

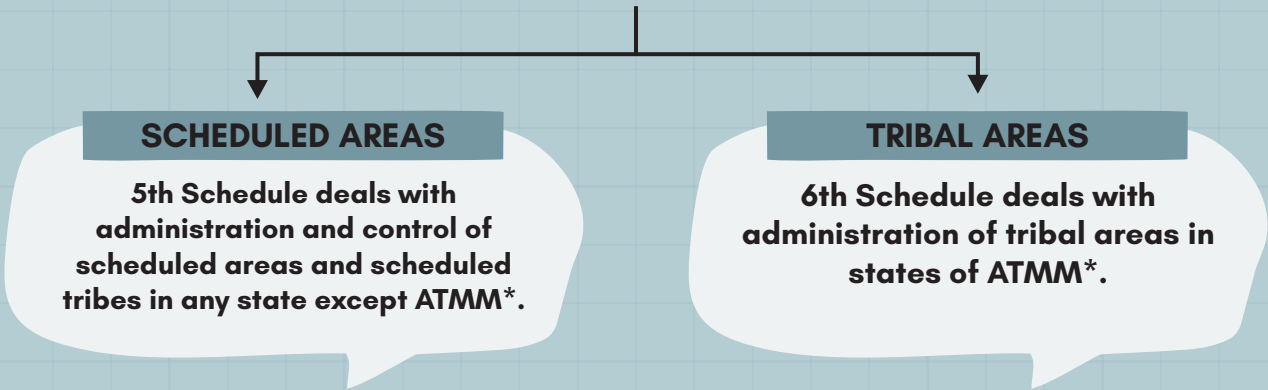


**QUICK REVISION MODULE
(UPSC PRELIMS 2024) POLITY**

LOCAL GOVERNANCE - FIFTH AND SIXTH SCHEDULE AREAS & COOPERATIVE SOCIETIES

SCHEDULED AND TRIBAL AREAS

Article 244 in Part X of the Constitution envisages a special system of administration for certain areas designated as



***ATMM- Assam, Tripura, Meghalaya and Mizoram.**

ADMINISTRATION OF SCHEDULED AREAS

The scheduled areas are treated differently as inhabited by **'aboriginals'** who are socially and economically backward and special efforts need to be made to improve their condition.

Declaration of Scheduled Areas:	<ul style="list-style-type: none">◆ The President is empowered to declare an area to be a scheduled area. He can also increase or decrease its area, alter its boundary lines, in consultation with the Governor.	
Executive Power of State and Centre:	<ul style="list-style-type: none">◆ Executive power of a State extends to the scheduled areas therein.◆ Governor has to submit a report to the President regarding the administration of such areas, annually or whenever so required by the President.◆ Executive power of the Centre extends to giving directions to the states regarding the administration of such areas.	
Tribes Advisory Council:	<ul style="list-style-type: none">◆ Each state having scheduled areas has to establish a tribes advisory council.◆ It is to consist of 20 members, 3/4 th of whom are to be the representatives of the scheduled tribes in the state legislative assembly.	
Law applicable to Scheduled Area:	<ul style="list-style-type: none">◆ Governor is empowered to direct that any particular act of Parliament or the State Legislature does not apply to a scheduled area or apply with specified modifications and exceptions.◆ He can also make regulations for the peace and good governance of a scheduled area after consulting the tribes advisory council.	

ADMINISTRATION OF TRIBAL AREAS

The Constitution, under Sixth Schedule, contains special provisions for the administration of tribal areas in the four north-eastern states of Assam, Meghalaya, Tripura and Mizoram.

