

Chhattisgarh activists write to Centre, seek clarity on Fifth Schedule

TNN | Apr 1, 2013, 12.37 AM IST

RAIPUR: Tribal rights' activists in Chhattisgarh have written to the [Centre](#) seeking a Presidential reference to Supreme Court on interpretation of [Fifth Schedule](#) of the Constitution after the state high court dismissed a public interest litigation that had challenged the constitutionality of the functioning of Tribes Advisory Council (TAC) and the powers of the governor under this schedule.

In a letter to Union minister for tribal affairs V Kishore Chandra Deo, activist B K Manish- who had moved the state high court- pointed out that unabated land alienation and cultural debasement of adivasis was a matter of grave concern.

He said this was partly due to lack of clarity over the correct interpretation of Fifth Schedule; an improvement over earlier, simplistic view that while protectionist constitutional measures are present, their poor implementation is the culprit. The letter said the state high court order, stating that governor does not act in his discretion while framing the business rules of Tribal Advisory Committee has highlighted the fact that there was confusion in bureaucracy and other levels regarding correct interpretation.

It pointed out that the HC had relied heavily on the 1974 ruling of Supreme Court in Shamsher Singh vs Punjab which is a case based on which incumbent Attorney General and his predecessor Soli Sorabjee reached diametrically opposite conclusions.

Since these conflicting opinions of Attorney General emanated from Governor's conference at different times, prevailing confusion over the interpretation of Fifth Schedule at such high level naturally results in respective governors being unsure in assuming the special constitutional responsibility assigned to them in Fifth Schedule.