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**STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT
(2011 - 2012)**

(FIFTEENTH LOK SABHA)

MINISTRY OF TRIBAL AFFAIRS

**THE CONSTITUTION (SCHEDULED TRIBES)
ORDER (SECOND AMENDMENT) BILL, 2011**

TWENTY – THIRD REPORT



LOK SABHA SECRETARIAT

NEW DELHI

March, 2012/Chaitra, 1934(Saka)

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Presented to Lok Sabha on 29.03.2012

Laid in Rajya Sabha on 29.03.2012



LOK SABHA SECRETARIAT

NEW DELHI

March, 2012/Chaitra, 1934 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT (2011-2012)**

SHRI DARA SINGH CHAUHAN - CHAIRMAN

**MEMBERS
LOK SABHA**

2. Shri Kameshwar Baitha
3. Smt. Susmita Bauri
4. Shri Devidhan Besra
5. Smt. Rama Devi
6. Shri Premchand Guddu
7. Dr. Manda Jagannath
8. Shri Mohan Jena
9. Shri Dinesh Kashyap
10. Shri G.V. Harsha Kumar
11. Shri H.D. Kumaraswamy
12. Shri Basori Singh Masram
13. Shri R. Dhruva Narayana
14. Shri Ramashankar Rajbhar
15. Shri Pradeep Kumar Singh
16. Shri Lalit Mohan Suklabaidya
17. Shri Kabir Suman
- *18. Smt. Usha Verma
19. Vacant
20. Vacant
21. Vacant

**MEMBERS
RAJYA SABHA**

22. Smt. Jharna Das Baidya
23. Shri Avtar Singh Karimpuri
24. Shri Narayan Singh Kesari
25. Shri Mahmood A. Madani
26. Shri Ahmad Saeed Malihabadi
- **27. Dr. Ram Dayal Munda
28. Shri Baishnab Parida
29. Shri Praveen Rashtrapal
30. Shri Shivpratap Singh
31. Shri Nandi Yelliah

* Smt. Usha Verma ceased to be a Member of Committee w.e.f. 3.1.2012.

** Dr. Ram Dayal Munda was expired on 30.9.2011.

LOK SABHA SECRETARIAT

1. Shri Deepak Mahna - Joint Secretary
2. Shri P.C. Choulda - Deputy Secretary
3. Shri Yash Pal Sharma - Senior Executive Assistant

INTRODUCTION

I, the Chairman of the Standing Committee on Social Justice and Empowerment having been authorized by the Committee to submit the Report on their behalf present the Twenty-Third Report of the Committee on "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011" of the Ministry of Tribal Affairs.

2. The Bill was introduced in Lok Sabha on 27.12.2011 and was referred to the Committee by the Hon'ble Speaker, Lok Sabha on 5.1.2012 under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

3. The Committee wish to express their thanks to the representatives of the Ministry of Tribal Affairs, Registrar General of India, National Commission for Scheduled Tribes and Ministry of Law and Justice (Legislative Department) for tendering evidence and placing their considered views before the Committee and also for furnishing written notes and information as desired by the Committee in connection with the examination of the Bills.

4. The Committee considered and adopted the report on the Bill at their sitting held on 26.3.2012.

5. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

6. The Committee place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

NEW DELHI:

26 March, 2012
06 Chaitra, 1934 (Saka)

DARA SINGH CHAUHAN

Chairman,
Standing Committee on
Social Justice and
Empowerment

REPORT

1.1 The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011 was introduced in the Lok Sabha 27th December, 2011. The Bill was referred to the Standing Committee on Social Justice and Empowerment on 5th January, 2012 for examination and report thereon. A copy of the Bill as introduced in Lok Sabha is appended (Annexure I). The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, to achieve objective of inclusion of "Medara" community in the list of Scheduled Tribes in the State of Karnataka.

1.2 The Constitution of India enjoins on the State a special responsibility for the protection and development of Scheduled Tribes. Clause (25) of article 366 of the Constitution defines, "Scheduled Tribes means 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". The Scheduled Tribes are notified by the Presidential Order under Clause (1) of the article 342 of the Constitution, which is as follows :-

"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."

1.3 The criteria followed for specification of a community as Scheduled Tribe are --

- (a) Indications of primitive traits;
- (b) Distinctive culture;
- (c) Geographical isolation;
- (d) Shyness of contact with the community at large; and
- (e) Backwardness

These criteria are not spelt out in the Constitution but have become well established and accepted

1.4 Accordingly, the first specification of Scheduled Tribes in relation to a particular State or Union Territory is by a notified Order of the President, after consultation with the State Government or Union Territory concerned. Any subsequent inclusion in or exclusion from and other modifications in the list of Scheduled Tribes can be made only through an Act of Parliament. On 15th June 1999 (further amended on 25.6.2002) Government has approved modalities for deciding claims for inclusion in , exclusion from and other modifications in the Orders specifying the lists of Scheduled Castes and Scheduled Tribes (Annexure-II). According to these modalities, the concerned State Government forwards its proposal to the Central Government along with its recommendation and justification. The proposals received from State Government are sent to the Registrar General of India (RGI). The RGI, if satisfied with the recommendation of the State Government, recommends the proposal to the Central Government. Thereafter, Central Government refers the proposal to the National Commission for Scheduled Tribes (NCST) for their recommendation. After the National Commission for Scheduled Tribes recommends it, the matter is processed for the decision of the Cabinet. According to the above procedure only those cases that have been agreed to by the concerned State Government/UT Administration, the Registrar

General of India as well as National Commission for Scheduled Tribes are considered for bringing forward an amending legislation. After the matter is decided by the Cabinet, a Bill is introduced in Parliament to achieve the objective. In case a proposal is not supported by the RGI, it is referred back to the State Government for reviewing or further justifying their recommendation in the light of the observations of the RGI. In such cases, where the RGI does not agree to the point of view of the State Government/UT Administration on a second reference, the Government of India may consider for rejection of the proposal. Those cases with which the State Governments and the RGI are in agreement, but which the commission (NCST) have not supported, would be rejected at the level of Minister for Tribal Affairs.

1.5 The list of Scheduled Tribes in relation to the then State of Mysore were notified, vide the Constitution (Scheduled Tribes) Order, 1950 dated 6.9.1950. Six communities were notified as Scheduled Tribes through- out the State in the then State of Mysore. The list of Scheduled Tribes in the then State of Mysore was amended, vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 dated 25.9.1956. The 'Meda' community was first enlisted at item no. 7. **In Coorg district -** Sl.No 5. 'Meda', in the list of STs in the then State of Mysore, vide the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 dated 29.10.1956,. The area restriction was removed and the 'Meda' community enlisted at item no. 37 in the list of STs of the State of Karnataka, vide the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 dated 18.9.1976 (published in the Gazette of India on 20.9.1976). "Medari, Gauriga, Burud " communities had been inserted at the end with the 'Meda' ST appearing at Sl.No 37 in the list of STs of Karnataka State, vide the

Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 dated 7.1.2003 (published in the Gazette of India on 8.1.2003). There are 50 communities enlisted in the list of STs of the State of Karnataka, in this list the existing entry is at Sl.No. 37. Meda, Medari, Gauriga, Burud.

