

TARGET PRELIMS 2024

BOOKLET-49; POLITY-3

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2. FUNDAMENTAL RIGHTS

1) RIGHT TO WALK

- **Punjab** has become the first state in India to enforce Right to Walk.
 - In May 2023, Punjab enforced the Right to Walk, as per Article 21 of the Indian Constitution, following a 2010 petition filed in the Punjab & Haryana High Court demanding safety for pedestrians on state roads.
 - Government of Punjab has issued orders directing all road making agencies operating in the state, including NHAI, the state public works department and local bodies department to ensure there are footpaths in all future expansion of roads and construction of new ones.
 - **Note:** More than 4,500 lives were lost in road accidents in 2021 of which pedestrian deaths were 395. Nationwide in 2021, more than 18936 pedestrians lost their lives.

2) HIGH COURT QUASHES JOB RESERVATION FOR LOCALS

- **Why in news?**
 - » The Punjab and Haryana High Court on Friday quashed the Haryana government's law guaranteeing 75% reservation to locals in private sector jobs in Haryana (Nov 2023)
- **Haryana State Employment of Local Candidates Act, 2020.**
 - » The act was notified by Haryana government in Jan 2022. It provided for 75% of the new employment to be given to local candidates for jobs having salary of less than Rs 30,000 per month in various privately managed companies, societies, trusts, limited liability partnership firms, partnership firms, etc. situated in Haryana.
- **On what ground was it challenged?**
 - » It provides reservation in private employment and creates an unprecedented intrusion by the State government into the fundamental rights of employers to carry on their business and trade as provided under Article 19 of the Constitution of India.
 - » It was also submitted that the law infringed on Article 14 of the Constitution of India. It added that fundamental wedge is sought to be created between persons domiciled in different states by the law in question.
- **High Court Verdict (Nov 2023)**
 - » The bench said that the law is unconstitutional and violative of the Part-III of the Constitution.
 - » **Broad grounds on which the Court has declared the law as "unconstitutional":**
 - **Article 35 Bars state from legislating on Requirement of Domicile in Employment**
 - The court said that a perusal of the Article 35 would go on to show that there is a specific bar to the legislature of the state not to make any laws in respect of the matters which are under Article 16(3).
 - The court referred to State of Tamil Nadu and ors vs K. Shyam Sundar and Ors (2011) and opined that "it is beyond the purview of the state to legislate on the issue and restrict the private employer from recruiting from the open market for the category of employees who were receiving less than Rs 30,000 per month".
 - **Discrimination Against Individuals Not Belonging to State**

- **Violation of Equality Guaranteed under Article 14**
- **Violation of freedom guaranteed under Article 19**
- **Violation of Constitutional Morality**
 - The bench said that the concept of constitutional morality has been openly violated by introducing a secondary status to a set of citizens not belonging to the State of Haryana and curtailing their fundamental rights to earn their livelihood.

3. UNION (LEGISLATURE AND EXECUTIVE) CONTINUES..

1) WOMEN RESERVATION IN PARLIAMENT AND LEGISLATIVE ASSEMBLIES

- **Background:**
 - » Even though the 2019 Lok Sabha elections saw the highest ever presence of women in parliament, it still stands at **78 (14.39%) among 543 seats**. This percentage is well below the global average (24.6%) showing that in India gender discrimination is quite prevalent even in case of elections to the top positions in the country. At state assemblies' level this performance is more dismal with only **9% seats being filled by women**.
 - » **Previous efforts to provide reservation for women in legislative bodies:**
 - Bills amending the Constitution to reserve seats for women in Parliament and State Assemblies have been introduced in 1996, 1998, 1999, and 2008. The first three lapsed due to dissolution of their respective Lok Sabhas. The 2008 bill was introduced in RS and passed in RS in 2010, but it also lapsed with the dissolution of 15th LS.
 - » **In 2015, the Report on the Status of Women in India** noted that the representation of women in state assemblies and Parliament continues to be dismal.
 - **Decision making positions in political parties** have negligible presence of women.
 - It recommended reserving atleast 50% seats for women in local bodies, state assemblies, Parliament, ministerial levels, and all decision-making bodies of the government.
 - » The National Policy for the Empowerment of Women (2001) had stated that reservation will be considered in higher legislative bodies.

