

Similarly, those cases where the state government and the RGI favour inclusion/exclusion, but not supported by National Commission for Scheduled Castes and Scheduled Tribes are also rejected.

#### 4.3 SCHEDULED AREAS

4.3.1 The scheduled tribes, live in contiguous areas unlike other communities. It is therefore much simpler to have area approach for development activities and also regulatory provisions to protect their interests.

4.3.2 In order to protect the interests of scheduled tribes as regard land alienation and other social factors provisions of "fifth schedule" and "sixth schedule" have been enshrined in the constitution.

4.3.3 The fifth schedule under Article 244 of constitution defines "scheduled areas" as such areas as the President may declare to be so in any state or union territory after consultation with Governor in relation to state.

4.3.4 The sixth schedule under Article 244 and 275 of the constitution are those areas in the north east which are declared as "tribal areas" and provides for an elected

District or Autonomous Councils for such areas. These councils have wide ranging legislative, judicial and executive powers as provided in the sixth schedule.

#### 4.4 FIFTH SCHEDULE AREAS:-

4.4.1 The criteria for declaring any area as "scheduled area" under fifth schedule are :

- Preponderance of tribal population;
- Compactness and reasonable size of the area;
- A viable administrative entity such as a district, block or taluk;
- Economic backwardness of the area as compared to neighbouring areas.

4.4.2 The specification of "scheduled areas" in relation to a state/union territory, is by a notified order of the President after consultation with state governments concerned. The same applies for altering, increasing, decreasing, incorporating new areas, or rescinding any orders relating to "scheduled areas".

4.4.3 Following orders are in operation at present in their original or amended form:-

S.No.	Name of Order	Date of Notification	Name of State(s) for which applicable
1	The Scheduled Areas (Part A States) Order, 1950 (C.O.9)	26.1.1950	Andhra Pradesh
2	The Scheduled Areas (Part B States) Order, 1950 (C.O.26)	7.12.1950	Andhra Pradesh
3	The Scheduled Areas (Himachal Pradesh) Order, 1975 (C.O.102)	21.11.1975	Himachal Pradesh