


**Research Article**

# An Analysis of Constitutional Recognition, Provisions, and Safeguards for Scheduled Tribes in India

**Dr. Sonkhothang Haokip\***

Arunachal University of Studies, Arunachal Pradesh, India

**Corresponding Author:** Dr. Sonkhothang Haokip\*

**DOI:** <https://doi.org/10.5281/zenodo.15864768>

**Abstract**

This article examines the constitutional recognition of Scheduled Tribes in India and provides a comparative analysis of the ST population across various states and union territories. Specifically, it explores the constitutional provisions that acknowledge the unique status of ST (Scheduled Tribes) and provide special safeguards to promote their welfare and empowerment. The article discusses the evolution of safeguards, including the NC (National Commission) for SC (Scheduled Castes) and ST, the first non-statutory Commission, and the first to fourth statutory commissions. Additionally, it explores the establishment of the first ST commission, separated from SC, up to the fifth ST commission. Furthermore, the article delves into the provisions of the Fifth Schedule, including the allocated area, the Governor's role, the Tribal Advisory Council's role, and the President of India's role. The Sixth Schedule's provisions, which cover legislative, executive, judicial, and financial authorities, are also examined in this article. The article discusses the power and authority of the Governor of the states and the President of India in Tribal areas. Lastly, it explores the various safeguards provided to STs, including political, service, social, economic, educational, and cultural safeguards. This comprehensive analysis provides insight into the constitutional framework and safeguards designed to protect and empower Scheduled Tribes in India, ensuring their rights and interests provide their safeguarded.

**Manuscript Information**

- **ISSN No:** 2583-7397
- **Received:** 16-06-2025
- **Accepted:** 06-07-2025
- **Published:** 11-07-2025
- **IJCRM:** 4(4); 2025: 89-102
- **©2025, All Rights Reserved**
- **Plagiarism Checked:** Yes
- **Peer Review Process:** Yes

**How to Cite this Article**

Haokip S. An Analysis of Constitutional Recognition, Provisions, and Safeguards for Scheduled Tribes in India. Int J Contemp Res Multidiscip. 2025;4(4):89-102.

**Access this Article Online**


[www.multiarticlesjournal.com](http://www.multiarticlesjournal.com)

**KEYWORDS:** India, Scheduled Tribes, Constitutional Recognition, Constitutional Provisions, Safeguards, Fifth Schedule, Sixth Schedule

## 1. INTRODUCTION

India's pluralistic society diversity set it apart by its remarkable unity and diversity. The country's cultural fabric permeates every aspect of life, from a rich tapestry of people from various castes and communities. Recognising the historical social, educational, and economic disadvantages specific communities face, including the Scheduled Tribes (STs), unique clauses in the Indian Constitution to safeguard their rights and advance their socioeconomic advancement. According to the 2011 Census, STs comprised about 8.6% of India's population. The Indian Constitution protects them from exploitation and upholds their traditions and culture. The Constitution aims to support the socioeconomic and educational development of STs (Sharma, Nagesh, Thakur, and Anil, Kumar, 2010: 242) <sup>[42]</sup>. This study examines the constitutional recognition of STs in India, focusing on their population proportion in each State and the various constitutional provisions for ST safeguards. Specifically, it explores the major, small, and nil percentages of tribal population in each State and the population in millions from 1961 to 2011.

The Indian Constitution provides several provisions to safeguard the rights of STs, including Article 342, which designates specific communities as STs, and Article 338A, which establishes the NCST (National Commission for ST). Special measures for managing tribal territories, seat reservations, and the defence of ST rights framework detail the necessary steps in Articles 244, 330, and 332 (Reservations of seats for SC and ST in the Legislative Assemblies of the States 2021). This study aims to provide an overview of the constitutional recognition of STs in India, their population proportion, and the various constitutional provisions for ST safeguards, highlighting efforts to promote socioeconomic development and protect ST rights.

## 2. STUDY OBJECTIVES

- i) To examine how the Indian constitution recognises the Scheduled Tribes (ST).
- ii) To analyse the states and union territories-wise ST population.
- iii) To examine the constitutional provisions for ST in India and their implementation.
- iv) To analyse the role of the National Commission for ST (NCST) in promoting the welfare and development of ST.
- v) To investigate whether the Constitution's Fifth and Sixth Schedules adequately safeguard ST's rights and interests.
- vi) To identify the challenges and obstacles that hinders the effective implementation of constitutional safeguards for ST.

### Statement of the Problem

Despite the Indian Constitution's provisions for Scheduled Tribes, several problems persist, including inadequate implementation of constitutional provisions. The study highlights the gap between the constitutional provisions and their implementation, resulting in inadequate protection and promotion of ST rights. Limited representation and

participation: The study notes that STs face challenges in exercising their right to representation and participation in governance despite constitutional guarantees. Social and economic disparities: The study highlights the persistent social and economic disparities faced by STs, including limited access to education, healthcare, and employment opportunities. Inadequate protection of ST rights: The study notes that STs continue to face challenges in protecting their rights, including their right to land, forest, and natural resources.

### Significance of the study

The significance of this study lies in its comprehensive examination of the Indian Constitution's provisions for Scheduled Tribes. This study emphasises the significance of the Fifth and Sixth Schedules, the role of the NCST (National Commission for Scheduled Tribes), and the Constitution's description of STs in advancing the welfare and advancement of STs. This study has important ramifications for policymakers, who can use it to guide the creation of laws and initiatives supporting STs' advancement and well-being. By understanding the constitutional provisions and their implementation, policymakers can design more effective policies that address STs' unique needs and challenges. Furthermore, this study contributes to a deeper understanding of the Indian Constitution and its role in promoting social justice and equality. Overall, this study is significant because it provides a detailed examination of the Indian Constitution's provisions for Scheduled Tribes, highlighting the importance of these provisions in promoting the welfare and development of these communities. The results of this study have important ramifications for scholars, politicians, and social justice activists. They also advance our knowledge of the Indian Constitution and its function in advancing equality and social justice.

## 3. RESEARCH METHODOLOGY

This study employed a mixed-methods research design, combining descriptive and analytical approaches to examine constitutional recognition of Scheduled Tribes in India, including state-wise population, percentage, and safeguards in various areas.

**Data Sources:** The study drew from reputable secondary sources, including textbooks, academic articles, official government and educational websites, constitutional documents, peer-reviewed journals, statistical reports, government records, and documents from relevant commissions and ministries of India. **Data Analysis:** The gathered data underwent examination using quantitative and qualitative techniques. Quantitative analysis involves descriptive statistics to examine state-wise population data, percentages, and trends. The qualitative analysis involved content analysis of constitutional provisions, policies, reports, and documents to understand the safeguards and protections afforded to Scheduled Tribes in India. This mixed-methods approach provided a comprehensive understanding of the constitutional recognition and demographic characteristics of Scheduled Tribes in India.