A) THE CONSTITUTION (106TH AMENDMENT) ACT, 2023: WOMEN RESERVATION BILL, 2023 (NAARI SHAKTI VANDAN ADHINIYAM)

- **Reservation:** The amendment reserves, as nearly as possible, 1/3rd of the seats for women in Lok Sabha, State Legislative Assemblies and Legislative Assembly of NCT of Delhi. This reservation will be applicable to seats reserved for SCs and STs in Lok Sabha and State Legislatures.
- **New Articles Inserted:**
 - i. **Article 330A:** Reservation of 1/3rd of the seats for women in LS.
 - ii. **Article 332A:** Reservation of 1/3rd of the seats for women in LA.
 - iii. **Article 334A:** The reservation will be effective after the census is conducted after commencement of this act has been published.

- » **Based on census**, Based on Census, delimitation will be undertaken to reserve seats for women.
 - » **Sunset clause**: This reservation will be provided for **15 years**. However this reservation will continue till such date as Parliament determines by a law.
 - » **Rotation of seats**: Seats reserved for women will be rotated after each delimitation, as determined by a new law made by Parliament.
- **Article Amended:**
- i. **239AA**: To reserve 1/3rd of the seats for women in LA of NCT of Delhi.

B) THE JAMMU AND KASHMIR REORGANIZATION (SECOND AMENDMENT) ACT, 2023

- Passed in Parliament in Dec 2023
- It amends the J&K Reorganization Act, 2019. This act had provided for reorganization of the state of J&K into UT of J&K (with legislature) and Ladakh (without legislature).
- **Key highlights of the amendment:**
 - » **Reservation**: The amendment reserves, as nearly as possible, one-third of all elected seats in J&K legislative assembly for women. The reservation will also apply to seats reserved for SCs and STs in the assembly.
 - » **Commencement of the Reservation**: (Same provisions as Article 334A of the Constitution)
 - » **Rotation of seats**: Seats reserved for women will be rotated after each delimitation, as determined by the law made by Parliament.

C) THE GOVERNMENT OF UTS (AMENDMENT) ACT, 2023

- Passed in the Parliament in Dec 2023. It amends the Government of UTs Act, 1963 to provide for reservation of seats for women in Legislative Assembly of UT of Puducherry.
- Provisions are exactly same as J&K Reorganization (2nd Amendment) Act, 2023 or 106th Constitutional Amendment Act.

2) OFFICE OF SPEAKER

- In Lok Sabha, this presiding officer is the Speaker.
- **Selection and Removal of the Speaker**
 - **Article 93** of the Constitution of India provides that *the house of people shall, as soon as may be, choose two members of the house to be respectively **Speaker** and **Deputy Speaker** thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the house shall choose another member to be Speaker or Deputy Speaker, as the case may be.*
- **Removal**
 - **Article 94** of the Constitution specifies that a speaker (or deputy speaker)
 - a. Shall **vacate** the office if he ceases to be a member of the house.
 - b. May at any time, by writing to Deputy Speaker (Speaker) resign his office.
 - c. May be **removed** from his office by a resolution of the House of the People passed by a majority of all the then members of the house.

- **Note1:** A resolution under Article 94(c) can only be moved after providing at least a **14 days' notice** of the intention to move the notice.
- **Note2:** In case of dissolution of the house, the speaker shall not vacate his office until immediately before the first meeting of the House of the People after the dissolution.

