

**Bill No. 92 of 2023**

**THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED  
TRIBES ORDER (AMENDMENT) BILL, 2023**

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BILL

*further to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.*

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

**1.** This Act may be called the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Act, 2023. Short title.

C.O.142. 5 **2.** In the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, for the Schedule, the following Schedule shall be substituted, namely:— Substitution of  
Schedule to  
Constitution  
(Jammu and  
Kashmir)  
Scheduled  
Tribes Order,  
1989.

"THE SCHEDULE

PART I.—*Union territory of Jammu and Kashmir*

1. Bakarwal
2. Balti
3. Beda
4. Bot, Boto
5. Brokpa, Drokpa, Dard, Shin
6. Changpa
7. Gadda Brahmin
8. Gaddi
9. Garra
10. Gujjar
11. Koli
12. Mon
13. Paddari Tribe
14. Pahari Ethnic Group
15. Purigpa
16. Sippi.

PART II.—*Union territory of Ladakh*

1. Bakarwal
2. Balti
3. Beda
4. Bot, Boto
5. Brokpa, Drokpa, Dard, Shin
6. Changpa
7. Gaddi
8. Garra
9. Gujjar
10. Mon
11. Purigpa
12. Sippi."

## 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 the 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 groups 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 said Constitutional provisions, the first list of Scheduled Tribes in respect of the erstwhile State of Jammu and Kashmir was notified *vide* the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989. The said list of Scheduled Tribes was amended *vide* the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991. By virtue of the provisions of the Jammu and Kashmir Reorganisation Act, 2019, the said list of Scheduled Tribes, presently applies to both the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

4. The Administration of the Union territory of Jammu and Kashmir has requested to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir. On the basis of the recommendation of the Administration of the Union territory of Jammu and Kashmir and after consultation with the Registrar General of India and the National Commission for Scheduled Tribes, it is proposed to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989.

5. Accordingly, the Constitution (Jammu and Kashmir) Scheduled Tribes Order (Amendment) Bill, 2023 proposes to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989, to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir.

6. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

ARJUN MUNDA.

*The 17th July, 2023.*

## FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989 to include the communities of "Gadda Brahmin", "Koli", "Paddari Tribe" and "Pahari Ethnic Group" in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir. The amendment in the list of Scheduled Tribes in respect of the Union territory of Jammu and Kashmir may entail additional expenditure on account of benefits to be provided to persons belonging to the said communities proposed in the Bill under the continuing schemes meant for the welfare of the Scheduled Tribes.

2. It is not possible to estimate the likely additional expenditure to be incurred on this account at this stage. However, the expenditure, if any, will be accommodated within the approved budgetary outlay of the Government.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED TRIBES ORDER, 1989

(C.O. 142)

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THE SCHEDULE

1. Balti
2. Beda
3. Bot, Boto
4. Brokpa, Drokpa, Dard, Shin
5. Changpa
6. Garra
7. Mon
8. Purigpa
9. Gujjar
10. Bakarwal
11. Gaddi
12. Sippi.

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**BILL**

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*(Shri Arjun Munda, Minister of Tribal Affairs)*