

# RGICS

RAJIV GANDHI INSTITUTE FOR CONTEMPORARY STUDIES  
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# RGICS LEGISLATIVE BRIEF

(January, 2017)

The Constitution Amendment (Scheduled  
Caste and Scheduled Tribe) Order  
(Amendment) Bill, 2016

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## The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016

### PART: I Key Messages

- The Constitutional Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016 proposes to include 23 different communities of Assam, Tripura, Tamil Nadu, Chhattisgarh and Jharkhand in the list STs.
- Despite political consensus and approval of the National Commission for Scheduled Tribe and the previous government, the NDA government took more than two and half years to move this constitutional amendment Bill.
- Currently there are 210 proposals of different communities for inclusion in the list of STs pending with Central government for final approval.
- The Bill attempts to resolve only 12 out of 210 proposals seeking ST categorization.

### PART: II Introduction

The introduction of 'The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016' in Lok Sabha in December 2016 by NDA government has brought good news for nearly 23 tribal communities. The Union Minister of Tribal Affairs Mr. Jual Oram while introduction of the Bill in the Lok Sabha said that the Bill has accepted some proposals of inclusion of few communities in the list of ST requested by five states governments- Assam, Chhattisgarh, Jharkhand, Tamil Nadu and Tripura. The Bill reads, "the Bill seeks to include certain communities as well as addition of synonyms of communities in the existing lists of Scheduled Tribes." For many of these communities, the demand of ST categorization is very old and they fought a long battle for their rightful due. Communication between different stakeholders reveals that the claim of every community (included in the Bill) has been rigorously scrutinized by experts from respective state governments, Union Ministry of Tribal Affairs, National Commission for Scheduled Tribe (NCST) and the Registrar General of India (RGI). The Bill proposes inclusion of following communities in the ST list of their respective States.

| Sl. No. | State        | Inclusion /Rectification                           | Community                                                                                                     |
|---------|--------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 1.      | Assam        | Inclusion                                          | i) Boro, Boro Kachari, Bodo, Bodo Kachari<br>ii) Karbi (Mikir)                                                |
| 2.      | Chhattisgarh | Inclusion                                          | iii) Bhuinya, Bhuiyan, Bhuyan<br>iv) Dhanuhar / Dhanuwar<br>v) Kisan<br>vi) Saunra, Saonra                    |
|         |              | Rectification of Hindi Version of the Notification | vii) Dhangad                                                                                                  |
| 3.      | Jharkhand    | Inclusion                                          | viii) Bhogta, Deshwari, Ganjhu, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi (Kheri)<br>ix) Puran |
| 4.      | Tamil Nadu   | Inclusion                                          | x) Malayali Gounder<br>xi) Narikoravan, Kurivikkaran                                                          |
| 5.      | Tripura      | Inclusion                                          | xii) Darlong                                                                                                  |

Source: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=145625>

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Apart from the inclusion of communities in ST list, the Bill also proposes to omit 'Bhogta' community from Scheduled Caste list of Jharkhand and include them in ST list of the state. The Bill only attempts to address 12 different proposals of state governments for inclusion of communities in ST list. According to the central government there are 210 such proposals recommended by different state governments seeking inclusion of hundreds of communities in ST list of their respective state.

### PART: III Background

The Constitution of India under its Articles 341 and 342 in 1950 had notified the Scheduled Castes and the Scheduled Tribes in respect of various States and Union Territories. These lists were modified from time to time on recommendation of respective State and Union territories. A constitutional amendment is the only way to amend these two articles for inclusion in, exclusion from or rectification in the list of notified Scheduled Tribe and Scheduled Caste. The Cabinet committee on Scheduled Caste, Scheduled Tribes and Minority in 1999 had set a procedure to decide on claims for inclusion in, exclusion from and other modifications in the ST and SC list<sup>1</sup>. The procedure approved by the cabinet committee and followed in every case is as follows:

#### **Procedure for deciding claims for inclusion in, exclusion from, other modifications in the lists of STs**

- (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.
- (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.)
- (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.
- (e) 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.
- (f) 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.
- (g) 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 the comments of the 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.