- Powers and Functions

- **Sources of Speaker's Power and Duties:** Powers and Duties of the speaker are derived from **three sources** - The Constitution of India, the Rules of Procedure and Conduct of Business of Lok Sabha and Parliamentary Conventions.
- **Speaker's power and functions can be carved into three broad categories:**
 - i. **Speaker Facilitates the business of the house.**
 - a. She **presides** over the meeting of Lok Sabha (except when a resolution for his removal is under consideration).
 - b. She also **presides over the joint sitting** of two houses of the Parliament (Article 118(4))
 - c. Speaker has a **casting vote** in case of equality of vote in the house on any matter.
 - **Note:** The provision of the absence of vote in first instance increases the impartiality of the speaker (like in England)
 - d. Within the house, she is the **final interpreter** of the Constitution of India, Rule of Procedure and Conduct of Business of Lok Sabha, and (c) the parliamentary precedents within the house.
 - e. She **assists members in holding the executive accountable** by selecting members who may ask supplementary questions and compelling ministers to make statements before the house.
 - f. She **appoints the chairman of all parliamentary committees of the Lok Sabha** and herself presides over Business advisory committee, the Rules Committee, and the General-Purpose Committee.
 - ii. **For maintaining order in the house, he takes on the role of a disciplinarian**
 - She has primary responsibility and final power wrt **maintaining order and decorum** in the House.
 - In case of indiscipline she is empowered **to suspend members**, or ask them to withdraw from the house.
 - In case of gross disorder, she **adjourns** the house.
 - To ensure decorum, the speaker can **interrupt members to withdraw their statements** if they are un-parliamentary.
 - iii. **Speaker also fulfills some quasi-judicial roles.**
 - She has the power to **designate a bill as money bill** when it is transmitted from lower house to the Upper House.
 - She decides the **question of disqualification on the grounds of defection** of a member of the Lok Sabha.

- Independence and Impartiality of the Office of Speaker

- **GV Mavlankar**, the first Speaker observed: "*Once a person is elected Speaker, he is expected to be above parties and above politics*".
- For this Constitution has provided for following provisions:

- i. Speaker is provided with security of tenure, and he can be removed only by resolution passed by Lok Sabha by an **absolute majority** (majority of the total members of the house).
 - ii. He **can't vote in first instance** thus reducing bias in support or opposition to a bill.
 - iii. **Salaries and allowances** of speaker is fixed by the Parliament and are charged on the Consolidated Fund of India and thus are not subject to annual vote of parliament.
 - iv. His **work and conduct can't be discussed in Lok Sabha** except on a substantive motion.
 - v. The speaker's conduct in regulating the procedure or maintaining order of the house is **not subject to jurisdiction of any court**.
 - vi. Speaker also has a **very high position** in the order of precedence. He is **placed at seventh rank**, along with the CJI. This means, he has a higher rank than all cabinet ministers except the Prime Minister.
- **What more can be done to ensure neutrality of the Speaker:**
 - **Provisions that can be taken from United Kingdom:** Other than most of the similar protections as given by the Indian Constitution, the neutrality of Speaker in UK is ensured by:
 - i. By convention, **the speaker gives up the membership** of his/her political party.
 - ii. **Promise of continuity in office** for many terms is provided for speaker. In Britain by convention, political parties (usually) don't field candidate against the speaker at the time of general elections. Thus, speaker can continue in office, until deciding to do otherwise.
 - iii. Further, **speaker don't contest on political issues** but instead stand as "Speaker seeking re-election."

3) HOUSE OF DEPUTY SPEAKER REMAINED VACANT IN 17TH LOK SABHA

- **Introduction:**
 - The post of Deputy Speaker has been lying vacant since the beginning of the 17th Lok Sabha in May 2019.
- **Constitutional Provisions:**
 - **Article 93:** The Lok Sabha shall, **as soon as possible, choose two members of the House** (simple majority) to be respectively **Speaker and Deputy Speaker** and thereof, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be.
 - **Article 178** contains the corresponding position for speaker and Deputy Speaker of the Legislative assembly of the state.
- **Term of Deputy Speaker, vacation of office, and disqualification**
 - Once elected, a deputy speaker usually continues in office until the dissolution of the house.
 - Speaker or deputy speaker vacate her office if she ceases to be member of the house.
 - They may also **resign** or may be **removed from office** by a resolution of the House of the People passed by a majority of all the then members of the house.
 - **Disqualification provisions of MPs** are still valid on Speaker /Deputy Speaker except **one exception.**

