



Article 244(A) of the Constitution

 drishtias.com/printpdf/article-244-a-of-the-constitution

Why in News

The **demand for an autonomous state within Assam** has been raised by some of the sections of the society in Assam under the provisions of **Article 244A of the Constitution**.

Key Points

- **Background:**
 - In the **1950s**, a **demand for a separate hill state** arose around certain sections of the **tribal population of undivided Assam**.
 - After prolonged agitations, **Meghalaya gained statehood in 1972**.
 - The leaders of the **Karbi Anglong and North Cachar Hills** were also part of this movement. They were given the **option to stay in Assam or join Meghalaya**.
 - They **stayed back** as the centre promised them more powers, including **Article 244 (A)**.
 - In the 1980s, the demand for more power/autonomy took the form of a movement with a number of Karbi groups resorting to violence.
 - It soon became **an armed separatist insurgency** demanding full statehood.

- **Article 244A:**
 - **Article 244(A) allows for creation of an ‘autonomous state’** within Assam in certain tribal areas.
 - It also envisages **creation of a local legislature or Council of Ministers or both** to carry out local administration.
 - It was Inserted into the Constitution by the **Twenty-second Constitution Amendment Act, 1969.**
 - **Article 244(A) accounts for more autonomous powers to tribal areas than the Sixth Schedule.** Among these the most important power is the control over law and order.
 - In Autonomous Councils under the Sixth Schedule, they do not have jurisdiction of law and order.

Sixth Schedule

- The Sixth Schedule of the Constitution provides for the **administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram** to safeguard the rights of the tribal population in these states.
 - This special provision is provided under **Article 244 (2) and Article 275 (1) of the Constitution.**
- In **Assam**, the hill districts of **Dima Hasao, Karbi Anglong and West Karbi and the Bodo Territorial Region are under this provision.**
- The **Governor is empowered to increase or decrease the areas** or change the names of the autonomous districts. While **executive powers of the Union extend in Scheduled areas** with respect to their administration in **fifth schedule**, the **sixth schedule areas remain within executive authority of the state.**
 - The **Fifth Schedule** of the Constitution deals with the **administration and control of scheduled areas and scheduled tribes** in any state **except the four states** of Assam, Meghalaya, Tripura and Mizoram.
 - The whole of the normal administrative machinery operating in a state do not extend to the scheduled areas.
 - At present, **10 States** namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana have Fifth Schedule Area.
 - Tribal habitations in the states of Kerala, Tamil Nadu, Karnataka, West Bengal, Uttar Pradesh and Jammu & Kashmir have not been brought under the Fifth or Sixth Schedule.
- The **acts of Parliament or the state legislature do not apply** to autonomous districts and autonomous regions or apply with specified modifications and exceptions.
- The Councils have also been endowed with wide **civil and criminal judicial powers**, for example establishing village courts etc. However, the jurisdiction of these councils is subject to the jurisdiction of the concerned High Court.

Source:IE