Source: <http://www.tribal.nic.in/Content/Modalities.aspx>

<sup>1</sup> <http://www.tribal.nic.in/Content/Modalities.aspx>

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Hundreds of communities across the country have been demanding inclusion in the list of ST and SC. From time to time state governments and union territories have also been forwarding some of those demands to central government for final approval. Currently there are 210 such proposals related to hundreds of community from different states and UTs are pending at different stages. Details of pending proposals for inclusion in ST list are as follows:

### State wise Proposal of communities pending for inclusion in the ST list

| State/UT          | Number of Proposals approved by respective state governments | Communities seeking ST categorization                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Andhra Pradesh    | 2                                                            | Mandula, Konda Kummari                                                                                                                                                                                                                                                                                                                                                                                                             |
| Arunachal Pradesh | 2                                                            | Yobin, Wancho, Nocte, Tangsa, Tutasa, Ollo                                                                                                                                                                                                                                                                                                                                                                                         |
| Assam             | 42                                                           | Karbi (Mikir), Matak and Maran, AmriKarbi, Mising, BodoKachari, Tai Ahom, Chutia, Koch Rajbongshi, Mal Paharia, Bedia, Saora, Kharia, Gond, Munda, Damdari, Bonda, Mahli, Shabar, Parja, Mirdha, Kishan, ChikBaraik, Kol, Pradhan, Khond, Birjia, Korwa, Kherwar, Chero, Koya, Birhor, Bhumij, Halba, Majwar, Dhanwar, Kawar , Gorait, Asur, Baiga, Lodha, Nagasia, Bhil, Oraon, Santal                                            |
| Bihar             | 3                                                            | Lohara, Krishi, Vishya / Chasot as synonym of Kisan, Kamkar                                                                                                                                                                                                                                                                                                                                                                        |
| Chhatisgarh       | 27                                                           | Pathari, Saura, Sahara, Soura, Saonra, Mahra, "Bhuinya, Bhuiyan, Bhuyan, Bhuyya, Bhiyan, Gadba, Dhanuhar, Dhanuwar, Binjhia, Sabria, Rautia, Kisan, Parganiha, Pardhan, Dhuri, Dhoori, Banjara, Nayak, Amnit, Amneet, Kodaku, Kondh/Kond, Nagawansh, Kherwar, Khairwar, Majhwar, TanwarChhatri, Dhangad, Dhimar, Kewat, Kahar, Mallah, Bhuihar, Pando, Bharia, Gond                                                                |
| Goa               | 2                                                            | Exclusion of communities (i) Dhodia (ii) Dubla (Halpati) (iii) Naikda (Talavia) (iv) Siddi (Nayaka) (v) Varli<br>Inclusion of Dhangar (Gauli)                                                                                                                                                                                                                                                                                      |
| Jammu and Kashmir | 2                                                            | Argons community, Pahari speaking people                                                                                                                                                                                                                                                                                                                                                                                           |
| Jharkhand         | 8                                                            | Biar, Kolh (Teli), Khetauri, Kurmi /Kudmi (Mahto), Ghatwar / Ghatwal, Puran, Bhogta, Deshwari, Ganju, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia, Khairi, Rautia                                                                                                                                                                                                                                                             |
| Karnataka         | 6                                                            | Gangamatha, HalakkiVokkalu, Talwara, Pariwara, Kuruba (Gulbarga), Kadugolla (Advaigolla), Kaniyan, Kanyan,                                                                                                                                                                                                                                                                                                                         |
| Kerala            | 3                                                            | Vetan Nayadi , Kunduvadiyan , Malayali                                                                                                                                                                                                                                                                                                                                                                                             |
| Madhya Pradesh    | 6                                                            | Meena, Keer , Pardhi, Dheemar, Kevat, Kahar, Bhoi, Mallah, Nishad, Kamar, Panika, Badi, Vaadi                                                                                                                                                                                                                                                                                                                                      |
| Odisha            | 86                                                           | Laban, Labana, Bhattada, Bhattara, BodoBhattada, Sano Bhattada, Bhuinya, Pauri Bhuyan / Paudi Bhuyan, PrajaBhuyan/ ParjaBhuyan / ParajaBhuyan/ ParojaBhuyan/ RoutaliBhuyan, RajkoliBhuyan / RajkuliBhuyan, PaikaBhuyan / Paik Bhuyan / KhandayatBhuyan / Khandayat Paik Bhuyan, Bhumija, SinglalBhumij / SinglatBhumij, TamodiaBhumij / TamadiaBhumij / TamudiaBhumij TamuliaBhumij / TamundiaBhumij, ChuktiaBhunja, Banda Paraja, |

