

AS INTRODUCED IN THE RAJYA SABHA

**Bill No. VIII of 2022**

**THE CONSTITUTION (SCHEDULED CASTES AND SCHEDULED  
TRIBES) ORDERS (AMENDMENT) BILL, 2022**

A

BILL

*further to amend the Constitution (Scheduled Castes) Order, 1950 to omit Bhogta community from the list of Scheduled Castes in relation to the State of Jharkhand and the Constitution (Scheduled Tribes) Order, 1950 for inclusion of certain communities in the lists of Scheduled Tribes in relation to the State of Jharkhand.*

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

**1.** (1) This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2022. Short title.

Amendment of Constitution (Scheduled Castes) Order, 1950. **2.** In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part VIA.— C.O. 19. *Jharkhand*, entry 3 shall be omitted.

Amendment of Constitution (Scheduled Tribes) Order, 1950. **3.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XXII.— C.O. 22. *Jharkhand*,—

(i) for entry 16, the following entry shall be substituted, namely:— 5

“16. Kharwar, Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)”;

(ii) in entry 24, after “Patar”, the following shall be inserted, namely:—

“, Tamaria (Tamadia)”;

(iii) after entry 32, the following entry shall be inserted, namely:— 10

“33. Puran”.

## STATEMENT OF OBJECTS AND REASONS

Scheduled Castes have been defined in clause (24) of article 366 of the Constitution as “such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution.”.

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. Articles 341 and 342 of the Constitution provide as under:—

"341. Scheduled Castes.—(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 castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes 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 Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

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. According to the provisions of articles 341 and 342 of the Constitution, the first lists of the Scheduled Castes and the Scheduled Tribes were notified during the year 1950 in respect of various States and Union territories, *vide* the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, respectively. These lists were modified from time to time. List of Scheduled Tribes of the State of Jharkhand has been modified, *vide*, the Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (10 of 2003). The State Government of Jharkhand has requested to transfer “Bhogta” community from the list of Scheduled Castes to the list of Scheduled Tribes and to include certain communities *i.e.* "Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)" communities in entry 16, “Tamararia (Tamadia)” community in entry 24 and "Puran" community after entry 32 in the lists of Scheduled Tribes in respect of the State of Jharkhand.

4. On the basis of recommendation of the State Government of Jharkhand, it is proposed to modify the lists of Scheduled Castes and Scheduled Tribes in respect of the State of Jharkhand by amending the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950.

5. The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2022 proposes to amend—

(A) Part VIA—Jharkhand of the Schedule to the Constitution (Scheduled Castes) Order, 1950 to omit "Bhogta" community from the list of Scheduled Castes mentioned in entry 3, and

(B) Part XXII—Jharkhand of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 to include,—

(i) “Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)” communities in entry 16;

(ii) “Talaria (Talaria)” community after entry 24; and

(iii) “Puran” community after entry 32.

6. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;  
*The 31st January, 2022.*

ARJUN MUNDA.

## FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, by amending the lists of Scheduled Castes and Scheduled Tribes in the State of Jharkhand. The amendment in the lists of Scheduled Castes and Scheduled Tribes relating to the State of Jharkhand may entail additional expenditure on account of benefits to be provided to the persons belonging to the 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, shall be accommodated within the approved budgetary outlay of the Government.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950  
(C.O.19)

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PART VIA.—*Jharkhand*

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3. Bhogta

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EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950  
(C.O. 22)

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PART XXII.—*Jharkhand*

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16. Kharwar

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24. Munda, Patar

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RAJYA SABHA

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