumption of any non-distilled alcoholic liquor shall apply to any autonomous district or autonomous region in that State unless, in either case the, District Council for such district or having jurisdiction over such region by public notification so directs, and the District Council in giving such direction with respect to any Act may direct that the Act shall, in its application to that district or such region or any part thereof have effect subject to such exceptions or modifications as it thinks fit; g	Records so far available in the Law Department do not reveal any instance in which Governor's powers have been exercised regarding applicability or adaptation of an Act of State Legislature as provided under para 12, 12A 12AA and 12B of the Sixth Schedule nor any instance wherein the recommendations of the District or Regional Council relating to any laws proposed by them have not been accepted by the Governor under Paragraph 3(3) of the Sixth Schedule.
		12AA(b) the Governor may, by public notification, direct that any Act of the Legislature of the State of Tripura to which the provisions of clause (a) of this sub-paragraph do not apply, shall not apply to the autonomous district or any autonomous region in that State, or shall apply to that district or such region, or any part thereof, subject to such exceptions or modifications, as he may specify in the notification;	
		12AA(c) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof, subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.	

National Commission for Scheduled Tribes

Sub: Summary Record of the meeting held on 11/01/2012 with the MHA, MTA and the Secretaries in charge of Tribal Development/Welfare in the States having Scheduled Areas to discuss the status of implementation of the provisions under Fifth and Sixth Schedule to the Constitution for adaption of laws applicable to Scheduled Areas/Tribes

The meeting, presided by Shri Raghuvendra Singh Sirohi, Secretary, National Commission for Scheduled Tribes (NCST), was held in the Conference Hall of the Enforcement Directorate at Sixth Floor. A list of the participants is enclosed. The State of Tripura was not represented.

2. Secretary, NCST extended a warm welcome to the officials who had come to attend the meeting. He mentioned that the NCST is a Constitutional Body which, under Article 338A(5)(d) of the Constitution, is required to report to the Parliament through President upon the working of the safeguards provided for the Scheduled Tribes. Secretary, NCST referred to the recently introduced legislation, viz., Land Acquisition and Resettlement & Rehabilitation Bill, 2010, MMDR Bill 2011 and the National Food Security Bill 2011 and emphasised that these Bills were of major concern for the tribals. The recommendations of the Commission in respect of these Bills could be seen on the website of the Commission. As a part of its constitutional role of an advisor to the Govt., the NCST has been attempting to ensure greater sensitivity and responsiveness to the tribal concerns while examining policy and such legislations, but with limited results.

3. Coincidentally, in 2009, a Standing Committee on Inter-sectoral issues in its 3rd Report on "Standards of Administration and Governance in Scheduled Areas" had lamented that, while special provisions in Schedule V to the Constitution envisage that all Central and State Legislations would be fine-tuned by the Governor in accordance with the requirements of the tribals in the Scheduled Areas, these provisions had largely remained a dead letter during the last sixty years of the Republic. The Commission has, therefore, resolved to prepare a Special Report on good governance in Scheduled Areas/Tribal Areas, which would aim to shed light on the actual working of the Constitutional safeguards in Schedule V and Schedule VI respectively. He mentioned that the Commission is endeavouring to provide a documentation of experience across the country, an analysis of which will form the basis for expedient recommendations by the Commission in the Special Report.

4. Secretary, NCST emphasised that separate laws /systems for Tribal Areas had a long history, in India beginning with the provision in the Scheduled Areas Act, 1874, to extend general laws with modification to Scheduled Districts. The Government of India Act, 1919 divided Scheduled Districts into "Excluded Areas" and "Partially Excluded

Areas". Subsequently, the Gol Act, 1935 empowered Governors to make regulations with the approval of the Governor General. This arrangement has been incorporated as Schedule V and Schedule VI to the Constitution for specific adaption of general laws to Scheduled Areas/Tribes; but its effectiveness appears to have paled since judging from the infrequent resort to the relevant provisions despite a plethora of Central/State Legislation impacting Scheduled Areas/Tribes. To this end, the Commission had sought information on three issues viz:

- a. The instances in which Central/State legislation(s) had been adapted in its application to Scheduled Areas/Tribal Areas,
- b. Regulations promulgated for peace and good governance in different States, which have the force of law; and
- c. Experience of the functioning of advisory mechanisms (Tribal Advisory Council)

5. Secretary, NCST mentioned that the responses received from the State Govts. In the matter had revealed that the State Govts. were experiencing some difficulties in appreciating the requirements conveyed by the Commission vide NCST letter dated 23-11-2011 and 30-12-2011. Secretary hoped that the deliberations in the meeting would result in achieving greater enrichment of minds all around with full understanding of the requirements of the Commission and also lead to emergence of ideas for the way forward.

6. Thereafter, Joint Secretary, NCST made a presentation which was followed by the presentations by the representatives from the Ministry of Tribal Affairs, the Ministry of Home Affairs, and the representatives from the States. The important features of the presentations were as under:

National Commission for Scheduled Tribes

7. Joint Secretary, NCST highlighted the provisions under Schedule V and Schedule VI to the Constitution regarding the role of the Governors and the President in adoption of a particular Act of Parliament or the State Legislature to the Scheduled Areas. Joint Secretary, further mentioned that the Special Report, being prepared by the Commission will include a State-wise analysis of the measures taken for good governance in Scheduled Areas, and instances regarding applicability or modification of an Act of Parliament or the State Legislature, as provided under Para 5 of the Fifth Schedule and under Para 12, 12A, 12AA and 12B of the Sixth Schedule in order to test the efficacy of Constitutional arrangements for adaption of general laws in tune with the requirements of Scheduled Areas/Scheduled Tribes. The Report will also include the nature and type of issues discussed and recommended by the Tribes Advisory Councils to assess effectiveness of this important institutional mechanism for Scheduled Areas.

Ministry of Tribal Affairs

8. Joint Secretary, MTA mentioned that use of any of the discretionary powers of the Governor under the provisions in Schedule V and VI had not been reported. TACs have been constituted and their meetings are being held in the States having Scheduled Areas and two other States namely, Tamil Nadu and West Bengal. As per the records

available in the Ministry, during the year 2011, meetings of TACs were held in the States of Chhattisgarh (26/09/2011), Jharkhand (19/04/2011 and 16/06/2011), Madhya Pradesh (20/07/2011), Maharashtra (25/10/2011), Orissa (13/05/2011) and Rajasthan (21/07/2011). The details of the meetings of the TACs convened in the year relating to other States were not available with the MTA.

9. Joint Secretary, MTA further informed that the prescribed format of the Governor's Report was under revision. The Governor's Reports for the year 2010-11 were awaited from the States of Andhra Pradesh, Chhattisgarh, Gujarat, Maharashtra, Orissa and Rajasthan. Jharkhand has not submitted Governor's Report since 2006-07 onwards. Joint Secretary, MTA also informed that the MTA had also asked the State Govts. having Scheduled Areas to set up a Cell in the office of the Governor to oversee the Constitutional responsibilities relating to Scheduled Areas and Scheduled Tribes. The Ministry of Panchayati Raj was also considering modalities to extend the provisions of the PESA to the Sixth Schedule Areas.

Ministry of Home Affairs

10 Deputy Secretary (NE), MHA informed that a comprehensive amendment of the Sixth Schedule was under process. On a query from the Secretary, NCST, the Deputy Secretary confirmed that as per the directive of the Cabinet Secretariat, the Commission would be consulted in the matter before its submission to the Cabinet. Regarding the information sought by the Commission, Deputy Secretary mentioned that the same was not available with the Ministry.