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|               |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               |   | BondaParaja, Durua, dhurua, Dhurava, Ollera Gadaba, Sana Gadaba, Maria Gond, Muria/Muria Gond, Tanla Gaund, Kaur / Kaanr / Koanr / Kuanr / Kunwar / Kuanwar / Konwar, DudhaKharia, PahadiKharia (Hill Kharia), Delki / DelkiKharia, Nageswar, KolhaLohara, KolKamar, ErengaKolha, CherengaKolha, GampaKoya, GumpaKoya, Koitor, MussaraKoya / MusriKoya, LodhaKhadia, Mankidia, ErengaMunda, NagabansiMunda, Amanatia, Uram, Dhangara, Oram/Uraon, Oraon Mundi, Bareng Jhodia Paroja, Penga Paroja, Pengu Paroja, Porja, Selia Paroja, Jhadua Bindhani, Kuvi Kandha, Kui Kandha, BudhaKondh / BudhaKandha / BuduKondh / DuduKandha / BuriKandha, DesuaKandha / DesiKandha, DanguriaKandha / DongriaKandha, KutiaKondh, PenguKandha, TikiraKondha / TikiriaKandha, Oriya Kandha / OdiaKandha, Bhima, BobiliSaora, GontarSaora, JaduSavar, JathiSavar / JathiSaora, KamposSaora, KapuSaora, KudubaSaora, KurumbaSaora, KumbiSaora, LariaSaora, MallaSavar, Oriya Saora / OdiaSaora, PatraSavara, Sudha Savar / Sudha Saora / Sudho Soura, TanklaSavar / KindalSavar, VasuSaora / BasuSaora, KandhaKumbhar, Paharia, Konda Reddy / KondaReddi, Muka Dora / Mooka Dora / Nuka Dora / Nooka Dora, Saara, Jodia / Jhodia / Jadia / Jhadia, Luhura, Lohara, Lohar |
| Punjab        | 1 | Buria, Bazigar, Banjara, Bangala, Brara, Ghandhila, Nat and Sansi (including its 33 sub- castes Kuchband, Bhedkut, Manesh, Gadoria, Bachhabans, Kopet, Aheria, Tettlu, Bheria, Arhar, bhantu, Chattu, Bhattu, Habura, Kikan, Harrar, Khola, Behlowala, Biddu, Langeh, Singiwala, Kanjar, Mishkari, Bhaginarmaur, Kingicut, Dhe, Kalkinar, Chaddi or Chadi, Birtwal, Biharia, Pakhwara, Haddon, Haria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Sikkim        | 1 | Thami, Bahun, Chhetri, Sanyasi (Jogi) Newar”, KiratKhambuRai, KiratDewan (Yakha), Bhujel, Sunuwar, Mangar and Gurung.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Tamil Nadu    | 9 | MalayaliGounder, Kuravan, Sidhanar, Koravars, Narikoravan, Kuruma, Kuruman, Kurumba, KurumbaGounder, Kurumb, Kurumbar, Vettaikaran and Vettaikaranayakkan, Badaga, Yerukula, Valmiki                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Tripura       | 1 | Darlong                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Uttarakhand   | 1 | Balti                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Uttar Pradesh | 4 | Gihar (Kanjar), Gond, Dhuria, Nayak, Ojha, Pathari, Rajgond, Banjara                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| West Benal    | 3 | Bhujel, Gurung, Mangar, Newar, Jogi, Khas, Rai, Sunuwar, Thami and Yakha (Dewan), Dhimal, Kol                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Pudduchery    | 1 | (i) Irular (including Villi and Vettaikaran) (ii) Kattunayackan (iii) Malaikuravan (iv) Yerukula (v) Kuruman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|               |   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Source: Compiled from LOK SABHA STARRED QUESTION NO. \* 119, ANSWERED ON 25.7.2016

