

Bill No. LXXX of 2007

THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES)
ORDER (AMENDMENT) BILL, 2007.

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BILL

further to amend the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

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

1. This Act may be called the Constitution (Schedule Tribes) (Union Territories) Order (Amendment) Act, 2007.

Short title.

5 **2.** In the Schedule to the Constitution (Schedule Tribes) (Union Territories) Order, 1951, in Part I.—Lakshadweep, the following proviso and *Explanation* shall be inserted at the end, namely:—

Amendment
of Part I of
Constitution
(Scheduled
Tribes)
(Union
territories)
Order, 1951.

10 “Provided that the children who are born to inhabitants of Lakshadweep in any other place in the mainland of India shall be deemed to be inhabitants born in the islands if such children settle permanently in the islands.

Reg. 4 of 1994. *Explanation.*— The term “settle permanently” shall have the same meaning as defined under clause 3(1)(d) of the Lakshadweep Panchayats Regulation, 1994.”.

STATEMENT OF OBJECTS AND REASONS

As per provisions contained in article 341 and article 342 of the Constitution, the list of the Scheduled Castes and the Scheduled Tribes were notified by the Presidential Orders during the year 1950 and 1951 in respect of various States and Union territories respectively. The list of Scheduled Tribes of Lakshadweep is contained in Part I of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951. According to that Order, the inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents were born in the Union territory are deemed to be the Scheduled Tribes.

2. Representations were received from various corners that existing provisions contained in Part I of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 were creating difficulties for certain islanders who were born on the mainland on account of non-availability of adequate health services in the islands, in as much as the said Order provides that the person has necessarily to be born in the islands for being deemed to be a Scheduled Tribe and therefore, such persons who were born outside the islands, to the inhabitants of the islands, were not being accorded Scheduled Tribe status.

3. As far as Lakshadweep is concerned, no particular community is listed as a Scheduled Tribe and all the inhabitants in the Union Territory irrespective of the community or religious affiliation are being treated as Scheduled Tribe in view of their socio-economic backwardness arising out of isolation from the mainland. It was felt that it may not be appropriate to deny Scheduled Tribe status to such persons who were born on the mainland for medical reasons, therefore, in order to make such persons born on the mainland eligible for Scheduled Tribe status, the Constitution (Scheduled Tribes) (Union Territories) Order (Amendment) Bill 2003 was introduced in Rajya Sabha on 5th March, 2003 to amend the Part I of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951 related to the Union Territories of Lakshadweep. The consideration of the above Bill was deferred on 9th April, 2003 by the Rajya Sabha as it was felt necessary to include cases of inhabitants of the islands, who have been residing away from Lakshadweep due to educational or job requirements, etc., resulting in their children having been born in the mainland of India. Taking into account the above said facts, the proposals in the Bill have been revised and the Bill is now being introduced as a fresh Bill.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 14th November, 2007.

P. R. KYNDIAH.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) (UNION TERRITORIES) ORDER, 1951

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PART I.—LAKSHADWEEP

Throughout the Union Territory:—

Inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents, were born in those Islands.

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RAJYA SABHA

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further to amend the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

(Shri P.R. Kyndiah, Minister of Tribal Affairs)