Andhra Pradesh

11 Additional Director, Tribal Welfare Department informed that the Land Transfer Regulations relating to Scheduled Areas in the State prohibit transfer of land not only from STs to non-STs but also from non-STs to non-STs without permission of the Government. There is also a regulation, with the approval of the Governor, for provision of reservation for local STs in recruitment in the Scheduled Areas. However, the Govt. Order on the subject has been challenged in the Court and is now pending in the Apex Court. The Mid-Day-Meal Scheme to children, which is meant for the Govt. Schools, by the order of the Governor, has been extended to all schools, run by Govt. or NGOs in the Scheduled Areas so that all children in the Scheduled Areas are benefited. He further informed that the first AP Tribes Advisory Council was constituted during 1958 and it was last reconstituted during 2009. The TAC consists of 20 members, of whom not less than 15 shall be representatives of the STs in the AP Legislative Assembly.

The Minister for Tribal Welfare is the ex-officio Chairman of the Council. The decisions and opinion of the Council on matters referred to them by the Governor are treated as recommendations. So far, 105 Meetings of the TAC have been held.

Chhattisgarh

12 The Deputy Secretary, Tribal Welfare Department informed that the TAC was constituted, soon after constitution of the State in November, 2000. There were 30 members of TAC. The last TAC was constituted in 2009 with 20 members only. All these members belong to Scheduled Tribes. He further informed that there was a

special provision for reservation for local STs in recruitment to local services in Scheduled Areas (9 Districts).

Gujarat

13 Joint Secretary, Tribal Development Department informed that whole of the Dang District in the State is included as Scheduled Area in the State. There are special regulations relating to Dang District concerning STs details of which would be furnished separately. The TAC was constituted soon after creation of the State and its 38 meetings had been held so far (last meeting held on 1 June, 2011). The Chief Minister of the State is the ex-officio chairman of the TAC. He also informed that 62 rights of the ST Communities had been codified.

14 Joint Secretary further informed that the State Govt. had also forwarded copies of the Gujrat Panchayats (Amendment) Act, 1998 and Bombay Land Revenue (Gujarat Second Amendment Act) Act 1998 regarding non-transfer of land of STs to the Commission vide letter dated 22/12/2011.

Himachal Pradesh

15 The Principal Secretary, Tribal Development mentioned that about 60% of the tribal population i.e. 2,14,977 out of total 3,56,777 in the State resides in non-tribal areas of the State, mainly Gaddis and Gujjars. For the welfare of these communities, Gaddi Kalyan Board and Gujjar Kalyan Board have been constituted. The Tribes Advisory Council has been constituted in the State. The TAC consists of 20 members including the Chairman (Chief Minister). The last meeting of the TAC (41st) was held on 24.03.2011. He mentioned that most of the issues discussed in the TAC were relating to the infrastructure development For effective governance and speedy implementation of the developmental works Single, Line Administration is in operation since 1988. The HP Transfer of Land(Regulation) Act, 1968 and HP Transfer of Land(Regulation) Rules 1969 are under implementation in Scheduled Areas of the State which lay down complete ban on the transfer of land by Scheduled Tribes in favour of non-tribals except with the prior permission of the State Govt.

Jharkhand

16 The Secretary, Welfare Department mentioned that 10 meetings of the TAC had been held so far and the next meeting was scheduled on 30/01/2012. He mentioned that the Agenda for the TAC meeting is prepared by the Welfare Department and approved by the Chief Minister and the Governor's Secretariat was not involved in finalizing the Agenda. Consequently, the Governor's Secretariat is not in a position to comprehend the issues from the records of the TAC meetings and therefore, last five reports on administration of Scheduled Areas have remained pending. He further mentioned that the format prescribed by the Ministry of Tribal Affairs needed restructuring to include information about issues relating to TSP.

