

Bill No. 139 of 2012

THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(SECOND AMENDMENT) BILL, 2012

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BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

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

1. This Act may be called the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2012.

Short title.

C.O. 22

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950,—

Amendment of Part VII and Part XX of Constitution (Scheduled Tribes) Order, 1950.

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(a) in Part VII.— Kerala, after entry 27, insert—

“28. Marati (of the Hosdurg and Kasargod Taluks of Kasargod District)”;

(b) in Part XX.— Chhattisgarh,—

(i) in entry 16, after “Asur”, insert “, Abhuj Maria”;

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(ii) in entry 27, after “Korwa”, insert “, Hill Korwa”.

STATEMENT OF OBJECTS AND REASONS

Clause (25) of article 366 of the Constitution defines, “Scheduled Tribes as under: "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”.

2. Article 342 of the Constitution provides as under:—

“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. In view of the above constitutional provisions, the first list of Scheduled Tribes in Kerala was notified *vide* the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956. It was further amended/modified through the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 [No. 108 of 1976] (dated 18th September, 1976), The 'Marati' community was excluded from the list of Scheduled Tribes of Kerala *vide* the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 [No. 10 of 2003] (dated 07th January, 2003).

4. The communities of "Abujh Maria" and "Hill Korwa" identified as Particularly Vulnerable Tribal Groups have not been enlisted in the list of Scheduled Tribes of the State of Chhattisgarh.

5. To fulfill the long standing demand for re-inclusion of 'Marati' community in the list of Scheduled Tribes in the State of Kerala, it is proposed on the recommendation of the State of Kerala to amend Part VII, of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 relating to Kerala and insert a new entry at Sl. No. 28 as—'Marati' (of the Hosdurg and Kasargod Taluks of Kasargod District).

6. To fulfil the long standing demand for granting Scheduled Tribes status to the Particularly Vulnerable Tribal Groups namely “Abujh Maria” and “Hill korwa” in the list of Scheduled Tribes in the State of Chhattisgarh, it is proposed on the recommendation of the State of Chhattisgarh to amend the entry at Sl. No. 16 and 27 occurring under Part XX of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, relating to Chhattisgarh and insert a new entry “Abujh Maria” after Asur at Sl. No. 16 and a new entry at Sl No. 27 of “Hill Korwa” after Korwa.

7. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 11th December, 2012.

V. KISHORE CHANDRA DEO

FINANCIAL MEMORANDUM

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950 by inserting a new entry at Sl. No. 28 in the list of Scheduled Tribes of Kerala State as—'Marati' (of the Hosdurg and Kasargod Taluks of Kasargod District) and in the list of Scheduled Tribes of Chhattisgarh State, a new entry "Abujh Maria" after Asur at Sl. No. 16 and a new entry of "Hill Korwa" after Korwa at Sl. No. 27.

2. The amendment in the list of Scheduled Tribes of Kerala and Chhattisgarh will entail additional recurring expenditure from the Consolidated Funds of India on account of benefits likely to be provided to the persons belonging to 'Marati', 'Abujh Maria' and 'Hill Korwa' communities 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

EXTRACTS FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950.

(C.O. 22)

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PART VII.—*Kerala*

28. Omitted

PART XX.—*Chhattisgarh*

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16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, 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, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi.

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27. Korwa, Kodaku

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further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the States of Kerala and Chhattisgarh.

(Shri V. Kishore Chandra Deo, Minister of Tribal Affairs)