

ANNEXURE

Constitutional Provisions with respect to STs.

Articles related to Scheduled Tribes and certain classes in the Constitution of India (adopted on 26/11/1949):-

Sl.No.	Article	Provisions	Remarks
1	16	<p>Equality of opportunity in matters of public employment.</p> <p>(4) Nothing in this article prevent the State from making any provision for reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.</p> <p>4[(4A) Nothing in this article shall prevent the State from making any provision for reservation 5(in matters of promotion, with consequential seniority, to any class) or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.]</p>	
2	19(1)	<p>FUNDAMENTAL RIGHTS.</p> <p><i>Right to freedom.</i></p> <p>All citizens shall have the right -</p> <p>(d) to move freely throughout the territory of India;</p> <p>(e) to reside and settle in any part of the territory of India;</p>	
3	19(5)	<p>Nothing in [sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the</p>	

		interests of the general public or for the protection of the interests of any Scheduled Tribe.	
4	46	<p>Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. -</p> <p>The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustices and all forms of exploitation.</p>	
5	243	<p>THE PANCHAYATS</p>	
	243(D)	<p>Reservation of seats.- (1) Seats shall be reserved for-</p> <p>(a) the Scheduled Caste; and</p> <p>(b) the Scheduled Tribes</p>	
6	244	<p>THE SCHEDULED AND TRIBAL AREAS</p> <p>Administration of Scheduled Areas and Tribal Areas.-</p> <p>(1)The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State 1***other than 2[the States of Assam, 3[4[Meghalaya, Tripura and Mizoram.]]]</p> <p>(2)The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, 1[2[Meghalaya, Tripura and Mizoram].</p>	
7	244A	<p>Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both thereof.-</p> <p>(1)Notwithstanding anything in this Constitution, parliament may, by law, form within the State of Assam an</p>	

		autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in 4[Part I] of the table appended to paragraph 20 of the Sixth Schedule and	
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		<p>Create thereof-</p> <p>(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or</p> <p>(b) a Council of Ministers,</p> <p>Or both with such constitution, powers and functions, in each case, as may be specified in the law. (2) Any such law as is referred to in clause (1) may, in particular,-</p> <p>(a) specify the matters enumerated in the State List or Concurrent List with respect to which the legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;</p> <p>(b) define the matters with respect to which the executive power of the autonomous State shall extend;</p> <p>(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;</p> <p>(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and</p> <p>(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.</p> <p>(3) Any amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of</p>	
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		<p>parliament by not less than two-thirds of the the members present and voting.</p> <p>(40 Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.]</p>	
8	330	<p>SPECIAL PROVISION RELATING TO CERTAIN CLASSES</p> <p>Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the people.-</p> <p>(1) Seats shall be reserved in the House of the People for-</p> <p>(a) the Scheduled Castes;</p> <p>1[(b) the Scheduled Tribes except the Scheduled Tribes</p>	

		<p>in the autonomous districts of Assam; and]</p> <p>(a) the Scheduled Tribes in the autonomous districts of Assam.</p> <p>(2) The number of seats reserved ...</p>	
9	332	<p>Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of the States,-</p> <p>(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, 7[except the Scheduled tribes in</p>	

		<p>the autonomous districts of Assam], in the legislative assembly of every State^{8***}</p> <p>(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.</p> <p>(3) (3) The numbers of seats reserved for the Scheduled Castes and Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.</p> <p>...</p>	
10	334	<p>Reservation of seats and special representation to cease after 9[seventy years].-</p> <p>Notwithstanding anything in the foregoing provisions of this part, the provisions of this Constitution relating to-</p> <p>(a) the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative assemblies of the States; and</p> <p>(b) the representation of the Anglo-Indian ...</p> <p>shall cease to have effect on the expiration of a period of 1[seventy years] from the commencement of this Constitution:</p> <p>Provided ...</p>	
11	335	<p>Claims of Scheduled Castes and Scheduled Tribes to service and posts.-</p>	
12	338A	<p>National Commission for Scheduled Tribes.-</p> <p>(1)There shall be a Commission for the Scheduled Tribe to be known as the National Commission for Scheduled Tribes.</p> <p>(2)Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson,</p>	

	<p>Vice-Chairperson and three other members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.</p> <p>(3)The Chairperson, Vice-Chairperson other Members of the Commission shall be appointed by the President by warrant under his hand and seal.</p> <p>(4)The Commission shall have the power to regulate its own procedure.</p> <p>(5)It shall be the duty of the Constitution-</p> <p>(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this 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;</p> <p>(b)to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;</p> <p>(c)to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;</p> <p>(d)to present to the President, ... of those safeguards;</p> <p>(e) to make in such reports recommendation ..., welfare and socio-economic development of the Scheduled Tribes;</p> <p>and</p>	
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		<p>(f) to discharge such functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes ...specify.</p> <p>(6) The President shall cause ... such recommendations.</p> <p>(7)Where any ... such recommendations.</p> <p>(8) The Commission shall, ...(a),(b),(c),(d),(e),(f)...,determine.</p> <p>(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.]</p>	
13	338B	<p>National Commission for Backward Classes.- (1),(2),(3),(4),(5),(6),(7),(8), (9)...]</p>	
14	339	<p>Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes.-</p> <p>(1)The President may at any time, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled</p>	

		<p>tribes in the States1***.</p> <p>The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.</p> <p>(2)the executive power of the Union shall extend to the giving of directions to 2[States] as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.</p>	
15	341	<p>Scheduled Castes.-</p>	

		<p>(1)The President 1[may with respect to any State2[or Union territory], and where it is a State 3***, after consultation with the Governor 4*** thereof,] by public notification5, specify the castes, races or tribes or parts of or groups within castes, races, or tribes which shall for the purposes of of this Constitution be deemed to be Scheduled Castes in relation to that State 6[or Union territory, as the case may be.]</p> <p>(2)Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race, tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.</p>	
16	342	<p>Scheduled tribes.-</p> <p>(1)The President 7[may with respect to any State or union territory, and where it is a State 8***, after consultation with the Governor 9*** thereof,] by public notification10, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of of this Constitution be deemed to be Scheduled Tribes in relation to tha State or union territory, as the case may be.</p> <p>(2)Parliament may by law include in or exclude from list of Scheduled tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.</p> <p>See the Constitution(Scheduled Tribes) Order, 1950(C.O.22), the Constitution(Scheduled Tribes)(Union Territories) Order, 1951(C.O.33), the Constitution (Nagaland) Scheduled Tribes Order, 1970, (C.O.88) and the Constitution(Sikkim) Scheduled Tribes Order, 1978 (C.O.111)</p>	

17	366	<p>Definitions.-</p> <p>In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say-</p> <p>.....</p> <p>(25) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled tribes for the purposes of this Constitution;</p>	
18	371A	<p>Special provision with respect to the State of Nagaland</p>	
19	371B	<p>Special provision with respect to the State of Assam</p>	
20	371C	<p>Special provision with respect to the State of Manipur.-</p> <p>(1)Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative assembly of the State consisting of members of that assembly elected from hill areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.</p> <p>(2)The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of</p>	<p>No special provision included with respect to the valley areas of Manipur.</p>

		<p>directions to the State as to the administration of the said areas.</p> <p><i>Explanation.-</i> In this article, the expression “Hill Areas” means such areas as the President may, by order, declare to be Hill areas.</p>	
21	371F	Special provision with respect to the State of Sikkim	
22	371G	Special provision with respect to the State of Mizoram	
23	SCHEDULE	FIFTH SCHEDULE [Article 244(1)]	
		SIXTH SCHEDULE [Article 244(2) and 275(1)]	