## 1. The Indian Constitution's Recognition of Scheduled Tribes

The Indian Constitution first introduced the term "Scheduled Tribes" (ST) in Article 366(25), defining it as tribes or tribal communities, or parts of them, deemed as ST under Article 342. The President of India has the authority to designate these tribes or tribal groups. Article 342 of the Constitution mandates the notification of the Statutory List of ST. The ST lists were initially notified through the Scheduled Tribes Order, 1950, under the Constitution of India, although the term "Scheduled Tribes" was not explicitly mentioned. Subsequently, each State has modified its definition of ST through an Act of Parliament, as directed by the President (Basu, D. Das 1960:331) [5]. According to Article 342, the Indian Constitution grants constitutional status to specific tribes, tribal communities, or parts of them, enabling them to enjoy the protections and rights guaranteed by the Constitution in their respective states and union territories. A tribe, tribal community, or its members can be added to or removed from the ST list through a legal decree, as stated in Article 342(2). The criteria for ST recognition include geographical seclusion, distinctive culture, reluctance to interact with outsiders, backwardness, and signs of primitive behaviour. Tribes that satisfy the "Scheduled 5" requirements of the Indian Constitution are officially recognised and, consequently, referred to as 'Scheduled Tribes'. The Constitution (ST) Order, 1950, created a comprehensive list of tribes, which included 744 Tribes from 22 states, as listed

in the First Schedule. Following India's independence, the Constituent Assembly upheld the pre-existing definition of tribes and entrusted the state governors and the President of India responsible for compiling an exhaustive list of tribes and modifying it as necessary (Government of India, Ministry of Laws and Justice 1950) [10]. Article (342) of the Constitution states that the President will publicly notify the tribes or tribal communities, or parts of them, that will be considered ST after consulting with the Governor-Governor based on their social, educational, and economic disadvantages.

## 2. Tribal Population in India

India's population is characterised by its remarkable harmony and diversity, with the world's second-largest tribal population residing in every region. These tribal communities have rich traditions, cultures, heritages, distinctive lifestyles, and customs. According to the 2011 census, 10.43 crore people in India are classified as tribal, accounting for 8.6% of the population. Between the 2001 and 2011 censuses, the tribal population grew by 23.66%, while the overall population increased by 17.69%. The Government is committed to the welfare of the ST population, which, per the 1991 census, numbered 67.76 million or 8.08% of the country's total population. The tribal populations have significant, low, and zero percentages, as shown in the following tables.

**Table 1:** States in India with a significant ST population, 2011

SN.	Name of States	Percentage	SN.	Names of states	Percentage
1	Mizoram	94.4%	8	Manipur	35.1%
2	Lakshadweep (UT)	94.8%	9	Sikkim	33.8%
3	Nagaland	86.5%	10	Tripura	31.8%
4	Meghalaya	86.1%	11	Chhattisgarh	30.6%
5	Ladakh	79.54%	12	Jharkhand	26.2%
6	Arunachal Pradesh	68.8%	13	Orissa	22.85%
7	Dadra & Nagar Haveli	52.0%	14	Madhya Pradesh	21.1%

Source: UT/States wise Overall-Population, 2022

**Table 2:** States/UTs that have an ST population of 0% or less ST Population, 2011

State	Per cent	State/UT.	Per cent	State/UT.	Percent
Punjab	0.0%	Rajasthan	13.5%	West Bengal	5.8%
Haryana	0.0%	Telangana	2.9%	Jammu & Kashmir	11.9%
Bihar	1.3%	Karnataka	7.0%	Himachal Pradesh	5.7%
Goa	10.2%	Maharashtra	9.4%	West Bengal	5.8%
Kerala	1.5%	Chandigarh	0.0%	Andhra Pradesh	7.0%
Assam	12.45%	Tamil Nadu	0.0%	Uttar Pradesh	0.6
Delhi	0.0%	Pondicherry	1.1%	Andaman, Nicobar Islands	5.5%
Gujarat	14.8%	-	-	-	-

Source: Kothari, Anil and Matharu, Taranjeet Kaur, 2020: 289-293

**Table 3:** Trends in the Population's Share of ST Census from 1961-2011

Year	Population total in millions	Population ST in Millions	Per cent
1961	439.2 Millions	30.1 Millions	6.9 per cent
1971	547.9 Millions	38.0 Millions	6.9 per cent
1981	665.3 Millions	51.6 Millions	7.8 percent
1991	838.6 Millions	67.8 Millions	8.1 percent
2001	1028.6 Millions	84.3 Millions	8.2 percent
2011	1210.8 Millions	104.3 Millions	8.6 percent

Source: Statistical outlines/profile of ST in India, 2013

Lakshadweep, a Union Territory, has the highest percentage of Scheduled Tribes (STs), with 94.8% of its total population belonging to this category. Mizoram follows closely with 94.4%, while Nagaland and Meghalaya have ST populations of 86.5% and 86.1%, respectively. In some Union Territories and States, ST populations do not constitute a minority. Conversely, there are five Indian states - Punjab, Delhi, Haryana, Tamil Nadu, and Chandigarh - where the ST population is zero. Over the past few decades, there have been several changes to the list of States and Union Territories with ST populations.

Table 3 illustrates the growth of the ST population since the 1961 census. As of 1991, STs comprised 8.1% of India's population, totalling approximately 68 million individuals. This number surpasses the entire population of East Asia and is comparable to the combined populations of Canada, Belgium, Sweden, and Australia. The ST population has grown significantly from 30.1 million in 1961 to 104.3 million in 2011. The data on the ST population, including the census of 1991, the decade-wise rise from 2001 to 2011, the proportion of the ST population to the state population, and the proportion of the ST population to the nation's overall population, provide valuable insights into the demographic trends of STs in India.

### 3. Constitutional Provisions for ST Safeguards

The Indian Constitution acknowledges the SC (Scheduled Castes) and ST (Scheduled Tribes) as populations experiencing economic, social, and educational regression due to untouchability, rudimentary agriculture, inadequate infrastructure, and geographic isolation. These communities require particular care to protect their interests and promote socioeconomic growth. Article 342 defines these communities as ST. The Constitution has further special measures to protect STs against exploitation and to defend their social, cultural, educational, and economic interests.

**3.1 Special Provision of National Commission (NC) for both SC and ST Safeguard** The social and economic backwardness of STs made securing employment in Government, academia, and political offices difficult. To address this, the Government implemented a reservation policy to ensure fair participation (Bakshi, PM, 2013: 310) [6].