## The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016

### PART: IV

#### The Bill : The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016

The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016 has proposed to include nearly 23 communities from Assam, Chhattisgarh, Jharkhand, Tamil Nadu and Tripura in ST list of their respective states. However, even in these five states, number of other such proposals is pending for several years. Here is attempt to describe state wise proposed categorization of ST communities along with pending claims for the same.

#### **Assam:**

All Scheduled Tribes comprises about 12.4% of Assam's population according to the 2011 census. The state has two lists of STs approved by the constitution. One list is for the two hill districts (Karbi Anglong and Dima Hasao); both of these districts are administratively autonomous. It has listed 15 different types of tribes with number of sub-group mentioned. The other list of STs is for the districts in the plains, which consists of 14 different tribal groups. Over the years, various other communities have also demanded for the ST status in the state. Responding to the demands of various groups in this regard, the state government has forwarded 42 proposals for inclusion of several communities in State's ST list since 2009. These proposals recommended by the state government have been awaiting approval from the central government. Detail of all proposals recommended by the Assam government is as follows:

| Name of Community                            | Proposal of State Government                                                               | Status / Present position                                                 |
|----------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Karbi (Mikir)                                | Govt. of Assam vide letter dtd. 18.01.2013 recommended with ethnographic report.           | Cabinet has approved on 25.05.2016.                                       |
| Matak and Maran .                            | Vide letter dt. 20.6.13, State Govt. recommended with ethnographic report.                 | Sent to RGI for comments                                                  |
| AmriKarbi                                    | Govt. of Assam vide letter dtd. 15.06.2013 recommended with ethnographic report.           | Sent to RGI for comments                                                  |
| Change of Nomenclature of "Miri" to "Mising" | Vide letter dated 15.7.2013, State Govt. recommended change of name of "Miri" to "Mising". | RGI sought some clarification, conveyed to State Government for comments. |
| BodoKachari                                  | State Government recommended with ethnographic report on 29.10.2010.                       | Cabinet has approved on 25.05.2016.                                       |
| Tai Ahom & Chutia                            | State Govt. recommended with ethnographic report on 20.3.13.                               | Sent to RGI for comments                                                  |
| Koch Rajbongshi                              | State Govt. recommended with ethnographic report vide letter dated 20.6.2013               | Sent to RGI for comments                                                  |
| Mal Paharia                                  | State Govt. recommended with ethnographic report on 12.1.2012                              | Sent to RGI for comments.                                                 |
| Bedia                                        |                                                                                            |                                                                           |
| Saora                                        |                                                                                            |                                                                           |
| Kharia                                       |                                                                                            |                                                                           |
| Gond                                         |                                                                                            |                                                                           |
| Munda                                        |                                                                                            |                                                                           |

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|            |  |  |
|------------|--|--|
| Damdari    |  |  |
| Bonda      |  |  |
| Mahli      |  |  |
| Shabar     |  |  |
| Parja      |  |  |
| Mirdha     |  |  |
| Kishan     |  |  |
| ChikBaraik |  |  |
| Kol        |  |  |
| Pradhan    |  |  |
| Khond      |  |  |
| Birjia     |  |  |
| Korwa      |  |  |
| Kherwar    |  |  |
| Chero      |  |  |
| Koya       |  |  |
| Birhor     |  |  |
| Bhumij     |  |  |
| Halba      |  |  |
| Majwar     |  |  |
| Dhanwar    |  |  |
| Kawar      |  |  |
| Gorait     |  |  |
| Asur       |  |  |
| Baiga      |  |  |
| Lodha      |  |  |
| Nagasia    |  |  |
| Bhil       |  |  |
| Oraon      |  |  |
| Santal     |  |  |