1.6 The State Government of Karnataka had recommended for inclusion of 'Medara' community as synonym of 'Meda' ST appearing at Sl.No. 37 in the list of STs of the State in the year 2003. The recommendation of the State Govt. of Karnataka was processed as per afore-cited modalities and referred to the office of Registrar General of India, New Delhi for their views or comments. The Registrar General of India, has recommended for inclusion of 'Medara' as synonym/equivalent name of 'Meda' in the STs list, vide their D.O letter no. 8/1/92-SS (Karnataka) dated 27.12.2006. The recommendations or views of the RGI were referred to the NCST for their comments. The National Commission for Scheduled Tribes, vide their letters dated 11.9.2009 and 19.7.2010 had recommended for inclusion of 'Medara' community as synonym of 'Meda' ST of Karnataka.

1.7 The proposal for inclusion of 'Medara' community as synonym of 'Meda' ST appearing at Sl. No. 37 in the list of STs of Karnataka has been agreed to by all the three agencies prescribed by the Govt. of India on 15.6.1999 (and amended on 25.6.2002) in the modalities for determining the claims for inclusion in, exclusion from and other modifications in Orders specifying Scheduled Castes and Scheduled Tribes lists. The draft Note for the Cabinet for "Revision of list of Scheduled Tribes in the State of Karnataka" was circulated for inter-ministerial consultation.

1.8 The Note for the Cabinet for “revision of list of Scheduled Tribes in the State Karnataka” was submitted to the Cabinet Secretariat, vide this Ministry’s Note dated 11.10.2011. The Cabinet in its meeting held on 25.10.2011 had approved the proposal contained in the Note dated 11.10.2011 of the Ministry of Tribal Affairs.

1.9 The Committee have been informed by the Ministry that the State Government of Karnataka has informed that, as per the tour note of 2008 of Mr. Tsering Shamphel, Member of National Commission for Scheduled Tribes, New Delhi, the educational level of Meda, Medar, Medara and Medari is hardly 15% literacy. And they are confined to the bamboo product source of economy, which was very limited scope. The products are being sold in weekly bazaars which fetch little income and which is found that they are leading a very miserable life.

1.10 As per Mr. Tsering Samphel, who toured in the district of Dharwad, Karwar and Belgaum and convinced that both the communities (Meda, Medara) are following the same customs, rituals etc., and traditional occupation i.e. basket making is the same among Meda and Medara. During the visit to the Medara Oni in Belgaum, Dharwad, Karwar etc., it was found that in the same family father’s caste is mentioned as Medara or Medar and son’s caste is mentioned as Meda. The community people have produced the certificates to show there are instances of inter-marriages among them .

Proposals for Modification in the List of Scheduled Tribes Pending with the State Governments/UTs, Registrar General of India and National Commission for Scheduled Tribes

1.11 The Ministry of Tribal Affairs informed that as on date 242 proposals for deciding inclusion in/exclusion from and other modifications in the orders specifying

Scheduled Tribe list are pending with State Governments/UTs, Registrar General of India and the National Commission for Scheduled Tribes (Annexure-III).

1.12 The Committee observed that large number of proposals have been referred to the Registrar General of India (RGI) for inclusion of Tribes in the List of Scheduled Tribes from the year 2003 onwards, but many of these proposals are still pending with them.

1.13 When enquired about the reasons about the pendency, the Registrar General of India during the evidence stated as under:-

"Sir, as on date five proposals are pending in which reports on 18 communities have been sought. We have not entertained any of the proposals submitted during the last two years because the list is not subjected to any change during the census. Five new proposals have been received and these are from Chhattisgarh, Karnataka, West Bengal, Kerala and Orissa."

1.14 When the Committee pointed out that as per information provided by the Ministry, there are about 165 proposals pending with Registrar General of India (RGI), in response thereto, the RGI stated that they have not received these proposals in RGI office. However, Secretary Ministry of Tribal Affairs clarified before the committee that he had sent a reminder relating to Odisha proposals recently i.e. on 23rd December, 2011 and further assured the Committee as under:

"What we will do is that we will get all the relevant papers which have not been received and will hand over all the relevant papers to them."

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"I would like to submit before this hon. Committee that it will be our effort that we attend to this work with a sense of dispatch, this to and fro correspondence and all that. It is my assurance to this hon. committee."

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"I would like to assure the hon. Members that we work as per our modalities. We will try our best to cut short the time to be taken in the work. Though I did not want to share it that we are facing resource constraints and we have to solve it. In spite of that we would try our best to speed up the process."

1.15 The Committee enquired whether any Sociological or anthropological studies have been conducted for inclusion of synonyms of Tribes, the Ministry in their written reply stated that the Scheduled Tribes are notified by Presidential Order under Clause (1) of the Article 342 of the Constitution. Accordingly, the first specification of Scheduled Tribes in relation to a particular State or Union Territory is by a notified Order of the President, after consultation with the State Governments or Union territory concerned. Any subsequent inclusion in or exclusion from and other modifications in the list of Scheduled Tribes can be made only through an Act of Parliament, in consultation with the concerned State Governments/Union territory concerned. Sociological or Anthropological studies, if required in any case, are conducted by the concerned State Government/UT Administration for support of the proposal.

1.16 On being asked whether any survey has been conducted or proposed to be conducted to review the Constitution (Scheduled Tribes) Order, 1950, the Ministry in their written reply stated that no survey has been conducted or proposed to be conducted to review the Constitution (Scheduled Tribes) Order, 1950.

1.17 When enquired about the criteria and procedure adopted by Registrar General of India for accepting or rejecting the proposals, the RGI during evidence submitted as under:-

"Sir, basically, there is a Lokur Committee which has given certain set of recommendations as to how these proposals should be examined. There, they have clearly said that you have refer only to the earlier ethnographic studies which have been published. So having examined it once and given as per the existing ethnographic literature, unless new literature comes up, we are forced to reject it again and again as hon. member has pointed out. We have to reject it again and again because there is no addition to the material already available in the absence of any fresh studies conducted. We have to rely only on the secondary data and have to go by that data alone and reiterate our comments made earlier on its basis. So, unless there is a fresh study and unless there is fresh ethnographic data which is thrown up, we are unable to change the stand".