**a) Special Officer Commissioner (SC and ST):** Article 338 allows for the designation of a Special Officer to administer protections and other protective legislation for these groups. The Special Officer, appointed as a combined Commissioner for SC and ST, was responsible for examining legislation and reporting on the effectiveness of protection (Muthuswamy and Brinda, 1989:85) [21]. The appointment of the first Commissioner occurred on November 18, 1950, and 17 regional offices opened nationwide to facilitate the office's operations. In 1965, the Assistant Commissioners for ST were renamed Deputy Commissioners, and they continued to oversee these offices. The 17 Regional Offices were reformed into five Zonal Offices in 1967 by the Directorate General of Backward Classes Welfare of the Department of Social

Welfare. The Deputy Commissioner for SC and ST was renamed Deputy Director, and the Backward Classes Welfare and Zonal Directors oversaw each zonal office. The directorates locate their headquarters in Chandigarh, Bhopal, Patna, Baroda, and Madras. The Office of the Commissioner for ST's incapacity to oversee constitutional safeguards prompted the suggestion to amend Article 338, replacing the one-member system with a multi-member one. According to Resolution No. 13013/9/77-SCT (1) of the Home Affairs Ministry, the Government formed a multi-member panel administratively and administratively.

- b) First Non-Statutory Commission (SC and ST):** With the replacement of the one-member system in 1978, the first Non-Statutory Commission for SC and ST was constituted, with four members and Shri Bhola Paswan Shastri as Chairman. In 1967, the Director General of Backward Classes Welfare regained control of the field offices that belonged to the former Commissioner for SC and ST. The Commission continued to coexist until September 1, 1987 (National Commission for SC and ST 1993) [25]. The Ministry of Welfare revised the 1978 Resolution for SC and ST and altered its responsibilities with No.BC-13015/12/86-SCD VI Resolution, dated 01/09/87. The NC for SC and ST was renamed, with a Chairperson and 11 members. The Resolution established clear boundaries for the NC for ST and SC and the Commissioner for SC and ST. Only the ST and SC Commissioner would report to the President; the SC and ST NC would conduct research and serve as a national advisory body for policy concerns and development. It is thus necessary to send the report to the Central Government (Johari, J, 2001:462) [13].
- c) First Statutory Commission (both ST and SC):** The (Sixty and Fifth) Amendment (Constitution) Bill of 1990 established the first statutory NC for SC and ST on March 12, 1992 (National Commission for ST 2010) [24]. The non-statutory Office of Commissioner for SC and ST dissolved on the same day. By amending Article 338, the Constitution (Sixty-Fifth Amendment) Act of 1990 established a five-member Commission: the Chairperson and Vice-Chairperson. The President determines their terms of office and service. The President chooses the members, Vice-Chairperson, and Chairperson through a warrant, and the Commission has the authority to establish its own rules of operation—the initial statutory NC for SC and ST, Shri Bandi Oraon served as Vice Chairman. In contrast, Shri Ram Dhan served as Chairman. Choudhary Hari Singh, Dr. Sarojini Mahishi, Shri Jina Bhai Darjee, Shri B. Sammaiah, and Shri N. Brahma were among the members.
- d) Fourth Statutory Commission (both SC and ST):** In March 2002, the fourth NCSCST (National Commission for SC and ST) was established by the MSJE (Ministry of Social Justice & Empowerment), with Ven. Lama Chosphele Zotpa will serve as vice chairperson, and Dr. Bijay Sonkar Shastri will be chairman (Arise Lotus 2022) [3]. In August 2002, along with Smt. Veena Premkumar



Sharma, Shri Tapir Gao, Shri Narayan Singh Kesari, and Shri Vijay Kumar Choudhary were elected. On September 30, 2003, Shri Sampath Kumar succeeded to the position of Shri C. Chellappan, whose term expired in 2003. The Eighty-Ninth Amendment to the Constitution Act, 2003 (Annex-II) establishes the NCSCST, which replaced the National Commission for Scheduled Castes and Scheduled Tribes on February 19, 2004 (National Commission for ST 2010) [26]. The Indian Constitution modified Article 338A to establish the National Commission for Scheduled Tribes.

- e) **First ST Commission only (separated from SC):** An ST commission known as the NCST (National Commission for Scheduled Tribes) will exist. The Commission will have three members, in addition to the Vice Chairman and the Chairperson, and will be subject to any applicable laws adopted by Parliament. The President may regulate the tenure and periods of office for the Vice-Chairperson, Chairman, and other designated members (Bakshis, P. M, 2013: 308) [6]. The Government formed the first NCS in 2004, with Shri Tapir Gao as Vice-Chairperson, Mr. Kunwar Singh as Chairperson, and Mr. Lama Lobzang, Smt. Prem Bai Mandavi, and Mr. Buduru Srinivasulu as Members. Due to Shri Tapir Gao's resignation on 31.3.2004, the position of Vice-Chairperson became empty, and Shri Gajendra Singh Rajukhedi assumed the position on 29.5.2006. Shri Kunwar Singh resigned as Chairperson on February 14, 2007, while NCST members resigned in March 2007, three months after their three-year terms. Shri Gajendra Singh Rajukhedi also resigned as Vice-Chairperson on May 15, 2007.
- f) **Second and Third ST Commission:** On June 18, 2007, the second ST Commission was established, with Ms Urmila Singh as Chairman and Mr Maurice Kujur as Vice-Chairman. Among the members were Mr. Oris Syiem Myriaw and Mr. Tsering Samphel. The Commission appoints the Chairperson, Vice-Chairperson, and other

members. In 2004, the Tribal Affairs Ministry released the Vice-Chairperson, Chairperson, and Members (Conditions of Service and Tenure) Rules, outlining commission members' tenure and service requirements. Dr Rameshwar Oraon serves as the Chair of the third Commission for ST, founded on October 28, 2010. Among the members were Shri Bheru Lal Meena and Smt. K. Kamala Kumari. There was still a vacancy in the Vice Chairman and one commissioner post. The Chairperson and other members resigned on October 27, 2013, at the end of their three-year tenure (India National Commission for Scheduled Tribes, 2022) [11].

- g) **Fourth, Fifth and Sixth ST Commissions:** Dr Rameshwar Oraon, Chairperson of the fourth Commission for ST, was re-appointed for a second three-year term on November 1, 2013. Similarly, Mr. Bheru and Mrs. K. Kamla Kumari were re-appointed for another three-year term. The board appointed Shri Ravi Thakur as the vice chairman of the Commission. However, due to the untimely deaths of Shri Bheru Lal Meena and Smt K. Kamla Kumari on August 19, 2014, three positions in the Commission were left vacant. The fifth and sixth Commissions for ST were established in 2020 and 2021, respectively. Nand Kumar Sai served as the fifth Commission's Chairman, a vice-chairman, and three other members. Harsh Chouhan has been the Commission's sixth chairman since 2021, with two positions remaining unoccupied, including the Vice-Chairman's (National Commission for ST, Government of India, n.d). Article 338A empowers the NCST to oversee the implementation of safeguards provided to ST under the Constitution, current laws, or Government orders and to evaluate their effectiveness. A table listing the Chairman and Vice-Chairman for the SC and ST Commission from 1978 to 2002 and the ST alone Commission covers the period from 2004 to 2021.

