

Bill No. III of 2019

THE CONSTITUTION (SCHEDULED TRIBES)
ORDER (AMENDMENT) BILL, 2019

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BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 to include certain Communities in the list of the Scheduled Tribes in relation to the State of Assam.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2019. Short title.

C.O. 22. **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART II. — Amendment
of
Constitution
(Scheduled
Tribes) Order,
1950.

5 Assam, in paragraph II, after entry 14, the following entries shall be inserted, namely :—

“15. Chutiya

16. Matak

17. Moran

18. Koch Rajbongshi

10 19. Tai Ahom

20. Mal Paharia	
21. Kavar	
22. Lodha	
23. Baiga	
24. Nagasia	5
25. Bhil	
26. Goraít	
27. Halba	
28. Majwar	
29. Dhanwar	10
30. Asur	
31. Pradhan	
32. Khond	
33. Korwa	
34. Kherwar	15
35. Chero	
36. Koya	
37. Birhor	
38. Parja	
39. Mirdha	20
40. Kishan	
41. Chik Baraik	
42. Kol	
43. Saora	
44. Birjia	25
45. Damdari	
46. Bonda	
47. Mahli	
48. Shabar	
49. Kharia	30
50. Gond	
51. Munda	
52. Oraon	
53. Bedia	
54. Santal	35
55. Bhumij'.	

STATEMENT OF OBJECTS AND REASONS

Scheduled Tribes have been defined in clause (25) of article 366 of the Constitution as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.”.

2. Article 342 of the Constitution provides as under:—

“342. Scheduled Tribes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or group within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

3. In accordance with the provision of article 342 of the Constitution, the first list of Scheduled Tribes in respect of State of Assam was notified, *vide* the Constitution (Scheduled Tribes) Order, 1950. List of Scheduled Tribes of the State of Assam has been modified through the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956, the North Eastern Areas (Reorganisation) Act, 1971, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 and the Constitution (Scheduled Tribes) Order (Amendment) Act, 2003.

4. At present, there are seventy-eight numbers of communities and synonyms appearing in the list of Scheduled Tribes of the State of Assam.

5. On the basis of recommendation of the State of Assam, it has been decided for inclusion of the following communities in the Schedule to the Constitution Scheduled Tribes Order, 1950, in Part II.— Assam, in paragraph II, after entry 14, namely:—

- “15. Chutiya
16. Matak
17. Moran
18. Koch Rajbongshi
19. Tai Ahom
20. Mal Paharia
21. Kwar
22. Lodha
23. Baiga
24. Nagasia
25. Bhil
26. Gorait
27. Halba
28. Majwar
29. Dhanwar
30. Asur
31. Khond
32. Korwa
33. Kherwar
34. Chero

35. Koya
36. Birhor
37. Parja
38. Mirdha
39. Kishan
40. Chik Baraik
41. Kol
42. Saora
43. Pradhan
44. Birjia
45. Damdari
46. Bonda
47. Mahli
48. Shabar
49. Kharia
50. Gond
51. Munda
52. Oraon
53. Bedia
54. Santal
55. Bhumij”.

6. Therefore, it is proposed to amend PART-II of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 relating to the State of Assam to grant Scheduled Tribes status to the communities mentioned in paragraph 5.

7. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 8th January, 2019.

JUAL ORAM

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, by amending the list of Scheduled Tribes of Assam, as under:—

- “1. Koch Rajbongshi
2. Tai Ahom
3. Chutiya
4. Matak
5. Moran
6. Mal Paharia Tribes
7. Kwar Tribes
8. Lodha Tribes
9. Baiga Tribes
10. Nagasia Tribes
11. Bhil Tribes
12. Gorait Tribes
13. Halba Tribes
14. Majwar Tribes
15. Dhanwar Tribes
16. Asur Tribes
17. Pradhan Tribes
18. Khond Tribes
19. Korwa Tribes
20. Kherwar Tribes
21. Chero Tribes
22. Koya Tribes
23. Birhor Tribes
24. Parja Tribes
25. Mirdha Tribes
26. Kishan Tribes
27. Chik Baraik Tribes
28. Koi Tribes
29. Saora Tribes
30. Birjia Tribes
31. Damdari Tribes
32. Bonda Tribes
33. Mahil Tribes
34. Shabar Tribes

35. Kharia Tribes
36. Gond Tribes
37. Munda Tribes
38. Oraon Tribes
39. Bedia Tribes
40. Santal Tribes
41. Bhumij Tribes”.

2. The amendment in the list of Scheduled Tribes in respect of State of Assam will entail no additional recurring expenditure from Consolidated Fund of India on account of benefits likely to be provided to the persons belonging to aforementioned communities in State of Assam, out of continuing schemes meant for welfare of Scheduled Tribes. The said expenditure will be accommodated within the Annual Plan and non-Plan outlay of this Ministry.

RAJYA SABHA

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BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 to include certain
Communities in the list of the Scheduled Tribes in relation to the State of Assam.

(Shri Jual Oram, Minister of Tribal Affairs)