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"We study the report given by the State Government with reference to the existing ethnographic literature. That ethnographic literature has been published in 1950s and 1960s. After that no study has been conducted. Any proposal we receive for a second time or subsequently thereafter is dealt with at our end in the same manner and is rejected after it has been examined.

xxx

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We cannot do anything but to reject when there is no further fresh study which has been done".

1.18 The Committee note that "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011" relates to the amendment in the Scheduled Tribe list of the State of Karnataka. The change proposed is the inclusion of Medara community in entry 37. The Committee further note that as per the modalities for deciding claim for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list, the proposal for modification in the Scheduled Tribe List has been duly processed by the Ministry of Tribal Affairs in consultation with the concerned State Government, the

Registrar General of India and the National Commission for Scheduled Tribe. The Committee, therefore, approve the amendment in the Bill in its entirety.

1.19 The Committee are constrained to note that as of now 242 proposals for modification in the list of Scheduled tribes are pending with State Governments/UTs, office of the Registrar General of India (RGI) and the National Commission for Scheduled Tribes. The Committee also note that the list of proposals sent by the Ministry of Tribal Affairs on 23rd December, 2011 have not been received in the office of Registrar General of India. However, the Secretary, Ministry of Tribal Affairs during evidence has given assurance to the Committee that he would hand over all the relevant papers to Registrar General of India (RGI). The Committee are not at all satisfied with the reply of the Ministry and express their deep anguish at this sordid state of affairs in terms of coordination between the Ministry of Tribal Affairs and the Registrar General of India. The Committee, therefore, strongly recommend that all the agencies i.e. the Ministry of Tribal Affairs, State Governments/UTs, Registrar General of India (RGI) and the National Commission for Scheduled Tribes act together in greater coordination and clear the proposals pending with them urgently with concerted efforts. The Committee desire that the Government lay down a time frame for obtaining comments from Registrar General of India (RGI) and the National Commission for Scheduled Tribes on cases referred to them for modification in the list of Scheduled Tribes. The Committee further desire that the Ministry should vigorously pursue with the State Governments and other agencies to get

the comments expeditiously so as to expedite the process of inclusion of names of tribes in the lists of Scheduled Tribes of various States/Union Territories.

1.20 The Committee find that sociological, anthropological and ethnographic studies are required in any case for inclusion of names/synonyms of Tribes and these are conducted by the concerned State Governments/UTs for supporting the proposals. The Committee are constrained to note from the reply of the Ministry that yet no survey has been conducted or proposed to be conducted to review the Constitution (Scheduled Tribes) Order, 1950. About the criteria and procedure for accepting and rejecting the proposals, the Registrar General of India (RGI) have stated that there is a Lokur Committee which has given certain set of recommendations as to how these proposals should be examined. That ethnographic literature has been published in 1950s and 1960s. In the opinion of the Committee, there is a felt need for new survey and collection of required ethnographic literature for inclusion of new communities in the Scheduled Tribes list. The Committee, therefore, recommend that the Government should immediately take steps for the conduct of a fresh survey and furnish the required ethnographic material to all the agencies concerned so that these needy and deserving communities are considered for inclusion in the list of Scheduled Tribes.

NEW DELHI:

26 March, 2012
06 Chaitra, 1934 (Saka)

DARA SINGH CHAUHAN

**Chairman,
Standing Committee on
Social Justice and
Empowerment**

AS INTRODUCED BY LOK SABHA

27 DEC 2011

Bill No. 136 of 2011

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(SECOND AMENDMENT) BILL, 2011**

A
BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka.

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

1. This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2011. Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950 in Part VI.— Amendment of Part VI of Constitution (Scheduled Tribes) Order, 1950.
Karnataka, in entry 37, after “Meda”, insert “,Medara.”

STATEMENT OF OBJECTS AND REASONS

Clause (25) of article 366 of the Constitution defines "Scheduled Tribes" which means 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 that—

(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 view of the above constitutional provisions, the first list of Scheduled Tribes in Karnataka was notified through the Constitution (Scheduled Tribes) Order, 1950. It has further been modified through the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956, the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.

4. At present, there are 50 communities appearing in the list of Scheduled Tribes in State of Karnataka. To fulfil the long standing demand for considering the grant of Scheduled Tribes Status to the "Medara" community in the State of Karnataka, it is proposed, on the recommendation of the State of Karnataka, to amend the entry at Serial No. 37 occurring under Part VI, relating to Karnataka of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 and insert the 'Medara' community after the community "Meda" Scheduled Tribes of Karnataka.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 16th December, 2011.

V. KISHORE CHANDRA DEO.

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, by including the community "Medara" in the list of Scheduled Tribes in the State of Karnataka by amending the existing entry 37 of Part-VI of the said Order.

2. The amendments in the list of Scheduled Tribes of Karnataka will entail additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits likely to be provided to the persons belonging to the "Medara" community out of continuing schemes meant for the welfare of the Scheduled Tribes. The same will be accommodated within the Annual Plan and Non-Plan outlay of the Ministry.

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

* * * * *

THE SCHEDULE

* * * * *

PART VI.—*Karnataka*

* * * * *

37. Meda, Medari, Gauriga Burud.

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further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka.

(Shri V. Kishore Chandra Deo Minister of Tribal Affairs and Panchayati Raj)

GMGIPMRND—3471LS(S4)—21-12-2011.

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists.

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes have been notified. Such proposals are required to be processed as indicated below:-

(a) Cases favoured by both the State Governments and the Registrar General of India (RGI) in their most recent reports would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, along with the comments of the State Governments and the RGI as well as any relevant material/information furnished by them or by representations.

(b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.

(c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organizations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of India, on regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission

would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period. (In such cases, extension of time would be sought from the courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.

(d) Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice and Empowerment.

(e) Claims for inclusion, exclusion or other modifications that neither the RGI nor the concerned State Governments have supported would not be referred to the National Commission. These would be rejected at the level of the Minister for Social Justice and Empowerment.

(f) In case of claims recommended by the concerned State Governments/Union Territory Administrations, but not agreed to by the Registrar General of India, the concerned State Government/Union Territory Administration would be asked to review and further justify their recommendations in the light of RGI. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal would be referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/Union Territory Administration on a second reference, the Government of India may consider rejection of the said proposal.

(g) Claims in respect of which the comments of either the RGI or the State Government or of both are awaited would remain under consideration until their views are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.

(h) Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable.