**Table 4:** SC and ST NC with Vice-Chairman and Chairman, 1978-2002

Name of Commission	Chairman	Vice-Chairman	Year
SC & ST Commission	Bhola Paswan Shastri	Not Appointed	1978
SC & ST Commission	Ram Dhan,	Bandi Oraon	1990
SC & ST Commission	H. Hanumanthappa	Omam Moyong Deori	1995.
SC & ST Commission	Dileep Singh Bhuria	Kameshwar Paswan	1999
SC & ST Commission	Bijay Sonkar Shastri	Lama Chosphele Zotpa	2002

Source: National Commission for STs and SCs: an overview, 2021

**Table 5:** Only ST NC with Chairman and Vice-Chairman, 2004-2021

Name of Commission	Name of Chairman	Name of Vice-Chairman	Year
ST Commission	Kunwar Singh Tekam	Tapir Gao	2004
ST Commission	Urmila Singh	Maurice Kujur	2007
ST Commission	Rameshwar Oraon	Unavailable/vacant	2010
ST Commission	Rameshwar Oraon	Ravi Thakur	2013
ST Commission	Nand Kumar Sai	Unavailable/vacant	2020
ST Commission	Harsh Chouhan	Unavailable/Vacant	2021

Source: National Commission for STs: an overview, 2021

The Commission's primary goal is to monitor and evaluate the protections afforded to Scheduled Tribes (STs) by the

Constitution, legislation, or government directives. It addresses grievances regarding ST's rights and protections. The

Commission provides advice on socioeconomic development planning and assesses ST progress under the Union and any state. The administration keeps the President updated on the State of the safeguards and other steps needed to carry out socioeconomic growth and welfare programs. The Commission will perform additional duties to protect the welfare, develop, and advance ST, including:

(i) Granting ownership rights to minor forest produce in forested regions (ii) Safeguarding the rights of Indigenous people to water and mineral resources (iii) Helping them develop and acquire viable means of sustenance (iv) Improving rehabilitation and relief efforts for tribal people affected by construction projects (v) Preventing loss of land connection and successful rehabilitation (vi) Securing tribal communities' cooperation in forest safeguarding and social forestation efforts

### 3.2 Area Allotted in the Fifth Schedule Regarding ST Protections

"Aboriginals" are poor, illiterate, and socially isolated people residing in scheduled and tribal lands. The Indian Constitution designates these areas for specific protections and advantages for indigenous populations. The President designated "Scheduled Areas" after consulting with the State's Governor. According to Article 339, the Union's administrative authority should extend to directing State Governments on strategies to enhance ST welfare in that State. The Indian Constitution's Fifth Schedule outlines laws for managing Scheduled Areas, while Article 224 discusses the fifth and sixth Scheduled Areas. In contrast, Article 339 outlines the Union's responsibility for Scheduled Areas and Government Benefits of ST. The Fifth Schedule contains seven paragraphs, which are crucial for understanding the management of Scheduled Areas (Raj, Priti, 2022) [36].

**a) Paragraphs 1 and 2: Definition of "State" and Scheduled Areas:** Paragraph 1 defines the term "State" in the context of this Schedule. Paragraph 2 defines Scheduled Areas, which are subject to the requirements of the Schedule, granting the State executive control over them. This section clarifies that the State's Administration and control extend to these domains, addressing concerns about their subjectivity to the State's overall authority. Courts have ruled that the power of management and control encompasses executive, legislative, and judicial governmental authority.

**b) Paragraphs 3 and 4: Annual Report and Tribes Advisory Council:** Under paragraph 3, a State Governor must submit an annual report on managing Scheduled Areas (SA) to the President of India. This clause grants significant legislative authority to the Governor and outlines the Central Government's executive power to provide instructions for the operation of these regions. Paragraph 4 states that states with SA or a sizable tribal population must establish a Tribes Advisory Council to offer guidance on the well-being and progress of ST in such states (Burman, Roy, 2006:1-16) [7].

**c) Paragraphs 5, 6, and 7: Governor's Powers and Scheduled Areas -** Paragraph 5 grants the State Governor the power to issue a public proclamation stating that a specific State Legislature Act or Federal Government cannot apply to a state's Scheduled Area, subject to exceptions and adjustments. The Governor can also issue regulations limiting land transfers, controlling land allocation, and regulating money lending. Paragraph 6 of the Fifth Schedule empowers the President to designate Schedule Areas by executive order. The President also retain the authority to revoke, alter, or modify such order, as well as direct the cessation of Schedule Area status or increase the extent of these areas. Paragraph 7 states that Parliament can edit, alter, or repeal Fifth Schedule provisions, but no amendment is considered an amendment under Article 368 (Singh, Aayushi and Jain Nitya, 2018:1-11) [37, 44].

### 3.3 Criteria for Establishing a Scheduled Area

The Dhebar Commission, or First Scheduled Areas and ST Commission, defines standards for the Fifth Schedule's designation of a place as a Scheduled Area. According to the Indian Constitution's fifth Schedule, a region is designated as a Scheduled region if it meets the following criteria:

(i) Tribal people predominance, which ought to be more than 50% (ii) The area's compactness and suitable size (iii) The area's underdevelopment (iv) The region's economic backwardness in comparison to surrounding areas (v) A functional governing body, such as a district/block, is an additional prerequisite.