THE VARIOUS FEATURES OF ADMINISTRATION CONTAINED IN THE SIXTH SCHEDULE

	The tribal areas in the four states of Assam, Meghalaya, Tripura and Mizoram have been constituted as autonomous districts. But they do not fall outside the executive authority of the State concerned.
	Governor is empowered to organize and reorganize the autonomous districts.
	If there are different tribes in an autonomous district, the governor can divide the district into several autonomous regions.
	Each autonomous district has a district council consisting of 30 members, 4 nominated by the Governor and the remaining 26 are elected on the basis of adult franchise. Each autonomous region also has a separate regional council. Note: The elected members hold office for term of five years and nominated members hold office during the pleasure of the governor.
	The district and regional councils can make laws on matters like land, forests, canal water, shifting cultivation, village administration, inheritance of property, marriage and divorce, social customs etc . Note: But all such laws require the assent of the governor.
	The district and regional councils can constitute village councils or courts for trial of suits and cases between the tribes. They hear appeals from them. The jurisdiction of high court over these suits and cases is specified by the government.
	The district council can establish, construct or manage primary schools, dispensaries, markets, ferries, fisheries, roads and so on in the district.
	The district and regional councils are empowered to assess and collect land revenue and to impose certain specified taxes.
	The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specific modifications and exceptions.
	The Governor can appoint a commission to examine and report on any matter relating to the administration of the autonomous districts or regions.

COMPARING 5TH AND 6TH SCHEDULE

BASIS	5 th Schedule	6 th Schedule
Applicability	Andhra, Telangana, Jharkhand, Chattisgarh, Odisha, HP, MH, MP, GJ, RJ. Note: Any States except Assam, Meghalaya, Tripura, Mizoram.	Assam, Meghalaya, Tripura, Mizoram.
Declaration	By President- can decrease, increase, alter its boundary lines, in consultation with the Governor.	By Governor- empowered to organize, reorganize autonomous districts.
Executive Power	<ul style="list-style-type: none"> ◇ States executive power extends to those areas. ◇ Centre extends to giving directions to the States. 	<ul style="list-style-type: none"> ◇ The tribal areas in the four states have been constituted as autonomous districts. ◇ But they do not fall outside the executive authority of the State concerned.
Applicability of Law	Governor is empowered to direct that any particular act of Parliament or the State Legislature does not apply to a scheduled area or apply with specified modifications and exceptions.	Acts of Parliament or the State Legislature do not apply to autonomous districts and autonomous regions or apply with specific modifications and exceptions.
Autonomy	<ul style="list-style-type: none"> ◇ Panchayats (Extension to Schedule Areas) act 1996. ◇ Self- governance through Gram Sabha for people living in 5th Schedule Areas. 	<ul style="list-style-type: none"> ◇ Greater autonomy compared to 5th Schedule. ◇ Autonomous District Councils (ADC) have much wider powers vis-à-vis Tribes Advisory Councils.

COOPERATIVE SOCIETIES

The **97th Constitutional Amendment Act, 2011** gave a constitutional status and protection to co-operative societies. In this context, it made the following **three changes** in the constitution:



CONSTITUTIONAL PROVISIONS



Incorporation of Co-operative Societies: State legislature may make provisions for the incorporation, regulation and winding-up of co-operative societies.



Number and Term of Members of Board: Board shall consist of such number of directors as may be provided by the state legislature.

Note: The maximum number of directors of a co-operative society shall not exceed twenty-one.



State legislature shall provide for the **reservation of one seat** for the SCs or the STs and **two seats for women** on the board of every co-operative society.



The **term of office of elected members** of the board and its office bearers shall be **five years** from the date of election.



Election of members of Board: Shall be conducted before the expiry of the term of the board.

Note: Superintendence, conduct of elections shall **vest in such body** as may be provided by the State legislature.

AUDIT OF ACCOUNTS OF CO-OPERATIVE SOCIETIES



The State legislature may make provisions for the maintenance of accounts by the co-operative societies and the auditing of such accounts at least once in each financial year.



Every co-operative society shall be audited by an auditor or auditing firm, appointed by the general body of the co-operative society.



Every co-operative society shall file returns, within six months of the close of every financial year, to the authority designated by the State Government.