(Note:- The Note for the 'Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities' moved by Ministry of Social Justice & Empowerment, vide their Note No. 12016/36/96-SCD(RL Cell) dated 17.12.1998 and Note dated 17.01.2002)

ANNEXURE - III

Statement showing the State/UT wise proposals pending for inclusion in, exclusion from and other modifications in the list of Scheduled Tribes of the State/UT (as per records available in the Ministry of Tribal Affairs)

Sl. No.	Name of the States/UTs	No. of proposals for inclusion in/exclusion from/other modification in the list of Scheduled Tribes of the State/UT
1.	Andhra Pradesh	2
2.	Assam	9
3.	Bihar	4
4.	Chhattisgarh	14
5.	Goa	1
6.	Himachal Pradesh	2
7.	Jammu & Kashmir	4
8.	Jharkhand	5
9.	Karnataka	4
10.	Kerala	3
11.	Madhya Pradesh	2
12.	Maharashtra	2
13.	Orissa	167
14.	Rajasthan	1
15.	Tamil Nadu	6
16.	Tripura	1
17.	Uttarakhand	2
18.	Uttar Pradesh	5
19.	West Bengal	7
20.	Puducherry	1
	Total	242

ANDHRA PRADESH

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Referred to the State Government	
1.	Mandula			The views of RGI have been referred to the State Government for further justification on 6.7.2010.	
2.	Konda Kumhari			The State Government has been requested for furnishing the justification on the observations of RGI earlier received in the Government of India on 26.9.2011.	

ASSAM

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Referred to the State/UT Government	
1.	Karbis and Dimasas of Plain District	Referred to RGI for comments/ views on 18.6.2003.			
2.	Halam			Referred to State Government for certain clarification/information sought by RGI on 21.12.2011.	
3.	Tamang			Referred to State Government for specific recommendation on 22.11.2011.	
4.	Phakes (Phakeals), Khamyang, Turung & Aiton under Man (Tai) Speaking Tribes			Referred to State Government for specific recommendation on 6.2.2012.	
5.	Adivasi (Tea Tribes), Ahom, Matak, Maran & Chutia			Referred to State Government for further justification on RGI's comments on 7.12.2005.	
6.	Amri Karbi			Referred to State Government for ethnographic report and detailed justifications on 4.1.2012.	
7.	Change of Noemncature of "Miri" to "Mising" & inclusion of "Thengal Kachari"	Referred to RGI for comments/ views on 7.12.2005.			
8.	Sarania Kachari			Referred to State Government for further justification on the comments of RGI on 5.5.2006.	
9.	Bodo Kachari		Referred to NCST for comments/ views in November, 2011.		

BIHAR

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Pending with State Government	
1.	Kamkar within bracket with Kharwar			State Government asked to send its recommendations on 16.11.2011.	
2.	Gour, Gonr			RGI's comments referred on 20.9.2005.	
3.	Bakho			The State Government has been asked for specific recommendations on 22.12.2005.	
4.	Krishi Vaishya, Chasot, as synonyms of Kisan			Comments of RGI referred to the State Government for further justifications on 31.12.2008.	

CHHATTISGARH

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Pending with State Government	
1.	Abujh Maria & Hill Korwa	-	Referred to NCST for comments/ Views on 6.2.2012	-	-
2.	Sanwara, Saunra as synonyms of Sawar, Sawara	-	-	-	Rejected by the Ministry and State Government apprised of the position as RGI found the proposal unjustified on more than two occasions on 29.6.2010.
3.	Pathari as synoym of Pardhan (entry no. 35)	Referred to RGI for comments/ Views on 27.1.2010.	-	-	-
4.	Saura, Sahara, Soura & Saonra as synonyms of Sawar, Sawara (entry 41)	-	-	Referred to State Government for specific recommendations on 10.1.2012.	-
5.	Saora/Sanvra & Banjara communities Saura-Sanwara Saunra-Sanwara	- - -	-	State Government asked to provide Ethnographic report on 14.8.2007. State Government asked to provide Ethnographic report on 21.8.2007. State Government asked to provide Ethnographic report on 21.8.2007.	-
6.	Panika	-	-	Comments/views of the State Government awaited on 19.7.2006.	-

7.	Mahra	-	-	Comments of RGI sent to State Government for further justifications on 31.5.2006.	-
8.	Bhuiya etc. as synonyms of "Bharia Bhumia"	Additional information received from the State Government referred to RGI for comments/ Views on 26.12.2011.	-	-	-
9.	Nekah Halba/Telanga as synonym of Halba Halbi (entry 17) Ganda as a synonym of Gadba (entry 15)	-	-	RGI's comments sent to the State Government for additional information/justifications on 3.1.2006. RGI's comments sent to the State Government for additional information/justifications on 3.1.2006.	-
10.	Dhanuhar, Dhanuwar as a synonym of Dhanwar (entry No. 14)	Referred to RGI for comments/ Views on 23.1.2012.	-	-	-
11.	Rautia	Referred to RGI for comments/ Views on 16.12.2011.	-	-	-
12.	Binjhia	Referred to RGI for comments/ Views on 18.12.2011.	-	-	-
13.	Sabria	Referred to RGI for comments/ Views on 16.12.2011.	-	-	-
14.	Rautia, Mowar, Banjara, Rajwar		-	RGI's comments sent to the State Government for additional information and further justifications on 31.5.2006 and 14.12.2007.	

GOA

Sl. No.	Name of Community	Status of the proposal			
		Pending with the RGI	Pending with NCST	Referred to the State Government	Remarks
1.	Exclusion of communities (i) Dhodia (ii) Dubla (Halpati) (iii) Naikda (Talavia) (iv) Siddi (Nayaka) (v) Varli				The State Government of Goa has informed the survey work of the SC/ST/OBC etc. has been entrusted to the Goa State Commission for Backward Classes, Panaji. The necessary comments for these communities will be furnished after completion of the survey and finalization of the Report, vide their letter No. 13/14/90- SWD (Vol.-I)/4088 DATED 22.8.2008. Report is awaited.

HIMACHAL PRADESH

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Pending with State Government	
1.	Barad, Bangala, Hatti (Giripar), Dudra-Kwaru		-	Comments of RGI referred to State Government for further information/justifications on 15.6.2006.	-
2.	Hatti (people of Trans-Giri area)		-	The State Government has been asked to furnish specific recommendations on 24.2.2012.	-

JAMMU & KASHMIR

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Pending with State Government	
1.	Argons community (Ladakh Region)	-	-		RGI did not support the proposal and its rejection was intimated to the State Government on 19.11.2009.
2.	Chopan	-	-	RGI's views sent to the State Government for further information/justifications on 19.11.2009.	
3.	Pahari speaking people	-	-	State Government asked to provide justification and Field Study Report on 18.1.2012.	
4.	Koli as synonym of Sippi	-	-	State Government was asked on 16.10.2007.	