- » Para-5 of the **tenth Schedule** says that a person who has been elected **speaker/deputy speaker** shall not be disqualified if she, by reason of his election to that office, **voluntarily gives up the membership of the political party** to which he belonged immediately before such election - and doesn't, so long as she continues to hold office thereafter, rejoin that political party or become a member of another political party.
- » **Note:** This exception is also applicable to Vice chairperson of Rajya Sabha, Speaker/Deputy Speakers of Legislative assembly and Chairman/Deputy chairman of Legislative Council.

- **Functions of Deputy Speaker**

- Deputy Speaker is a Presiding Officer.
 - Article 95(1) of the Constitution says that when the office of speaker is vacant, the duties of the office shall be performed by the Deputy Speaker.
- He is also ex-officio chairman of some committees by virtue of his position.
- In case of joint sitting of the two houses and absence of speaker, Deputy Speaker presides over the joint sitting of the two houses.

- **Powers of Deputy Speaker**

- In general, the deputy speaker has the same powers as the speaker when presiding over a sitting of the house. All references to the speaker in the rules are deemed to be references to the Deputy Speaker when he presides.
- Further, no appeal lies to the Speaker against a ruling given by Deputy Speaker or any person presiding over a sitting of the House in the absence of Speaker.
- **Note:** Deputy Speaker is not subordinate to Speaker. When he presides over a sitting, he has all the powers of a Speaker.

- **Is it mandatory to elect a deputy speaker?**

- Constitutional experts point out that both Article 93 and Article 178 use the words "shall" and "as soon as may be" - indicating that not only is the selection of Speaker and Deputy Speaker mandatory, it must be held at the earliest.

- **Is there a time frame?**

- **Constitution** provides for "as soon as possible".

- **Conventions which are being followed:**

- **Generally**, the practice in both Lok Sabha and the State Legislative Assemblies has been to elect speaker during the (mostly short) first session of the new House - usually on the third day after oath-taking and affirmation take place over the first two days.
 - » The **election of deputy speaker** generally takes place in the **second session**, even though there is no bar in having the elections in the first session of the new Lok Sabha/Assembly. But the election of **deputy speaker** is usually not delayed beyond the second session without genuine and unavoidable constraints.
- Since, the term of Morarji Desai government, the tradition of the post of the Deputy Speaker going to the Opposition party has been followed.

- **Why Deputy Speaker hasn't been elected yet?**

- The ruling party hasn't been able to agree on a suitable opposition party member for the post. Opposition doesn't have the required numbers to choose their own person.
- **Speaker from the ruling party:** Rule 8 of The Rules of Procedure and Conduct of Business in Lok Sabha provides that the election shall be held on such date as the Speaker may fix", and the Deputy Speaker is elected once a motion proposing his name is carried.

- Significance of Deputy Speaker

- **Continuity of the Speakers Office** by acting as the Speaker when the office becomes vacant due to illness, death, resignation, or any other reason.
- **Unlike the panel of chairpersons**, appointed by Speaker, which comprise of 9 MPs from various political parties, who preside over the house when the Speaker is not in the chair, they don't enjoy the same constitutional or administrative power as the speaker.
- Further, since the position of deputy speaker by convention is held by opposition party, it increases the accountability of majority party to legislative process to some extent.

4) LEADER OF OPPOSITION

- Introduction

- For the success and survival of democracy, an effective opposition is of a categorical imperative. Towards this the office of the Leader of Opposition (LoP) plays a key role and is of great significance in the functioning of a legislature.

- Functions/Significance of Opposition and Leader of Opposition:

- Increases accountability of government to public.
- Checks hasty decisions.
- Ensures Political neutrality in selection of key posts (CVC, Lokpal, CBI Director etc.)