The Indian Constitution's 244(1) Article grants Scheduled Areas to 10 States from 1950 to 2007, as shown in the Table below:

**Table 6:** Order and Notification of the Fifth Scheduled Areas (SA)

Name of Order	Date	Application states
1950 (CO09) SA Order (States in Part A)	26/1/1950	Andhra Pradesh, with Telangana
1950 (CO26) ,, ,, Part B States)	7/12/1950	
1975 (CO102) ,, ,, Himachal Pradesh	21/11/1975	Himachal Pradesh
1977 (CO109) ,, ,, MP, Gujarat, Bihar, Orissa	31/12/1977	Orissa & Gujarat
1981 (CO114) ,, ,, Rajasthan	12/2/1981	Rajasthan
1985 (CO123) ,, ,, Maharashtra	2/12/1985	Maharashtra
2003 (CO192) ,, ,, Chhattisgarh, Jharkhand, MP	20/2/2003	MP, Chhattisgarh
2007 (CO229) ,, ,, Jharkhand	11/04/2007	Jharkhand

**Source:** The Ministries of Tribal Affairs, India, Government of India, 1950 [10]

**Abbreviation: MP-Madhya Pradesh.**

Ten States are listed in the Areas of Fifth Scheduled because they satisfied the requirements, as stated in the Constitutional Order and notification. The Tribal Affairs Ministry asserts that these principles are well-established despite not being specified in the Indian Constitution. The recommendations of the Scheduled Areas and ST Commission of 1961, the Excluded and Partially Excluded Areas Sub-Committee, and the Government of India Act, 1935's declaration of "Partially-Excluded" and "Excluded" areas are all taken into account. A High Court suggests that the Fifth Schedule should include areas with a significant concentration of tribal population. However, only thirty per cent of the tribal population is currently in Scheduled Areas. The Fifth and the Sixth Schedules of the Indian Constitution do not recognise tribal habitations in Kerala, Tamil Nadu, Karnataka, West Bengal, Uttar Pradesh, or Jammu and Kashmir. The states included in the Indian Constitution's fifth Schedule list various roles, such as the Governor's role, the Tribe's Advisory Council, and the President's (Pai, Ashok, 2005:2324) <sup>[30]</sup>.

**3.4 The Governor's Role in Scheduled Areas**

The Governor is the head of the state executive branch, just like the President is in the Federal Government. The Constitution's Article 163 mandates that the Governor exercise his authority on the advice of the Central Government-appointed Council of Ministers or elected Cabinet. However, the Fifth Schedule powers granted to the Governor are discussed and litigated. The State Government's express consent is required, and the Central Government's advice is not binding. The Governor holds significant powers under the Fifth Schedule. Paragraph 4 states he has rule-making authority over the Tribes Advisory Council (TAC), membership, nomination, and operation. The TAC provides advice only when requested. The Fifth Schedule's Paragraph 5(1) allows the Governor to prohibit central or State legislation from affecting the Scheduled Area or allow exceptions and modifications. The Supreme Court has ruled that this authority includes the ability to create exceptions and amendments (Ministry of External Affairs, Fifth Schedule, n.d.) By paragraph 5(2), the Governor may enforce rules for "peace and good Government" in Scheduled Areas. The Constitution explicitly states this power exists "notwithstanding anything contained in this Constitution." Therefore, the authority to enact rules for peace and good Government covers all subjects, regardless of their division into Central, State, or Concurrent Lists in the Seventh Schedule. The Governor can modify or repeal Central or State legislation in Scheduled Areas. The paragraph grants the Governor the power to enact regulations on land transfer from and between ST, controlling Indigenous land distribution, and controlling tribal members' access to credit in Scheduled Areas. This power includes laws preventing land transfer between tribal and non-tribal members, controlling land distribution, and ensuring equitable access to credit for all Scheduled Areas. The TAC must consult on laws passed by Governors under paragraph 5 before they can be effective, and

the President's approval is necessary (The Sixths Schedules to the Constitution Amendments Bill, 2007:08) <sup>[48]</sup>.

**3.5 The Tribal Advisory Council's Role in Scheduled Areas (Fifth Schedule)**

Schedule fifth, paragraph 4 requires each Scheduled Area State to form a Tribes Advisory Council (TAC). If the President issues an order, similar TACs can be established in other states with large tribal populations. At least twenty members of the TAC should be elected from ST groupings in the State Legislature if other Tribal community members may replace less than twenty elected representatives or seats. The TAC advises the Governor on the advancement and welfare of ST in the State, not on its initiative. It does not provide counsel on its initiative but only when requested. The Governor may consider the TAC's recommendations before enacting legislation governing land alienation, transfer, and money lending in Scheduled Areas. This consultation must be meaningful and contribute significantly to the decision-making process, as established in court rulings (Singh, Gayatri and Manwani, Hardik Manoj, 2022:218-227) <sup>[45]</sup>.

**The President of India's Role in the Fifth Schedule**

The Indian President can change Scheduled Areas in the Fifth Schedule, including or removing portions of the Indian subcontinent. The Fifth Schedule's Paragraph 6(1) mentions this change, where "Scheduled places" refer to areas declared by the President as Scheduled Areas. The President of India must order modifications to Scheduled Area construction within the constitutional framework, with the Council of Ministers' advice being binding. Consultation with the Governor may be necessary, with authority initially at the Center before moving to higher levels. The President of India can declare an area a Scheduled Area, allowing them to change, expand, or contract the State's boundaries in consultation with the Governor. The President may decide whether to designate certain regions of the nation as Scheduled Areas by Constitutional Article 244(1). The standards for classifying an area as a Scheduled Area establish the President's jurisdiction.

**3.6 Tribal Areas Provision (Sixth Scheduled)**

The Constituent Assembly acknowledged the necessity of a distinct administrative framework for tribal populations in the northeastern region. Under Article 244(2) (1) of the Constitution, the Government established the Sixth Schedule to govern the tribal lands of Assam, Meghalaya, Mizoram, and Tripura. Effective Administration of tribal lands necessitates their designation as distinct districts and regions. Provisions under the Sixth Schedule empower the State Governor to select administrative bodies for Autonomous Districts and Autonomous Regions. Additionally, the Governor can create new autonomous districts and modify their names and boundaries. Initially, the officials classified ten locations into Parts A and B, subsequently grouped into four distinct parts

**Table 7:** Four parts and Eight Areas of Tribals as of 2023 in Schedule Sixth

Part I-I	Part II	Part III	Part II A
Assam	Meghalaya	Mizoram	Tripura
North Cachar Hill District	Khasi Hill District	Chakma District	Tribal Areas
Karbi Anglo District	Jaintia Hill District	Mara District	—
Bodoland Territorial Areas	Goro Hill District	Lai District	—

Source: Vasishta, Reeta, *The Constitution of India*, 2021, November 26, P. 315.

The Sixth Schedule establishes regional councils and autonomous districts with specific legislative, judicial, administrative, and budgetary authorities. State-specific administrative responsibilities and powers vary. Meghalaya, Assam, Mizoram, and Tripura have established administrative rules for their respective councils in paragraphs 12, 12A, 12AA, and 12B of the Schedule. The Bodoland Territorial Council, recently added, can have up to 46 members by Sixth Schedule Paragraph 2(1). With a maximum of thirty members, the District Council for each autonomous District comprises four governor-nominated members and the other members chosen by adult voting. The Sixth Schedule grants them Executive, Legislative, and Judicial powers.