JHARKHAND

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Referred to the State Government	
1.	Khangar, Biar, Kolh (Teli), Khetauri & Kurmi/Kudumi (Mahato) and Ghatwar			Referred to State Government for furnishing ethnographic details on 4.10.2006.	
2.	Puran			Referred to State Government for further justification on the comments of RGI on 27.9.2007.	
3.	Tamaria (Tamadia)			Referred to State Government for further justification on the comments of RGI on 21.10.2008.	
4.	Rautia			Referred to State Government for further justification on the comments of RGI on 27.10.2003.	
5.	Mundari				Under process in the Ministry.

KARNATAKA

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Referred to the State Government	
1.	Gangamatha (39 synonymous)			Matter referred to the State Government for comments on 29.11.2001.	
2.	Gonda (Gowda) (Helava/ Yenadi/ Pichaguntalu and Gauwali			Matter referred to the State Government for comments on 22.11.2004.	
3.	Halakki Vokkalu	Referred to RGI for comments/ views on 25.5.2010.			
4.	Talwara and Pariwara as synonym of Naikda			The comments of RGI referred to the State Government for further justification on 16.1.2004.	

KERALA

Sl. No.	Name of Community	Status of the proposal			Remarks
		Pending with RGI	Pending with NCST	Referred to the State Government	
1.	Re-inclusion of Marati (in Hosdrug and Kasargod Taluk of Cannanore District)		Referred to NCST for comments/ Views on 10.2.2012.		
2.	Pathiyan			Referred to State Government for specific recommendation and ethnographic justification for inclusion of the Community on 3.8.2005.	
3.	Vetan and Nayadi	Referred to RGI for comments/ Views on 10.2.2011.			

MADHYA PRADESH

Sl. No.	Name of Community	Status of the proposal			Remarks
		Whether pending with RGI	Whether pending with NCST	Whether pending with State Government	
1.	Re-inclusion of Meena, Keer and Pardhi	Referred to RGI for comments/ Views on 19.9.2011.			
2.	Dheemar, Kevat, Kahar, Bhoi, Mallah and Nishad as synonym of Majhi and Majhwar in the ST of M.P.			Comments of RGI has been communicated to the State Government for further justification on 27.1.2012.	

MAHARASHTRA

Sl. No.	Name of Community	Status of the proposal			
		Pending with RGI	Pending with NCST	Referred to the State Government	Remarks
1.	Injhwari as synonym of Binjhwari			The State Government has been requested for furnishing clear recommendation on 5.8.2010, 15.9.2011 and 13.2.2012.	Report/Justification furnished by the State Government was contradictory.
2.	Dhobi, Pariat, Warthi, Rajak communities as synonym of Dhoba ST of Maharashtra.			The State Government has been requested on 23.7.2010, 2.8.2011 and 5.11.2011.	The specific recommendation of the State Government of Maharashtra is required.

ORISSA

Sl. No.	Name of Community	Status of the proposal			
		Pending with RGI	Pending with NCST	Pending with State Government	Remarks
1.	Amanatia	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
2.	Bhattada	-do-			
3.	Bhottar	-do-			
4.	Bodo Bhottada	-do-			
5.	Banda Paraja	-do-			
6.	Bonda Paraja	-do-			
7.	Beldar Gond	-do-			
8.	Budu Kondh	-do-			
9.	Budha Kondh	-do-			
10.	Buri Kondh	-do-			
11.	Buda Kandha	-do-			
12.	Buri Kandha	-do-			
13.	Budha Kandha	-do-			
14.	Boda Savara	-do-			
15.	Boda Savar	-do-			
16.	Bhima	-do-			
17.	Babhili Saora	-do-			
18.	Bhukta			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
19.	Bhogta			-do-	
20.	Bhokta			-do-	
21.	Bhagta			-do-	
22.	Bhagata			-do-	
23.	Bhaghata			-do-	
24.	Bhuinya	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
25.	Bhumija	-do-			
26.	Boj Gadaba	-do-			
27.	Bareng Jhodia Paroja	-do-			
28.	Cheronga Kolha	-do-			

29.	Chapua Kamar			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
30.	Dhurava	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
31.	Dhurua	-do-			
32.	Desia Kondh	-do-			
33.	Dongria Kondh	-do-			
34.	Desua Kandha	-do-			
35.	Desi Kandha	-do-			
36.	Dudu Kandha	-do-			
37.	Danguria Kandha	-do-			
38.	Dongria Kandha	-do-			
39.	Desua Kondh	-do-			
40.	Didaya	-do-			
41.	Dudha Kharia	-do-			
42.	Dalki Kharia	-do-			
43.	Dhangara	-do-			
44.	Eranga Munda	-do-			
45.	Eranga Kolha	-do-			
46.	Gampa Koya	-do-			
47.	Gumpa Koya	-do-			
48.	Gontar Saora	-do-			
49.	Jadu Savar	-do-			
50.	Jurei Savar	-do-			
51.	Jathi Saora	-do-			
52.	Joda Saora	-do-			
53.	Jodu Saora	-do-			
54.	Jathi Savar	-do-			
55.	Jodia kandh	-do-			
56.	Kaur	-do-			
57.	Kumar	-do-			
58.	Kutia Kondh	-do-			
59.	Kandh Gauda	-do-			
60.	Kandh Paroja	-do-			
61.	Kuttia Kandha	-do-			
62.	Khondh Paroja	-do-			
63.	Kapu Saora	-do-			
64.	Kindal Savar	-do-			
65.	Kampa Seura	-do-			
66.	Kampo Saora	-do-			

67.	Kumbi Saora	-do-			
68.	Kurumba Saora	-do-			
69.	Kanohar Saora	-do-			
70.	Kuduba Sora	-do-			
71.	Kampa Saora	-do-			
72.	Kolha Lohara	-do-			
73.	Khandayat Bhuinya			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
74.	Koara	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
75.	Koitor	-do-			
76.	Kalanga			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
77.	Kadar Kalanga	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
78.	Kandhia			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
79.	Konda Paroja	Referred to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
80.	Kol Kamar	-do-			
81.	Luhura	-do-			
82.	Lohara	-do-			
83.	Laban	-do-			
84.	Labana	-do-			
85.	Lahara	-do-			
86.	Loar	-do-			
87.	Luhar	-do-			
88.	Lodha Khadia	-do-			
89.	Meria Gond	-do-			
90.	Malua Kandha	-do-			
91.	Muli Kandha	-do-			
92.	Mano Savar	-do-			
93.	Mutha Savar	-do-			

