

Bill No. 220 of 2022

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(FIFTH AMENDMENT) BILL, 2022**

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BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Chhattisgarh.

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

1. This Act may be called the Constitution (Scheduled Tribes) Order (Fifth Amendment) Act, 2022. Short title.

C.O. 22. 5 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in PART XX.—*Chhattisgarh*,— Amendment of Part XX of Constitution (Scheduled Tribes) Order, 1950.

(i) for entry 5, the following entry shall be substituted, namely:—

“5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Bhuinya, Bhuiyan, Bhuyan, Paliha, Pando”;

(ii) in entry 14, after "Dhanwar", insert ", Dhanuhar, Dhanuwar";

(iii) for entry 15, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"15. Gadaba, Gadba"; 5

(iv) for entry 16, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"16. Gond, Arakh, Arrakh, Agaria, Asur, Abujh Maria, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi"; 10
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(v) in entry 23, for "Kondh", substitute "Kond, Kondh";

(vi) for entry 27, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, for "Kodaku", substitute "Kodaku"; 28 of 2000.

(vii) in entry 32, after "Nagasia", insert ", Kisan"; 20

(viii) for entry 33, as amended by the Fourth Schedule to the Madhya Pradesh Reorganisation Act, 2000, as appearing in the Hindi version of the said Act, the following shall be substituted, namely:— 28 of 2000.

"33. Oraon, Dhanka, Dhangad";

(ix) in entry 41, after "Sawara", insert ", Saunra, Saonra"; 25

(x) after entry 42, the following entry shall be inserted, namely:—

"43. Binjhia".

STATEMENT OF OBJECTS AND REASONS

The 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 Tribe.—(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. According to the provisions of article 342 of the Constitution, the first list of the Scheduled Tribes was notified on 6th September, 1950 in respect of various States and Union territories, *vide* the Constitution (Scheduled Tribes) Order, 1950. This list was modified from time to time. The State Government of Chhattisgarh has recommended to modify the list of the Scheduled Tribes to amend the Constitution (Scheduled Tribes) Order, 1950.

4. Accordingly, the list of the Scheduled Tribes is proposed to be modified in respect of the State of Chhattisgarh, after consultation with the Registrar General of India and the National Commission for the Scheduled Tribes.

5. The Constitution (Scheduled Tribes) Order (Fifth Amendment) Bill, 2022, *inter alia* proposes—

(a) to include—

(i) Bhuinya, Bhuiyan and Bhuyan communities as synonyms of Bharia Bhumia;

(ii) Bharia in the Hindi version; and

(iii) three Devanagari versions of Pando community,

in entry 5;

(b) to include Dhanuhar and Dhanuwar communities in entry 14;

(c) to substitute entries 15, 16, 27 and 33 as appearing in Hindi version of the Madhya Pradesh Reorganisation Act, 2000;

(d) to substitute Kond, Kondh for Kondh in entry 23;

(e) to include Kisan community in entry 32;

(f) to include Saunra and Saonra communities in entry 41;

(g) to include Binjhia community in new entry 43.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 23rd November, 2022.

ARJUN MUNDA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include certain communities as well as addition of synonyms of communities in the existing lists of Scheduled Tribes. This may entail additional expenditures on account of benefits to be provided to the persons belonging to such communities, under the continuing schemes meant for the welfare of the Scheduled Tribes.

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

ANNEXURE

EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

C.O. 22

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THE SCHEDULE

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PART XX.—*Chhattisgarh*

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5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, Pando

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14. Dhanwar

15. Gadaba, Gadba

16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bimma, Bhuta, Koilabhuta, Kolibhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari Hill Maria, Kandra, Kalanga, Hatola, Koitar, Koya, Khirwar, Hirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Minghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi

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23. Kondh, Khond, Kandh

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27. Korwa, Kodaku

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32. Nagesia, Nagasia

33. Oraon, Dhanka, Dhangad

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41. Sawar, Sawara

42. Sonr.

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further to amend the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the list of Scheduled Tribes in relation to the State of Chhattisgarh.

(Shri Arjun Munda, Minister of Tribal Affairs)