**Functions and Powers of Legislation:** The Sixth Schedule enables District Councils to pass legislation on specific matters, with the third paragraph allowing them to do so. The laws will only be effective after the Governor's consent. Paragraph 3-A confers additional jurisdiction on the Karbi Anglong Autonomous Council and the North Cachar Hills Autonomous Council while keeping the wording of the paragraph unchanged. District Councils and Regional Councils are authorised to create rules on land, forestry management, agricultural usage, shifting cultivation, village committees, Chiefs' appointments, property inheritance, marriage, divorce, and social customs under paragraph three of the Sixth Schedule). Paragraph 10 of the Schedule allows the District Council of an Autonomous District to enact legislation governing individuals, not members of an ST, who engage in money lending or trading within the Scheduled District.

However, laws created without the Governor's approval can only take effect once they receive State approval. District and Regional councils' laws are enforceable under paragraph 11 of the sixth Schedule. Rules and regulations enacted under paragraph 3 are published in the official gazette only after they take effect in the tribal territory (Vasishta, Reeta, 2021:315) [51]. Paragraphs 12 to 12-B of the Schedule describe the laws passed by the Federal Government and State legislatures for autonomous districts and regions in Assam, Tripura, Meghalaya, and Mizoram. State legislature acts can only be applied to specific circumstances with the district council's direction, addressing limitations or adjustments and resolving schedule problems outlined in paragraphs 3, 3-A and 3-B.

**Powers of Executive:** The Sixth Schedule also gave regional and District Councils significant executive authority. The executive powers include building, creating, or overseeing elementary schools, pharmacies, marketplaces, livestock ponds, fisheries, ferries, soil, land, regional traditions, automobile

transportation, and rivers within the districts. Additionally, the authority to establish other significant infrastructures, such as village administration, shifting agriculture, property inheritance, marriage, and divorce, has been assigned to the District and Regional Councils. The councils of districts and regions oversee and manage the areas that fall under their division. The language and style of education in primary schools are subject to their authority to regulate (Raiyan, Pori Sayema, 2023:34-40) [33].

**Judicial Powers:** The sixth Schedule's fourth paragraph outlines justice administration in regions and autonomous districts. The Regional Council of an autonomous region has the authority to establish village councils and conflict resolution courts, while the District Council of an autonomous district shares the same authority. The Council can designate officials for justice administration and establish courts for village councils and courts. The Regional Council's court exercises appeal powers for all suits and cases. The Schedule restricts courts beyond the High Court and Supreme Court from exercising authority. However, with the Governor's consent, Sub-Paragraph (4) allows the District Council and Regional Council to create regulations for village councils and courts, including procedures, enforcement, and related matters. Lawsuits or topics about Council Courts are the exclusive domain of the High Court and the Supreme Court.

However, these Council Courts lack the authority to handle cases involving offences carrying a five-year or death sentence. The Regional Council and District Council are authorised to prosecute criminal cases under the Penal Code of India, the 1898 (Code of Criminal Procedure), and the 1908 (Code of Civil Procedure). However, these paragraphs (3) provisions do not apply to topics covered by the Codes of Civil Procedure or Criminal Procedure, as stated in sub-paragraph (3) (Ao Mao, Toshi, 2017: 163-184) [4].

**Financial Powers:** District and Regional Councils have financial authority under the Sixth Schedule, including budget creation, land revenue assessment, and tax levies. According to Paragraph 8, they can also access and collect land revenue, trade, levy taxes on businesses, goods entry, animals, vehicles, tolls for ferries, and maintain schools, hospitals, and roads within their jurisdictions. The clause grants Regional and Council Districts the authority to levy and collect taxes listed in sub-paragraph (3). Under sub-paragraph 4, they can create regulations for tax collection, but the Governor must approve them before they take effect. Additionally, Schedule 9 grants Councils the authority to issue permits or leases for mineral extraction within their jurisdiction (Th. Siamkhum, 2015:37-51) [46].

### 3.7 Power, Authority and Role of the Governor

The Sixth (Schedule) permits the creation of autonomous districts in the Assamese, Meghalayan, Tripuran, and Mizoram tribal regions. The Governor can designate a region as autonomous through public announcement if it is populated by



multiple STs, except for Bodoland Territorial Area Districts. This region allows the Governor to join districts, form new autonomous districts, change names, and specify boundaries. District and Regional Councils must have a maximum of thirty members, with four nominated by the Governor and the remaining two chosen by adult suffrage, according to the Second Paragraph of the Sixth (Schedule). For the Bodoland Territorial Areas Districts, the Council must have 46 members, with six proposed by the Governor.

Governors can establish council formation regulations after consulting tribal groups, and Councils can adopt Schedule topics with the Governor's consent, as per sub-paragraph (6). They also have special authority to prevent State and federal laws from being implemented in specific regions or districts or with restrictions or exceptions, as per paragraphs 12 to 12-B. An inquiry panel into autonomous areas may be appointed by the Governor and districts that pertain to paragraph 1 (3), including educational and medical facilities, determine the need for new laws, and oversee local laws, rules, and regulations in paragraph 14. The State assembly receives a report on the region from the State prepared by the Commission.

The minister can designate a minister for welfare in these areas. The Governor can invalidate actions and resolutions, as outlined in paragraph 15. The Governor of India can revoke or suspend laws or regulations, as stated in paragraph 15(1), passed by councils if they threaten India's safety or public order. They can dissolve councils and enact laws, with their laws valid for 12 months without legislative permission. If authorised by the legislature, they remain in effect until revoked. Paragraph 16(1) of the Schedule requires the Governor to dissolve District and regional councils and order new elections, and if no election occurs, manage the region's Administration for one year. Paragraph 16(1) permits councils to present opinions before action, while Paragraph 16(2) grants the Governor the power to take action if the Administration fails to adhere to the Schedule (Patnaik, JK, 2017:431-443) <sup>[31]</sup>.

### 3.8 President role in India

In Assam, the Governor has the authority to order Parliament and State Legislature acts. In Meghalaya, Tripura, and Mizoram, the President holds power over Parliamentary acts and the Governor over State Legislative actions. If the announcement specifies any exclusions or changes, the President may order that an Act of Parliament does not cover an autonomous district or area. It is possible to use this instruction retrospectively. The Bodoland Territorial Council is granted authority in paragraph 3-B to enact additional laws requiring

the President's approval. The Council must approve list (III) of the Seventh Schedule items. The Council will review an act of legislation returned for inspection and then submit it for consideration. The Council can enact legislation in various situations, highlighting its wide range of powers (Pai, Ashok, 2005:13-14) <sup>[30]</sup>. The Indian Constitution grants unique rights and protections to Scheduled and Tribal Areas (SA and TA), including self-governance, indigenous laws, and exclusive financial and educational advantages. These communities are strengthened and integrated into the country's socioeconomic and political environment. The (Fifth and Sixth Schedules) of the Constitution effectively manage these areas, ensuring their integration into the country's socioeconomic and political environment.