94.	Mutha Saora	-do-			
95.	Mana Saora	-do-			
96.	Mussara Koya	-do-			
97.	Mallah Saora	-do-			
98.	Malla Savar	-do-			
99.	Mankidia	-do-			
100.	Nageswar	-do-			
101.	Nagabansimunda	-do-			
102.	Ollera Gadaba	-do-			
103.	Oriya Saora	-do-			
104.	Oriya Kandha	-do-			
105.	Penga Paroja	-do-			
106.	Pengu Paroja	-do-			
107.	Porja	-do-			
108.	Parjia	-do-			
109.	Paroja Bhuyan	-do-			
110.	Pauri Bhyan	-do-			
111.	Paudi Bhuyan	-do-			
112.	Paik Bhuyan	-do-			
113.	Paidi Bhuyan	-do-			
114.	Paraja Bhuyan	-do-			
115.	Praja Bhuyan	-do-			
116.	Puran	-do-			
117.	Pahadi Kharia	-do-			
118.	Pengu Kandha	-do-			
119.	Patra Savara	-do-			
120.	Paba			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
121.	Rajkuli Bhuyan	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
122.	Rautali Bhuyan	-do-			
123.	Rajkoli Bhuyan	-do-			
124.	Rajodi Bhuyan	-do-			
125.	Raja Kandha	-do-			
126.	Routia	-do-			
127.	Sudho Soura	-do-			
128.	Suna Saora	-do-			
129.	Sudha Savar	-do-			
130.	Sudha Saora	-do-			
131.	Sano Bhottada	-do-			

132.	Sana Gadaba	-do-			
133.	Satara Kharia	-do-			
134.	Selia Paroja	-do-			
135.	Singalal Bhumiha	-do-			
136.	Saara	Fresh proposal refereed to the RGI for their comments/ views on 6.3.2012.			The observations of the RGI were considered in terms of para (f) of the approved modalities, the proposal was rejected and the stand communicated to the State Government of Orissa in April, 2010.
137.	Sara	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
138.	Tankala Savar	-do-			
139.	Tankla Saora	-do-			
140.	Tamodia Bhumija	-do-			
141.	Tamudia Bhumija	-do-			
142.	Tamandia Bhumij			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
143.	Tamaria	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
144.	Tamulia Bhumija	-do-			
145.	Tamadia Bhumij			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
146.	Tali Bhumija	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			

147.	Tikiria Kandha	-do-			
148.	Tikri Kondh	-do-			
149.	Uram	-do-			
150.	Durua			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
151.	Nakasia/Naxia			-do-	
152.	Kandha Kumbhar	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			
153.	Tanla Gauda	-do-			
154.	Jhodia	-do-			
155.	Oram/Uraon	-do-			
156.	Anati Dora/Enati Dora	-do-			
157.	Muria	-do-			
158.	Paika Bhuyan/ Paik Bhuyan	-do-			
159.	Paharia (Kamar)	-do-			
160.	Oran Mudi (Mudi)	-do-			
161.	Sualgiri/ Swalgiri (Shabar)	-do-			
162.	Mani Dora/Mana Dora/Mane Dora	-do-			
163.	Paraja Bhuyan	-do-			
164.	Konda Reddy/ Konda Reddi	-do-			
165.	Bhil	-do-			
166.	Puran/Bhanja Puran/Tamdia Puran/ Tamudia Puran/ Tamuria Puran/Tamaria Puran			Referred to State Government for further justification on the observation of RGI on 12.10.2011.	
167.	Inclusion of "Kui Kandha" Instead of "Kuli".	Refereed to RGI for comments/ views on 10.4.2006 and 23.12.2011.			

RAJASTHAN

Sl. No.	Name of Community	Status of the proposal			
		Pending with RGI	Pending with NCST	Referred to the State Government	Remarks
1.	Gurjar			Referred to State Government for specific recommendation and ethnographic justification for inclusion of the community on 18.5.2007.	

TAMIL NADU

Sl. No.	Name of Community	Status of the proposal			
		Pending with RGI	Pending with NCST	Referred to the State Government	Remarks
1.	Malayali Gounder (without area restriction)			The matter has been referred to the State Government for furnishing their views/ comments on 12.11.2008.	The RGI and NCST has agreed to the proposal. However there was a representation for <u>non-inclusion</u> of Malayali Gounder.
2.	Kuravan, Sidhanar and 26 other Koravars			On the observations of the RGI, the matter has been referred to the State Government on 24.11.2009.	
3.	Narikuravars			On the observations of the RGI, the matter has been referred to the State Government for furnishing their comments on 24.11.2009, 21.9.2011 and 3.11.2011.	
4.	Kuruma, Kuruman, Kurumba, Kurumba Gounder, Kurumban and Kurumbar			The matter has been referred to the State Government for their comments for inclusion of Kuruman as	The RGI has supported the inclusion of 'Kuruman' as synonym of Kurumans ST vide letter dated

	communities as synonymous of 'Kurumans' ST			synonym of Kurumans ST of Tamil Nadu on 8.4.2009 and 14.3.2011.	22.3.07. Therefore, other communities have been rejected in terms of para (f) of modalities.
5.	Change of existing names of STs (20 Scheduled Tribes)			The comments of the RGI have been referred to the State Government for further justification on 6.2.2009, 22.4.2009 and 3.5.2011.	
6.	Vettaikaran and Vettaikaranayakkan				The State Government had informed that the State Government has constituted a Committee of Anthropologist to conduct a ethnological Survey of these communities including other STs. The recommendation of the State will be furnished as and when report of the Committee will be received. The State Government has reminded on 27.2.2004 and 22.8.2007.

TRIPURA

Sl. No.	Name of community/ communities for inclusion in the ST list	Status of the proposal for inclusion of community/Communities			
		Pending with RGI	Pending with NCST	Pending with State Government	Remarks
1.	Darlong	The RGI has been requested for furnishing their commence on 9.5.2006.	-		-

UTTARAKHAND

Sl. No.	Name of community/ communities for inclusion in the ST list	Status of the proposal for inclusion of community/Communities			
		Pending with RGI	Pending with NCST	Pending with State Government	Remarks
1.	Bhotia Brahmins & Bhotia Rajputs	-	-	State Government asked to provide specific recommendation on 10.5.2007.	-
2.	Inclusion of residents of Munsiyari and Dharchula tehsils of Pithoragarh	-	-	State Government asked to provide specific recommendation on 10.3.1999.	

UTTAR PRADESH

Sl. No.	Name of community	Status of the proposal			
		Pending with RGI	Pending with NCST	Pending with State Government	Remarks
1.	Nishad	-	-	State Government has been asked for specific recommendations on 5.11.2004.	
2.	Kol and Banjara	-	-	RGI's comments referred to the State Government for additional information/further justification on 8.9.2003 and 26.12.2005.	
3.	Gujjar, Banmanus, Dhangar/ Oraon, Rawat, Dhanka, Biar, Parachinar, Sapera, Kahar, Godla, Bathan, dhimar, Soshia, Raikwar, Bote, Dangri, Tanwar, Singharia, Gosain/Jogi, Barua Magh, Mina, maina, Bajania	-	-	State Government asked to provide specific recommendations on 4.7.2001.	
4.	Rawalta-Jaunpuri known as Rawalta and Jaunpuri	-	-	State Government asked to provide specific recommendations on 12.7.2000.	
5.	Nayak and Chamaramangta (Ghumantu)	-	-	State Government asked to furnish specific recommendations on 26.12.2005.	

