

Bill No. IV of 2019

**THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(SECOND AMENDMENT) BILL, 2019**

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BILL

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

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

1. This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2019. Short title.

C.O. 22.

2. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Amendment of
Constitution
(Scheduled
Tribes) Order,
1950.
5 Part VI.—Karnataka,—

(a) in entry 38, for the words "Naikda, Nayaka", the words and brackets "Naikda, Nayaka (including Parivara and Talawara)" shall be substituted;

(b) in entry 50, for the brackets and words "(in Uttar Kannada district)", the brackets and words "(in Belagavi, Dharwad and Uttar Kannada districts)" shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

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 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 group 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 accordance with the provision of article 342 of the Constitution, the first list of Scheduled Tribes in respect of State of Karnataka (the then State of Mysore) was notified, *vide* the Constitution (Scheduled Tribes) Order, 1950. List of Scheduled Tribes of State of Karnataka has been modified through the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 and the Constitution (Scheduled Tribes) Order (Amendment) Act, 2012.

4. At present, there are one hundred and six numbers of communities and synonyms appearing in the list of Scheduled Tribes of the State of Karnataka.

5. On the basis of recommendation of State of Karnataka, it has been decided for inclusion of communities, namely: (i) “Parivara” and “Talawara” at entry 38 as synonyms of “Nayaka” and (ii) “Siddi” community of Dharwad and Belagavi districts alongwith existing ‘Siddi’ Community of Uttar Kannada district at entry 50 in the list of Scheduled Tribes of the State of Karnataka. Therefore, it is proposed to amend PART-XI of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 relating to the State of Karnataka to grant Scheduled Tribes status to the said communities.

6. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 8th January, 2019.

JUALORAM

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950, by amending the list of Scheduled Tribes of the State of Karnataka, as under:—

“Inclusion of communities, namely (i) “Parivara” and “Talawara” at entry 38 as synonyms of “Nayaka” and (ii) “Siddi” community of Dharwad and Belagavi districts alongwith existing “Siddi” community of Uttar Kannada district at entry 50 in the list of Scheduled Tribes of the State of Karnataka”.

2. The amendment in the list of Scheduled Tribes in respect of the State of Karnataka will entail no additional recurring expenditure from Consolidated Fund of India on account of benefits likely to be provided to the persons belonging to aforementioned communities in State of Karnataka, out of continuing schemes meant for welfare of Scheduled Tribes. The said expenditure will be accommodated within the Annual Plan and non-Plan outlay of this Ministry.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

C.O. 22

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PART VI.—*Karnataka*

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38. Naikda, Nayaka, Chollivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka,
Naik, Nayak, Beda Bedar and Valmiki

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50. Siddi (in Uttar Kannada district)

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RAJYA SABHA

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BILL

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

(Shri Jual Oram, Minister of Tribal Affairs)