

AS INTRODUCED IN LOK SABHA

Bill No. 91 of 2022

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

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BILL

*further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution
(Scheduled Tribes) (Uttar Pradesh) Order, 1967.*

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 Castes and Scheduled Tribes) Short title.
Orders (Second Amendment) Act, 2022.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950; C.O. 19.

(b) "Scheduled Tribes Order" means the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. C.O. 78. 5

Amendment
of Scheduled
Castes Order.

3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.

Amendment
of Scheduled
Tribes Order.

4. The Scheduled Tribes Order is hereby amended in the manner and to the extent specified in the Second Schedule.

THE FIRST SCHEDULE

(See section 3)

In the Constitution (Scheduled Castes) Order, 1950 (C.O. 19), in the Schedule, in PART XVIII.—*Uttar Pradesh*, in entry 36, for the words "Mirzapur and Sonbhadra", the words "Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar" shall be substituted.

THE SECOND SCHEDULE

(See section 4)

In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order 1967 (C.O. 78), in the Schedule, in entry 6, for the words "Mirzapur and Sonbhadra", the words "Mirzapur, Sonbhadra, Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar" shall be substituted.

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. The first list of Scheduled Tribes in respect of the State of Uttar Pradesh notified *vide* the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. These lists were modified from time to time. List of Scheduled Castes and Scheduled Tribes of the State of Uttar Pradesh has been modified, *vide*, the Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (10 of 2003). The State Government of Uttar Pradesh has requested to exclude "Gond" Community living in the newly created districts of Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar from the list of Scheduled Casts and to include Gond, Dhuria, Nayak, Ojha, Pathari, Rajgond communities living in the districts of Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar in the list of Scheduled Tribes in the State of Uttar Pradesh.

4. On the basis of recommendation of the State Government of Uttar Pradesh, it is proposed to modify the lists of Scheduled Castes and Scheduled Tribes in respect of State of Uttar Pradesh by amending the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

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

(A) Part XVIII.—*Uttar Pradesh* of the schedule to the Constitution (Scheduled Castes) Order, 1950 to omit "Gond" community from the districts of Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar in entry 36, and

(B) Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 to include the districts of Sant Kabir Nagar, Kushinagar, Chandauli and Sant Ravidas Nagar in entry 6.

6. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

ARJUN MUNDA.

The 14th March, 2022.

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, by amending the lists of Scheduled Castes and Scheduled Tribes in respect of the State of Uttar Pradesh. The amendment in the lists of Scheduled Castes and Scheduled Tribes relating to the State of Uttar Pradesh 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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THE SCHEDULE

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PART XVIII.—*Uttar Pradesh*

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36. Gond (excluding Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra districts)

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EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) (UTTAR PRADESH) ORDER, 1967
(C.O. 78)

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THE SCHEDULE

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6. Gond, Dhuria, Nayak, Ojha, Pathari, Raj Gond (in the districts of Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Ballia, Gazipur, Varanasi, Mirzapur and Sonbhadra)

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LOK SABHA

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BILL

further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution
(Scheduled Tribes) (Uttar Pradesh) Order, 1967.

(Shri Arjun Munda, Minister of Tribal Affairs)