WEST BENGAL

Sl. No.	Name of community	Status of the proposal			
		Pending with RGI	Pending with NCST	Pending with State Government	Remarks
1.	Khombu (Rai), Gurung	-	-	State Government intimated about rejection of the proposal on 28.1.2010.	
2.	Deshwali Majhi	-	-	Rejected by the Ministry and the State Government was apprised on 20.7.2009.	(RGI rejected on more than two occasions)
3.	Bhatara, Dhimal, Mudi Kora (as synonym of Kora), Mal Pahariya, Mech, Oraon-Dhangar, Rong as synonym of Lepcha, Kumarbhag, Bodo	-	-	RGI's views sent to the S/G for comments and further justifications on 16.3.2006.	
4.	Thami	-	-	State Government asked to furnish their comments on 28.1.2005.	
5.	Khas	Referred to RGI for comments/ views on 23.4.2010.	-	-	
6.	Dhimal	-	-	State Government asked to provide specific recommendations as well as Ethnographic Report on 11.1.2010.	
7.	Gorkhas	-	-	State Government asked to provide Ethnographic report and specific recommendations on 21.2.2012.	

PUDUCHERRY

Sl. No.	Name of community	Status of the proposal			
		Pending with RGI	Pending with NCST	Referred to the State Government	Remarks
1.	(i) Irular (including Villi and Vettaikaran) (ii) Kattunayackan (iii) Malaikuravan (iv) Yerukula (v) Kuruman	Referred to RGI for comments/ views on 5.3.2012.			

MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON TUESDAY, 21ST FEBRUARY, 2012

The Committee met from 1100 hrs. to 1220 hrs. in Committee Room No. 'G.074', Parliament Library Building, New Delhi.

PRESENT

DR. MANDA JAGANNATH - IN THE CHAIR

**MEMBERS
LOK SABHA**

2. Smt. Susmita Bauri
3. Shri Mohan Jena
4. Shri G.V. Harsha Kumar
5. Shri R. Dhruvanarayana
6. Shri Ramashankar Rajbhar
7. Shri Lalit Mohan Suklabaidya

**MEMBERS
RAJYA SABHA**

8. Smt. Jharna Das Baidya
9. Shri Narayan Singh Kesari
10. Shri Baishnab Parida

LOK SABHA SECRETARIAT

- | | | | |
|----|-------------------|---|------------------|
| 1. | Shri Deepak Mahna | - | Joint Secretary |
| 2. | Smt. Anita Jain | - | Director |
| 3. | Shri P.C. Choulda | - | Deputy Secretary |

REPRESENTATIVES OF THE MINISTRY OF TRIBAL AFFAIRS

Sl. No.	Name	Designation
1.	Shri A.K. Chugh	Secretary,
2.	Dr. (Mrs.) Sadhana Rout	Joint Secretary
3.	Shri Asit Gopal	Director

1. In the absence of Chairman, the Committee chose Dr. Manda Jagannath, Member, Lok Sabha to act as Chairman for the sitting of the Committee under Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

2. At the outset, Hon'ble Acting Chairman welcomed the representatives of the Ministry of Tribal Affairs to the sitting of the Committee and drew their attention to the provisions of Direction 55(1) of the Directions by the Speaker, Lok Sabha. He informed that "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011 has been referred by Hon'ble Speaker, Lok Sabha to the Committee for examination and Report within three months. He also apprised that the Bill seeks to amend The Constitution (Scheduled Tribes) Order, 1950 to notify the list of Scheduled Tribes in the State of Karnataka and the Bill seeks to include Medara Tribe in entry 37 of The Constitution (Scheduled Tribes) Order, 1950 so as to give the Scheduled Tribes status to this tribal community. He requested the Secretary to brief the Committee on the contents of "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011" as well as its objectives and reasons.

3. The Secretary, Ministry of Tribal Affairs explained the various provisions of the Bill as well as the background and need for the proposed legislation.

4. Thereafter, the Members raised various queries, which *inter-alia* included reasons for the delay of the proposed legislation, need to change the modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists, forming of a Committee for a preliminary hearing for inclusion of certain castes and Tribes, need to set up Committee to review the Constitution (Scheduled Tribes) Order, 1950, reasons for non-inclusion of Sabaras in the tribe list, make available Reports of Sociological and anthropological studies for inclusion of names and synonyms of Tribes.

5. The representatives of the Ministry responded to the queries raised by the Members to the extent possible. The Acting Chairman directed them to furnish replies to those points which could not be replied to in the meeting.

6. Hon'ble Acting Chairman thanked the Secretary and other officials of the Ministry for giving valuable information to the Committee on the subject and expressing their views in a free and frank manner on various issues.

7. A verbatim record of the proceedings has been kept.

The witnesses then withdrew.

The Committee then adjourned.

**MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON
SOCIAL JUSTICE AND EMPOWERMENT HELD ON TUESDAY, 13TH MARCH,
2012**

The Committee met from 1500 hrs. to 1610 hrs. in Committee Room 'D',
Parliament House Annexe, New Delhi.

PRESENT

SHRI DARA SINGH CHAUHAN - CHAIRMAN

**MEMBERS
LOK SABHA**

11. Shri Kameshwar Baitha
12. Shri Devidhan Besra
13. Smt. Rama Devi
14. Dr. Manda Jagannath
15. Shri Dinesh Kashyap
16. Shri G.V. Harsha Kumar
17. Shri Basori Singh Masram
18. Shri Ramashankar Rajbhar
19. Shri Lalit Mohan Suklabaidya

**MEMBERS
RAJYA SABHA**

20. Smt. Jharna Das Baidya
21. Shri Avtar Singh Karimpuri
22. Shri Narayan Singh Kesari
23. Shri Ahmad Saeed Malihabadi
24. Shri Baishnab Parida

LOK SABHA SECRETARIAT

- | | | | |
|----|-------------------|---|------------------|
| 1. | Shri Deepak Mahna | - | Joint Secretary |
| 2. | Shri P.C. Choulda | - | Deputy Secretary |

REPRESENTATIVES OF THE MINISTRY OF TRIBAL AFFAIRS

Sl. No.	Name	Designation
1.	Shri A.K. Chugh	Secretary
2.	Dr. (Mrs.) Sadhana Rout	Joint Secretary
3.	Shri Asit Gopal	Director