- Provisions regarding Leader of Opposition

- The **Constitution of India** or the **Rules of Procedure in Lok Sabha** don't have any provision related to the Leader of Opposition.
- The **Salaries and Allowances of Leaders of Opposition in Parliament Act, 1977** **defines LoP** as the leader of numerically biggest party in opposition to the government and recognized as such by the speaker/chairman.
 - » The act extends to LoPs in the Lok Sabha and Rajya Sabha the same official status, allowances and perks that are admissible to Cabinet Ministers.
 - » Note that **there is no 10% seat requirement** in the law or in the constitution.
- The **10% rule** originated following the formation of the first Lok Sabha in 1952. The rules governing Lok Sabha procedure empowers the speaker of the house to issue 'Directions' to conduct business in the lower house.
 - » **In 1956**, the then Speaker of Lok Sabha introduced the **10% rule** to Indian Parliamentary politics through **Directions 120-123.** These directions concern the recognition of an LOP, and basically list the requirements for an association of members to be recognized as a parliamentary "party". Direction **121(i)(c)** lays down the **10% rule** for recognition of a '**party**' and other parties were categorized as '**groups**'.

- At the same time the Section 121(i)(a) of the direction says that **pre poll alliance** on the basis of ideology will also be recognized as a party.
- The **Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998** refers to a recognised party in the Lok Sabha as a party that has not less than 55 members.
 - » But, in Clause 3(ii), it clearly mentions that such provisions are **not valid for LoP as defined in section 2 of the Salary and allowance of the Leaders of Opposition in Parliament Act, 1977**.
- **From 9th - 15th Lok Sabha**, since the requirement of having a minimum strength of 55 members was fulfilled, the Lok Sabha had duly recognized opposition parties and LoPs, including Rajiv Gandhi, L.K. Advani, Atal Bihar Vajpayee, P.V. Narsimha Rao, Sharad Pawar, Sonia Gandhi and Sushma Swaraj.

4. SCHEDULE AND TRIBAL AREAS

1) 5TH SCHEDULE

- **Constitutional Provisions: Article 244(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.
- **Schedule-5:**
 - » **Declaration of Scheduled Areas:**
 - The President can declare an area to be a schedule area. She can also increase or decrease its area, alter its boundary lines, remove such designation or make fresh orders for such redesignation on an area in consultation with the governor of the state concerned.
 - » **Executive Power of state and Centre:**
 - The executive powers of the state extend to schedule area. But, governor has the responsibility of submitting a report to the President annually or whenever the President requires about the administration of such areas.
 - The executive powers of the Centre extends to giving directions to the states regarding the administration of such areas.
 - » **Tribes Advisory Council:**
 - **Every state which has a schedule area** has to set up a Tribes Advisory Council to advise on welfare and advancement of the scheduled tribes. It is to consist of 20 members, three-fourth of whom are to be the representatives of the scheduled tribes in the state legislative assembly.
 - In case a state has scheduled tribes but no schedule areas, they also have to set up a Tribes Advisory council if the President so directs.
 - » **Law applicable to Scheduled Areas:**
 - Governor can provide that any law of parliament or the state legislature is not applicable in scheduled areas or is applicable with specified modifications and exceptions.
 - He can also make **regulations for peace and good government** of a scheduled area after consulting the Tribes Advisory Council.

- These regulations may prohibit or restrict the transfer of land by or among members of the scheduled tribes, regulate the allotment of land to members of the scheduled tribes and regulate the business of money-lending in relation to the scheduled tribes.
- These regulations may also repeal any act of Parliament from being applicable in these areas.
- **Note:** All such regulations require **assent of the President**.
- » **Note:** Currently 10 states have fifth schedule areas: Himachal Pradesh, Rajasthan, Gujarat, Madhya Pradesh, Chhattisgarh, Jharkhand, Odisha, Maharashtra, Telangana and Andhra Pradesh.
- » **Note:** The Constitution requires the President to appoint a commission to report on the administration of the Scheduled areas and the welfare of scheduled tribes in the states. President can appoint this commission any time she wants, but compulsorily after ten years of the commencement of the Constitution.
 - The first such commission was formed in 1960 (U N Dhebar Commission) which submitted its report in 1961.
 - Second commission was appointed in 2002 (Dilip Singh Bhuria Commission) which submitted its report in 2004