### 4. Political Safeguard

The Government is implementing a policy to give ST people preferential treatment, including Lok Sabha seats, State Assemblies, educational institutions, and public sector jobs. Article 14 ensures equal protection in the presence of the law and the court, supporting the principle of preferential treatment/protective discrimination in favour of ST. The Constitution guarantees STs a seat in every State's legislative Assembly, based on Article 332: For the ST, seats must be reserved, save the ST in the tribal territories of Assam" (Basu, D. Das, 2010:34-35) <sup>[5]</sup>. The autonomous District is required to have seats set aside in the Assam State Legislative Assembly.

The number of legislative body seats allotted to ST under section (1) must nearly reflect that number. Seat assignments are made according to the ST's population or State region, if applicable. It will correspond about Assembly seats to the overall State population to the same extent. The proportion of seats in the Assam legislative assembly given to autonomous districts must equal the District's population as a ratio to the State's overall population (Mehta, Piaray Lal 1991:285-286) <sup>[20]</sup>. The Delimitation Commission allocated elective seats for all the states at the State Assemblies depending on the results of the 1961 Census. According to the 1961 census, ST received 227 Vidhan Sabhas State Legislative Assembly (Vidhan Sabhas) seats. Article 332 of the UTs and States Constitutions, the People's Representation Amendment Act of 1980, and the Delimitation Order of 1976 reserve 294 of the 3,977 seats in the Vidhan Sabha for STs. The Constitution includes provisions regarding ST seats reserved in State Assemblies to promote their interests and rights in various spheres. The following were the latest (till 2019) seat distributions in the various Vidhan Sabhas concerning these.

**Table 8:** Provision of Reserved seats in India's State Assemblies, 2019

Name of states / union territories	Total seats	ST Seats	Name of states / union territories	Total Seats	ST Seats
Andhra Pradesh	294	19	Punjab	117	-
Arunachal Pradesh	60	59	Rajasthan	200	25
Assam	126	16	Sikkim	32	12
Bihar	243	02	Tamil Nadu	234	02
Chhattisgarh	90	29	Tripura	60	20
Goa	40	-	Uttarakhand	70	02
Gujarat	182	27	Uttar Pradesh	403	-
Haryana	90	-	West Bengal	294	16
Himachal Pradesh	68	3	Telangana	119	09
Jharkhand	81	28	<b>Union Territory</b>		
Karnataka	224	15	Chandigarh	-	-
Kerala	140	02	Dadra and Nagar Haveli and Daman and Diu	-	-
Madhya Pradesh	230	47			
Maharashtra	288	25	Delhi	56	-
Manipur	60	19	Lakshadweep	-	-
Meghalaya	60	55	Pondicherry	30	-
Mizoram	40	39	Jammu & Kashmir	-	-
Nagaland	60	59	Ladakh	-	-
Orissa	147	33	Andaman & Nicobar Islands	-	-

**Source:** Reserved Assembly Seats, List-Elections, 2015-2022

The Indian Constitution reserves seats for ST in state legislative assemblies and the Lok Sabha based on the State's population. For instance, Manipur has 19 out of 60 seats reserved due to its large ST population. In contrast, states like Haryana, Goa, Punjab, Uttar Pradesh, Jammu, and Kashmir do not have reserved seats for STs. In Northeastern Indian states such as Nagaland, Arunachal Pradesh, and Mizoram, STs receive 99% of legislative assembly seats. The Government must still reserve ST seats in Union Territories (UTs).

There were a Legislative Council and a Legislative Assembly in Jammu and Kashmir before 2018. However, on October 17, 2019, the Legislative Council was abolished, and the authorities dissolved the Legislative Assembly in 2018. India's Parliament replaced the bicameral legislature with a unicameral legislature

in August 2019, reorganising the State into a union territory. As a result, there are now 8 UTs and 28 states in the country.

**4.1 Provision for reserved Lok Sabha ST seats in India's Parliament and UTs.** In the Lower House of the Lok Sabha, members of the ST will have assigned seats, according to Article 330 of the Indian Constitution. The initial plan was for five years. Nonetheless, it used to be extended by another ten years every decade. Each State must base the number of ST seats on its population. Each electorate member had a constituency, and eligible voters competed in straight-up elections. In 2008, the number of general seats was reduced from 79 to 41, with 412 seats allocated, 84 reserved for SC, and 47 for ST. The list shows the state-wise Lok Sabha seats in the Table below.

**Table 9:** Provision of ST Seats Reserved in the Lower House of Parliament

Name of states/union territories	Total seats	ST Seats	Name of states/union territories	Total Seats	ST Seats
Andhra Pradesh	42	1	Punjab	13	-
Arunachal Pradesh	2	-	Rajasthan	25	3
Assam	14	2	Sikkim	1	-
Bihar	40	-	Tamil Nadu	39	-
Chhattisgarh	11	4	Tripura	2	1
Goa	2	-	Uttarakhand	5	-
Gujarat	26	4	Uttar Pradesh	80	-
Haryana	10	-	West Bengal	42	2
Himachal Pradesh	4	-	Telangana	17	2
Jharkhand	14	5	<b>Union Territory</b>		
Karnataka	28	2	Andaman & Nicobar Islands	1	-
Kerala	20	1	Chandigarh	1	-
Madhya Pradesh	29	6	Sandra and Nagar Haveli and Daman and Diu	1	1
Maharashtra	48	4			
Manipur	2	1	Delhi	7	-
Meghalaya	2	2	Lakshadweep	1	1
Mizoram	1	1	Pondicherry	1	-
Nagaland	1	-	Jammu & Kashmir	6	-
Orissa	21	5	Ladakh	1	-

**Source:** Union Territory and State-wise seats in the Lok Sabha, n.d

The Table lists 28 states and 8 Union Territories (UTs), with some having few or no reserved seats for Scheduled Tribes (STs) in the Lok Sabha due to their low population. Tribal states like Nagaland and Arunachal Pradesh have no reserved seats. However, tribals from these states can still represent their constituencies as general category members in the Lok Sabha, as there is no reserved category for general representation due to the small population. According to the Table, Madhya Pradesh has the highest number of reserved Lok Sabha seats, with six seats reserved for STs. Conversely, Lakshadweep, Nagar Haveli, Daman and Diu each have a single representative, whereas the other UTs have none.

### 5. Service Safeguard

India's reservation system uses affirmative action to provide representation for historically underrepresented populations in

government programs, politics, the workforce, and higher education. The primary goal of this system is to empower the underprivileged and grant them their rights. Articles 16(4) and 16(6) of the Indian Constitution aim to ensure equal opportunities for all, regardless of caste, while Articles 15(4) and 15(6) emphasise the importance of representation for economically disadvantaged groups. The Constitution allows states and the Union government to designate specific quotas for socially and educationally backward citizens in education, employment, politics, and other bodies. The Department of Personnel and Training has specified the proportion of reservations for STs in each state and union territory through its OM No.36017/2/2004-Estt. The state-wise distribution of reservations for every State is as follows.