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Dr. C. Chandramouli	Registrar General of India
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REPRESENTATIVES OF THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sl. No.	Name	Designation
1.	Shri Rabhuvendra Singh Sirohi	Secretary
2.	Shri Aditya Mishra	Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF LAW & JUSTICE

Smt. Sharda Jain	Joint Secretary & Legislative Counsel
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At the outset, Hon'ble Chairman welcomed the representatives of the Ministry of Tribal Affairs, Registrar General of India and National Commission for Scheduled Tribes to the sitting of the Committee and drew their attention to the provisions of Direction

55(1) of the Directions by the Speaker, Lok Sabha. He informed that "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011 has been referred by Hon'ble Speaker, Lok Sabha to the Committee for examination and Report. He expressed surprise over the fact that large number of proposals for modification in the list of Scheduled Tribes referred to the Registrar General of India (RGI) from the year 2003 onwards, are still pending clearance. He also pointed out that three proposals referred to the National Commission for Scheduled Tribes for modification in the list of Scheduled Tribes and the same are also pending with them. First of all, he enquired from the Registrar General of India (RGI) the reasons for taking a very long time for giving recommendations on the proposals to the Ministry.

2. The Registrar General of India (RGI) clarified the queries put forth by Hon'ble Chairman and stated that as on date five proposals are pending in which reports on 18 communities have been sought. He further stated that the list of proposals sent by the Ministry of Tribal Affairs on 23rd December, 2011 have not reached his office. However, the Secretary, Ministry of Tribal Affairs during evidence gave assurance to the Committee that he would hand over all the relevant papers to Registrar General of India (RGI).

3. Thereafter, the Members raised various queries, which *inter-alia* included reasons for the delay of the proposed legislation, criteria and procedure for accepting and rejecting proposals, conducting fresh survey and making available ethnographic data of communities for inclusion in the Schedule Tribe List, lay down a time frame for Registrar General of India (RGI) and National Commission for Scheduled Tribes for giving their comments on cases referred to them for modification.

4. The Secretary Ministry of Tribal Affairs, Registrar General of India (RGI), and Secretary National Commission for Scheduled Tribes responded to the queries raised by the Hon'ble Chairman and Members.

5. Hon'ble Chairman then thanked the representatives of the Ministry of Tribal Affairs, Ministry of Law & Justice, Registrar General of India and National Commission for Scheduled Tribes for giving valuable information to the Committee on the Bill and expressing their views in a free and frank manner on various issues.

6. A verbatim record of the proceedings has been kept.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE EIGHTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON MONDAY, 26TH MARCH, 2012

The Committee met from 1500 hrs. to 1530 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

SHRI DARA SINGH CHAUHAN - CHAIRMAN

MEMBERS
LOK SABHA

2. Shri Devidhan Besra
3. Smt. Rama Devi
4. Dr. Manda Jagannath
5. Shri Basori Singh Masram
6. Shri R. Dhruva Narayana
7. Shri Ramashankar Rajbhar
8. Shri Pradeep Kumar Singh
9. Shri Lalit Mohan Suklabaidya

MEMBERS
RAJYA SABHA

10. Shri Ahmad Saeed Malihabadi
11. Shri Shivpratap Singh

LOK SABHA SECRETARIAT

1. Shri Deepak Mahna - Joint Secretary
2. Smt. Anita Jain - Director
3. Shri P.C. Choulda - Deputy Secretary

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that the sitting had been convened for consideration and adoption of the draft Twenty-third Report of the Committee on "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011" pertaining to the Ministry of Tribal Affairs.

3. The Committee then took up for consideration of the draft Twenty-third Report and adopted the same with minor addition. The Committee authorized the Chairman to finalize the draft Report and present the same to Parliament.

The Committee then adjourned.

APPENDIX

STATEMENT OF OBSERVATIONS/RECOMMENDATIONS

Sl. No	Para No.	Observations/Recommendation
(1)	(2)	(3)
1.	1.18	<p>The Committee note that "The Constitution (Scheduled Tribes) Order (Second Amendment) Bill, 2011" relates to the amendment in the Scheduled Tribe list of the State of Karnataka. The change proposed is the inclusion of Medara community in entry 37. The Committee further note that as per the modalities for deciding claim for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list, the proposal for modification in the Scheduled Tribe List has been duly processed by the Ministry of Tribal Affairs in consultation with the concerned State Government, the Registrar General of India and the National Commission for Scheduled Tribe. The Committee, therefore, approve the amendment in the Bill in its entirety.</p>
2.	1.19	<p>The Committee are constrained to note that as of now 242 proposals for modification in the list of Scheduled tribes are pending with State Governments/UTs, office of the Registrar General of India (RGI) and the National Commission for Scheduled Tribes. The Committee also note that the list of proposals sent by the Ministry of Tribal Affairs on 23rd December, 2011 have not been received in the office of Registrar General of India. However, the Secretary, Ministry of Tribal Affairs during evidence has given assurance to the Committee that he would hand over all the relevant papers to Registrar General of India (RGI). The Committee are not at all satisfied with the reply of the Ministry and express their deep anguish at this sordid state of affairs in terms of coordination between the Ministry of Tribal Affairs and the Registrar General of India. The Committee, therefore, strongly recommend that all the agencies i.e. the Ministry of Tribal Affairs, State Governments/UTs, Registrar General of India (RGI)</p>

		<p>and the National Commission for Scheduled Tribes act together in greater coordination and clear the proposals pending with them urgently with concerted efforts. The Committee desire that the Government lay down a time frame for obtaining comments from Registrar General of India (RGI) and the National Commission for Scheduled Tribes on cases referred to them for modification in the list of Scheduled Tribes. The Committee further desire that the Ministry should vigorously pursue with the State Governments and other agencies to get the comments expeditiously so as to expedite the process of inclusion of names of tribes in the lists of Scheduled Tribes of various States/Union Territories.</p>
3.	1.20	<p>The Committee find that sociological, anthropological and ethnographic studies are required in any case for inclusion of names/synonyms of Tribes and these are conducted by the concerned State Governments/UTs for supporting the proposals. The Committee are constrained to note from the reply of the Ministry that yet no survey has been conducted or proposed to be conducted to review the Constitution (Scheduled Tribes) Order, 1950. About the criteria and procedure for accepting and rejecting the proposals, the Registrar General of India (RGI) have stated that there is a Lokur Committee which has given certain set of recommendations as to how these proposals should be examined. That ethnographic literature has been published in 1950s and 1960s. In the opinion of the Committee, there is a felt need for new survey and collection of required ethnographic literature for inclusion of new communities in the Scheduled Tribes list. The Committee, therefore, recommend that the Government should immediately take steps for the conduct of a fresh survey and furnish the required ethnographic material to all the agencies concerned so that these needy and deserving communities are considered for inclusion in the list of Scheduled Tribes.</p>