2) PANCHAYATS (EXTENSION TO SCHEDULED AREAS) ACT, 1996 (PESA ACT)

- **Background of PESA:**
 - » **Article 243(M)** of the Constitution says that Part IX (The Panchayats - Article 243 - 243O) shall not apply to Scheduled Areas (Article 244(1)) and Tribal Areas (Article 244(2))
 - » But, **Article 243(M)(4)(b)** provides that Parliament may, by law, extend the provisions of this part (Part IX) to the Scheduled Areas and Tribal areas subject to such exceptions and modifications as may be provided in the law.
- On the basis of the report of the Dileep Singh Bhuria Committee submitted in 1995, the Parliament enacted the **Panchayats (Extension to Scheduled Areas) Act, 1996** to extend the Part IX of the Constitution to the **Fifth Schedule areas**, with certain modification and exceptions.
 - » **Note:** Ministry of Panchayati Raj is the nodal Ministry for implementation of the provisions of PESA in the states.
- **Key Highlights of PESA:**
 - » It is a unique and remarkable flagship legislation that brings together the simple system of tribal communities governed by their respective customs and traditions, and the formal system of states.
 - » PESA was enacted to ensure self-governance through gram Sabhas for people living in schedule areas. It gives pre-eminence to Gram Sabha rather than to elected Gram Panchayat.
 - » It legally recognizes the rights of tribal communities, residents of schedule areas, to govern themselves through their own systems of self-government, and also acknowledges their traditional rights over natural resources.
 - » **Key powers and functions given to Gram Sabhas are:**
 - **Safeguarding and Preserving** their traditions and customs, cultural identity, community resources and customary mode of dispute resolution

- **Prevention of alienation of land** and restoration of any unlawfully alienated land of scheduled tribes.
 - **Right to mandatory consultation** in land acquisition, resettlement, and rehabilitation of displaced persons.
 - Control over institutions and functionaries in all social sector.
 - Ownership of MFP
 - Control over Minor Minerals:
 - Recommendation in granting prospecting license or mining leases for minor minerals, and concessions for the exploitation of minor minerals by auction.
 - Management of minor water bodies.
 - Management of Village markets.
 - Exercise and control over money lending
 - Prohibiting/Regulating intoxicants
 - Approval of social and economic development plans.
 - Selection of beneficiaries under poverty alleviation and other programs.
- **State legislatures** were required to amend their respective Panchayat Raj Acts without making any law that would be inconsistent with the mandate of PESA.
- Note: PESA Act is referred as "**Constitution within the Constitution**" as it provides for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to Schedule areas of 10 states.
- **PESA is significant as it can play a role in:**
 - **Democratization at grassroot level** - by empowering Gram Sabhas, PESA radically democratize governance.
 - **Inclusive growth:** By ensuring that benefits of minor forest product, minor minerals etc. primarily benefits tribal community
 - **Reducing Grievances of tribal people and Safeguarding tribal culture and way of life.**
 - **Environment Protection:** (For e.g. cancellation of mining projects on Niyamgiri hills)
 - In 2013, Supreme Court referred to PESA and asked the Odisha Government to go to Gram Sabha to get permission for bauxite mining in Kalahandi and Rayagada district. Local forest dwellers decided against the mining of Niyamgiri hills which led to cancellation of a huge project.
 - This case is considered a milestone and shows the power of the Gram Sabha. But, this was one of the rare achievements of PESA even as it underlines the possibilities the act carries.
 - **Reducing alienation** of tribal community and thus ensuring enhanced internal security.
 - Less alienated communities wouldn't be influenced by the LWE ideologies.
 - **Progress So far:**
 - As of Nov 2022, **out of 10 PESA states, eight states**, namely; Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, and Telangana have framed and notified their state PESA rules under their respective State Panchayati Raj Acts.