Source: LOK SABHA, STARRED QUESTION NO. \* 119, ANSWERED ON 25.7.2016

Each of these claims is distinct and needs detailed study before deciding on their proposals. Given the complex administrative system of the State, with autonomous districts to cater specific demands of people, it becomes even more difficult to assess such proposals. For example, the Bodo Accord signed among the Centre, the government of Assam and the Bodo Liberation Tigers (BLT) in 2003 on the issue of inclusion of Bodos in ST list remains unimplemented even after more than a decade of accord. The clause 8 of the Bodo Accord reads, “The government of India agrees to consider sympathetically the inclusion of the Bodo Kacharis living in Karbi Anglong and NC Hills Autonomous Council area in the ST (hill) list of the state of Assam.”<sup>2</sup> The state government in 2010 had recommended inclusion of Bodos in ST list and forwarded it to central government for final approval.

The other long pending demand is from Karbi community. Karbi community is largely concentrated in Karbi Anglong district governed by Karbi Anglong Autonomous Council (KAAC). Karbi community shares 46.38 per cent of council’s

<sup>2</sup> [https://www.telegraphindia.com/1150725/jsp/frontpage/story\\_33562.jsp#.WGnzNYVOKId](https://www.telegraphindia.com/1150725/jsp/frontpage/story_33562.jsp#.WGnzNYVOKId)

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population. It also has other tribal groups such as Bodos, Kukis, Dimasas, Hmars, Garos, Rengma, Nagas, Tiwas and Man3. Apart from the Karbi Council, Karbis are also residing in various other parts of the state. There have been demands to include Karbis residing in plain districts of Assam in ST (plain) list. The state government forwarded a proposal in this regard to central government with an ethnographic report in 2013.

The third and perhaps most controversial proposal of inclusion in ST list is related to six OBC communities, namely the Ahom, Koch-Rajbangshi, Moran, Matak, Chutiya and Adivasi (tea tribes). For a very long time, they have been demanding for ST status. Currently all of these communities are listed in OBC list of the state. All leading political parties in the state have supported their claim; however, an alliance of 10 tribal organizations – Coordination Committee of the Tribal Organizations of Assam (CCTOA) has been opposing this proposal<sup>4</sup>. The CCTOA has argued that since these six communities are educationally and economically better off, therefore, they cannot be included in the ST list. The previous congress led state government had forwarded their claim to the central government. The BJP led NDA government at centre has appointed a committee to review their claim and the report of the committee is awaited.

The central government has officially accepted the demands of Bodos and Karbis and proposed changes in the Constitution through the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill, 2016. The controversial proposal of six OBC communities, which has political consensus, is yet to be accepted by the central government.

### Tamil Nadu:

Out of nine pending proposals of Tamil Nadu government for inclusion of several communities in the ST list, the Bill has entertained only two. Some of proposals of the State are pending for several years. For example, the state government in 1990 approved the claim of Badaga community inclusion in the ST category. Similarly, the state government in 1991 recommended a proposal for inclusion of Vettaikaran and Vettaikaranayakkan communities in the ST list of the state. Details of each of the proposal recommended by the state government are as follows.

| Name of Community                                                                                           | Proposal of State Government      | Status / Present position                                                                                                 |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| MalayaliGounder (without area restriction)                                                                  | State Govt. proposed on 14.8.2006 | Cabinet has approved on 25.5.2016.                                                                                        |
| Kuravan, Sidhanar and 26 other Koravars                                                                     | State Govt. proposed on 21.8.2006 | Sent to RGI for comments.                                                                                                 |
| Narikoravan grouped with Kuruvikaran community                                                              | State Govt. proposed on 21.8.2006 | Cabinet has approved on 25.5.2016.                                                                                        |
| Kuruma, Kuruman, Kurumba, KurumbaGounder, Kurumban and Kurumbar communities 'Kurumans' ST. as synonymous of | State Govt. proposed on 21.8.2006 | RGI has not supported the proposal for inclusion of Kuruma, Kurumba, KurumbaGounder, Kurumban and Kurumbar communities as |

<sup>3</sup> [http://www.idsa.in/policybrief/karbi-insurgency-in-assam\\_sksharma\\_200116](http://www.idsa.in/policybrief/karbi-insurgency-in-assam_sksharma_200116)