Madhya Pradesh

17 The Commissioner, Tribal Development mentioned that policy related issues and local development related issues constituted about 5% and 80% respectively of the

Agenda issues of the TAC. The Chief Minister of the State is the Chairman of the TAC and Minister-in-charge of the Tribal Welfare Department is the Vice Chairman. The meetings of the Tribal Advisory Council after the last re-organization, were held on 23.7.2009, 12.3.2010; 29.7.2010 and 20.7.2011. The decisions of TAC being recommendatory in nature may not be accepted by the Cabinet.

Maharashtra

18 The Principal Secretary, Tribal Development Department, mentioned that since 1968, 47 meetings of the TAC were held. The Agenda for the TAC is prepared by the Tribal Welfare Department. There has not been any case regarding use of discretionary powers by the Governor under Schedule V. The State Government has also formulated regulations pertaining to land transfer and reservation for local STs in recruitment at local level in the Scheduled Areas.

Orissa

19 The Secretary, ST and SC Development Deptt. mentioned that the State Govt. had formulated regulations pertaining to land transfer, recruitment at local level in the Scheduled Areas. The rules of business have also been formulated for TAC. The focus of TAC has been on education, reservation in appointment, flow to TSP, Forest Rights Act, inclusion/exclusion in ST categories.

Rajasthan

20 The Principal Secretary, Tribal Area Development informed that the Tribes Advisory Council Rules, 1980 were notified in September, 1981. He mentioned that the Minister, TAD is the Chairman of the Council, while the State Minister/Dy. Minister, T.A.D is the Vice-Chairman. The Council has 18 members including 14 ST MLAs nominated by the State Government, 1 non-official member, and 3 officially nominated members. During the last 5 years, eleven meetings of the Council had been held. He further informed that Govt. of Rajasthan through Notification dated 12.9.07 had provided reservation of 45% seats to the local STs for direct recruitment vacancies in the Scheduled Areas (excluding State Service Post).

Assam

21 The Principal Secretary, Department of Hill Areas informed that as informed by the Legislative Deptt. of the State, there was no record of any measure taken by the Governor of Assam under Para-12 of the Sixth Schedule to the Constitution regarding applicability and non-applicability of an Act of Parliament or the State Legislature in the Autonomous Region of the State of Assam i.e. Bodoland Territorial Area, Districts of Assam. The Governor Secretariat of the State has not furnished their comments. He also mentioned that the District Council had recommended application of the PESA Act, but the proposal was awaiting approval of the Central Govt.

Meghalaya

22 The Secretary, DCA Department informed that the State is covered by the 3(three) Autonomous District Councils, viz, the Khasi Hills Autonomous District Council,

the Jaintia Hills Autonomous District Council and, the Garo Hills Autonomous District Council. He further mentioned that assent of the Governor on a legislation, passed by the Assembly, was mandatory before these had the force of law. Further, rules made by the District Council have to be approved by the Governor. The Governor also has the powers to annul or suspend any act or resolution and can assume to himself all or any of the functions or powers vested in or exercisable by the District Council, power to extend the term of a District Council.

Mizoram

23 The Resident Commissioner mentioned that the State Govt. had submitted the information vide letter dated 06/01/2012. He mentioned that that the State Govt. didn't had much records of the action taken in the matter. The District Council and the erstwhile Regional Council also appear to have not maintained complete records relating to the action taken in pursuance of para 12 (original) or para 12B, as the case may be, of the Sixth Schedule. The information furnished vide letter 06/01/2012 had been retrieved from the old records and notes maintained in the Law & Judicial Deptt.