3) 6TH SCHEDULE

- **Why in news?**
 - Sonam Wangchuk led groups in Ladakh demand Constitutional protection under 6th Schedule (March 2024)
- **Details**
 - **Constitutional Provisions: Article 244: Administration of Scheduled Area and Tribal Areas**
 - **Article 244(2):** The provisions of the sixth schedule shall apply to administration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.
- **Sixth Schedule of the Constitution: Provisions as to the administration of Tribal Areas** in [Assam, Meghalaya, Tripura and Mizoram].
 - It seeks to safeguard the interests and rights of tribal population through the formation of Autonomous District Councils (ADC) and Regional Councils.
 - These are bodies representing a district to which the Constitution has given varying degrees of autonomy within the state legislatures.
 - **Autonomous Districts and Autonomous Regions**
 - Tribal areas of Assam, Meghalaya, Tripura and Mizoram have been identified as **Autonomous districts**.

Tribal areas	Part-1	The North Cachar Hills District; [The Karbi Anglong District.]; [The Bodoland Territorial Areas District.]
	Part-2	Khasi Hills District; Jaintia Hills District; The Garo Hills District Note: Almost all of Meghalaya - except a tiny area within capital Shillong - is covered by the sixth schedule to the Constitution of India under Article 244 of the Constitution.
	Part-2A	Tribal Area District
	Part-3	The Chakma District; The Mara District; The Lai District

 - If there are different scheduled tribes in an autonomous district, the Governor may divide the area or areas inhabited by them into **Autonomous Regions**.
 - The **governors** of these states are empowered to reorganize boundaries of these autonomous districts/regions.
 - **Constitution of District Councils and Regional Councils:**
 - There shall be a **District Council** for each autonomous district consisting of not more than thirty members. Of these thirty members, not more than four would be nominated by the Governor, and the rest shall be elected by adult suffrage.
 - There shall be a **Separate Regional Council** for each area constituted as autonomous region.
 - **Powers of Administration of a region** is vested in the Regional Council and Powers of **Administration of an autonomous district** shall be vested in the **District Council** (except for those area which go under Regional Council)

- District Council will only have such powers with respect to the areas under the authority of regional council which may be delegated to it by the Regional Council.
- **District Councils and Regional Councils** have also been given various **law making** and **Judicial Powers**.
 - | | |
|----|---|
| NN | Powers have been given to District Councils and Regional Councils for making laws |
|----|---|
 - **District Councils and Regional Councils** are also empowered to constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to ST within such areas.
 - **The High Court** shall have and exercise such jurisdiction over the suits and cases as the Governor may from time to time specify.
 - **District and Regional Funds** have been created. In these funds, all moneys received respectively by district council and regional council in the course of administration would be provided.
 - CAG of India shall cause the accounts of district council and regional council audited.
 - **The acts of Parliament or the state legislature do not apply to autonomous districts and autonomous regions or apply with specified modifications and exceptions.**
- **Advantages of inclusion in sixth schedule:**
 - i. **Democratic devolution of power**
 - ii. **Protect unique tribal culture and practices**
 - iii. Effectively protecting agrarian rights including rights over lands from outsiders
 - iv. **Effective development** as transfer of funds to sixth schedule area may be higher.
- **Demand for inclusion in 6th Schedule by Ladakh**
 - **Reasons:**
 - » Fragile ecology ->
 - Melting glaciers
 - Cold Desert of Ladakh is extremely sensitive to climate change
 - **Parliamentary Standing Committee on State Affairs** tabled a report in the Parliament recommending inclusion of Ladakh in the sixth Schedule because its tribal communities account for 79.61% of its total population.
 - » But the Home Ministry said in Dec 2022 that the main objective of including tribal population under the Fifth/Sixth Schedule is to “ensure their overall socio-economic development, which the UT Administration has already been taking care of since its creation. Sufficient funds are being provided to Ladakh to meet its overall developmental requirements”.

5. FUTURE CLASS

- Centre State Relations
- Inter-State Relations
- Judiciary
- Election related issues