**Table 10:** Reservation Percentage for each State for Government Jobs

SN	Name of the States/UTs	% of ST Reservation	SN	Name of the State/UT.	% of ST Reservation
1	Andhra Pradesh	06	20	Punjab	00
2	Arunachal Pradesh	80	21	Rajasthan	12
3	Assam	15	22	Sikkim	18
4	Bihar	01	23	Tamil Nadu	01
5	Chhattisgarh	32	24	Tripura	31
6	Goa	12	25	Uttaranchal	04
7	Gujarat	14	26	Uttar Pradesh	02
8	Haryana	00	27	West Bengal	06
9	Himachal Pradesh	04	28	Telangana	06
10	Jharkhand	26		<b>Union Territory</b>	
11	Karnataka	03	29	Andaman & Nicobar Islands-12	
12	Kerala	02	30	Chandigarh	00
13	Manipur	34			
14	Maharashtra	07	31	Dadra & Nagar Haveli and Daman and Diu	09
15	Madhya Pradesh	20	32	Delhi	07
16	Meghalaya	80	33	Lakshadweep	100
17	Mizoram	80	34	Pondicherry	00
18	Nagaland	80	35	Jammu & Kashmir	10
19	Odisha	22	36	Ladakh	45

**Source:** Mukherjee, Sandeep, *Reservation Policy*. New Delhi: Variety Book Publishers, 2014, P. 72.

Regarding local or regional recruitment, Scheduled Tribe (ST) applicants from outside the concerned locality, region, State, zone, or circle are also eligible for reservation benefits. However, the reservation percentage varies significantly across states and union territories. In some states, such as Haryana and Punjab, the reservation for STs in state government positions is 0%, while in Bihar and Tamil Nadu, it is only 1%. In contrast, 80% of state government posts in northeastern states like Nagaland, Arunachal Pradesh, Meghalaya, and Mizoram are reserved for ST students, leaving 20% open. Some central universities, such as NEHU Shillong and Rajiv Gandhi University in Arunachal Pradesh, have 60% ST seats, while Lakshadweep has 100% ST reservations. The Jammu and Kashmir government approved reservations for professional institutions and government employment recruitment 2020, addressing residents' requests for reservations in the newly constituted union territory. Due to a revised reservation roster,

the ST reservation quota in Ladakh increased from 10% to 45% in 2020.

### 6. Social Safeguard

The Indian Constitution (Article 14), which guarantees equal rights and protection under the law, provides social safeguards for socially disadvantaged groups, including STs. Article 15 prohibits discrimination based on a person's place of birth, gender, ethnicity, religion, or caste. The State is also not allowed to deny equal justice or protection from the law. Article 23 of the Bonded Labor System (Abolition Act of 1976) states that any violation of this provision is unlawful and carries penalties. The Labor Ministry runs an initiative to identify, access, and rehabilitate bonded labour. According to Article 24 of the Indian Constitution, no one under 14 may work in a mine or factory. This age limit is crucial because a significant portion of children employed in hazardous occupations belong to STs (Soren, C, 2021:6-10) <sup>[39]</sup>.

## 7. Economic Safeguard

Articles 23, 24, and 46 of the Indian Constitution guarantee economic rights for STs. Article 244 states that, except for Assam, Meghalaya, Mizoram, and Tripura, all states shall administer and control the Scheduled and ST areas by the Schedules of Fifth and Sixth. Under Article 275(I) of the Constitution, the Tribal Affairs Ministry receives money from the Central Sector Scheme to support tribal development initiatives. State governments support this initiative to create conditions conducive to income growth and employment. Clause (2) states that tribal areas must follow reservation rules outlined in the Constitution's Section 46 for ST (Sen Munmum, 2018:30118-30121) [38]. Article 335 addresses service claims and posts. As per Article 46, "The State shall promote, with special care, the economic interests of the weaker sections of the people, particularly of the SCs and STs, and shall protect them from social injustice and all forms of exploitation."

## 8. Education and Culture Safeguard

The State can take particular actions to progress backward classifications like ST, De-notified Communities, and Semi-nomadic or Nomadic Communities. The 1951 Constitution (1st Amendment) Act contained this clause. Article (21A) guarantees the right to elementary education, including ST. Article 29 stipulates that minorities, including STs, are protected. Article 29 (1) of the Indian Constitution guarantees the right of a population group to maintain their distinctive language, script, or culture. Minority-language children can receive primary education instruction in their mother tongue under Article 350A. Article 350 requires backward populations to receive teaching in their home tongue. In India, tribal communities predominantly speak their languages or dialects, and many are related to linguistic families different from the State (Sarkar, Badal, 2014:280-281) [40].

Article 46 mandates that "the state promote educational interests of weaker sections, particularly SCs and STs, and protect them from social injustice and exploitation." Following up on the previous discussion, the Government implemented specific laws and safeguards that support equal opportunity. Dr Ambedkar, the creator of the Indian Constitution, emphasised the need to protect the interests of Dalit, Tribal, and other socially excluded groups, addressing social, economic, political, and educational disparities and providing unique safeguards. Linkages have been made with several stakeholders, including the Government and Administration, to accomplish this ST protection.

## CONCLUSION

In conclusion, the Indian Constitution provides a robust framework for recognising and empowering Scheduled Tribes (STs). The Constitution's definition of STs, as outlined in Article 366(25), sets the stage for the following special provisions and safeguards. The Fifth and Sixth Schedules, in particular, provide a unique administrative framework for the governance of tribal areas, with provisions for autonomous districts and regional councils. The NCST (National

Commission for ST) plays a vital role in overseeing the implementation of constitutional safeguards for STs. The Commission's powers and functions, as outlined in Article 338A, enable it to monitor and evaluate the welfare of STs effectively. The Constitution also provides various political, service, social, economic, educational, and cultural safeguards. For example, the Government reserves seats in the (Lok Sabha and State Assemblies) to guarantee the representation of STs in the political process. Similarly, the Government furthers ST's social and economic welfare by providing reservations about government employment and educational institutions. Furthermore, the Constitution's emphasis on protecting tribal languages, cultures, and traditions is significant. Articles 29 and 350A, in particular, guarantee the right of STs to preserve their distinctive languages and cultures. The Indian Constitution provides a comprehensive framework for recognising and empowering Scheduled Tribes. The various provisions and safeguards outlined in the Constitution are crucial in promoting the welfare and development of STs and ensuring their equal participation in the country's social, economic, and political processes.

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