24 During discussion on various presentations, Secretary, NCST noted that possibly because of infrequent resort to the Constitutional scheme, the State Govts. had not submitted/presented the requisite information/details, as requested vide NCST letter dated 23-11-2011 and 30-12-2011. The factual position in the matter was also not pre-confirmed from the Governor's Secretariat and the Law Deptt. by most of the States, which was necessary for the purpose of ensuring reliability of the information being furnished in the Commission's Report to the President. It was also revealed from the discussion that the Regulations, promulgated by Governors of the States, had been mainly restricted to land transfer alienation, restrictions on money landing and reservation of local STs in recruitment at local level etc. The details of specific regulations for peace and good governance and important areas like social rights, cultural rights etc. had not been furnished. Regarding the functioning of the TAC, it emerged that, in general its meetings were an annual/ bi-annual features; the nature of issues largely pertained to local development related matters, reservation of local STs in recruitment at local level and general issues. He desired that the MHA, MTA and the State Government should forward information as under, at the earliest, **no later than 27-01-2012**:

[A] Ministry of Home Affairs

- a. Enumeration and details of the instances in which the President's or Governor's powers have been exercised regarding applicability or adaptation of an Act of Parliament or State legislature as provided under para 12, 12A, 12AA and 12B of the Sixth Schedule (after ascertaining the position in the matter from the Governor's Secretariat and Law Deptt. of the respective States).

The details should include the Title of the Act not applied/modified, date of relevant President's/Governor's notification and salient features thereof (along with copy of notification).

- b Enumeration and details of the instances wherein the recommendations of the District or Regional Council relating to any laws proposed by them have not been accepted by the Governor under Paragraph 3(3) of the Sixth Schedule together with an objective assessment of the reasons therefor.

[B] Ministry of Tribal Affairs

- a. Enumeration and details of the instances in which President's powers have been exercised to issue directions to the States under paragraph 2 of the Fifth Schedule.
- b. Enumeration and details of the Regulations assented/refused assent by the President under paragraph 5(4) of the Fifth Schedule. The details should include name of the Regulation, date of notification, and salient features (along with copy thereof).
- c. An objective assessment of the adequacy of reasons in respect of the cases included in (b) above.

[C] Schedule V States

- a. Enumeration and details of the instances, when the President of India or Governor of the State had invoked the powers specified in paragraph 5(1) of the Fifth Schedule regarding applicability or adaptation of Central/State legislation.

Note: (i) The details should include name of the Act, date of notification issued by the Governor, and salient features (along with copy thereof).

(ii) The details should be submitted after ascertaining the position in the matter from the Governor's Secretariat and Law Deptt. also.

- b. Enumeration and details of the Regulations (which have force of law) promulgated for peace and good governance, under paragraph 5(2) of the Fifth Schedule.
- c. An objective assessment of the adequacy of the regulations promulgated by the Governor in relation to the spirit of the relevant provisions of the Fifth Schedule and suggested areas for new regulations.
- d. Details regarding the functioning of the Tribes Advisory Council, including:
 - (i) Date of initial constitution of the Tribes Advisory Council after delineation of Scheduled Areas in the State and its composition.
 - (ii) Date when the Tribes Advisory Council was last re-constituted, the composition of the present Tribes Advisory Council and the Rules prescribed for the functioning of the Council under paragraph 4(3) of the Fifth Schedule.
 - (iii) Dates of the Tribes Advisory Council's meetings held so far, list of Agenda Items discussed in each meeting and proceedings of each meeting.

- e. An objective assessment of the Rules prescribed for the conduct of meeting, the type of issues included in the agenda and the nature of the , recommendations of the TAC and its effectiveness in addressing concerns pertaining to the welfare and advancement of Scheduled Tribes.

[D] **Schedule VI States**

- a. Enumeration and details of the instances in which the President's or Governor's powers have been exercised regarding applicability or adaptation of an Act of Parliament or State legislation as provided under para 12,12A, 12AA and 12B of the Sixth Schedule (after re-confirming facts in the matter from the Governor's Secretariat/Law Deptt. of the respective States).

The details should include the title of the Act not applied/modified, date of relevant President's/Governor's notification and salient features thereof (along with copy of notification).

- b. Enumeration and details of the instances wherein the recommendations of the District or Regional Council relating to any laws proposed by them have not been accepted by the Governor under Paragraph 3(3) of the Sixth Schedule together with an objective assessment of the reasons therefor.