<sup>4</sup> <http://indianexpress.com/article/india/india-news-india/assam-quota-reservations-scheduled-tribe-caste-obc-other-tribes-worry-3076108/>

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|                                                       |                                            |                                                                                                                                |
|-------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|                                                       |                                            | synonyms of Kurumans ST. Same was sent to State Govt. for appropriate action. Proposal of Kuruman referred to NCST on 9.10.14. |
| Change of existing names of STs (20 Scheduled Tribes) | 26.12.2007 received from MOSJE on 6.2.2008 | Comments of RGI have been referred to State Government for further justification on 6.2.2009 and reminded on 30.5.2014.        |
| Vettaikaran and Vettaikaranayakkan                    | State Govt. proposed on 1991 & 1992        | State Government requested for ethnographic report. State Govt. has informed ethnographic report under preparation.            |
| Badaga                                                | State Govt. proposed on 1990 & 16.9.2003   | RGI did not support the proposal. Communicated to State Government.                                                            |
| Yerukula                                              | State Govt. proposed on 16.12.2014         | Sent to RGI for comments.                                                                                                      |
| Valmiki                                               | State Govt. proposed on 16.12.2014         | Sent to RGI for comments                                                                                                       |

Source: LOK SABHA, STARRED QUESTION NO. \* 119, ANSWERED ON 25.7.2016

**Long Pending due of Narikoravan and Kurivikkaran Communities:** The Bill proposes inclusion of Narikoravan and Kurivikkaran communities of Tamil Nadu in the ST list. Currently both of these nomadic tribal communities are listed in MBC of the state. Traditionally located in Trichy and Villupuram districts, Narikuravas (jackal catchers) and Kuruvikaras (bird eaters) are hunter-gathering community. With this proposal both of these communities won a four and a half decade long constitutional battle to change status from MBC to ST. “It began in 1965, when the Lokur Committee recommended inclusion of Narikoravans and Kuruvikaran in the list of Scheduled Tribes. In the 1980, the M.G. Ramachandran, the then Chief Minister of Tamil Nadu proposed to the Union Government to include these communities in the ST list<sup>5</sup>.” Various researches suggest that these communities are living in extremely impoverished conditions and the ST categorization would help them to move upward socially and economically.

**Controversial Inclusion of Malayali Gounder:** The Bill also proposes to include Malayali Gounder community in the ST list of Tamil Nadu. Some tribal right activists in Tamil Nadu questioned this move, according to them there is no tribal community named as Malayali Gounder. A well known tribal community Malyali is already there in the ST list of the state excluding Malyali of Erode district. In the Erode district, a community called Malyali Gonder has been demanding for ST status. The Bill has positively responded to their demand. However, the Tamil Nadu Tribal Association has opposed this decision. The response of Association reads, “Including a new community by the name of Malayali Gounder will not only create confusion, but will also result in others getting fake community certificates under the same name.”<sup>6</sup>

<sup>5</sup> <http://www.thenewsminute.com/article/st-status-now-reality-long-road-ahead-narikuravars-and-kuruvikarans-44178>

<sup>6</sup> <http://m.dailyhunt.in/news/india/english/the+new+indian+express-epaper-newexpress/inclusion+of+malayali+gounders+in+st+list+will+cause+confusion+tn+tribal+activists-newsid-53743476>

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### Tripura:

The Bill has proposed to include the minority Darlong community of Tripura in the Scheduled Tribes list. It has been a long pending demand of the community, who follows Christianity. “The Darlong community settled mainly in hilly areas of Dhalai and North Tripura districts and a sub-tribe of the Mizo community<sup>7</sup>.” With this inclusion, Tripura will have a total of 20 communities in the ST list. This was the only proposal of state government of Tripura pending for Center’s approval. The state government had proposed inclusion of Darlong community in ST list in 2003.

### Chhattisgarh:

Chhattisgarh government has forwarded number of proposal regarding inclusion of communities in ST list and rectification in existing ST list of the state. Currently 27 such proposals are pending with the Central government, NCST and RGI. The current Bill proposed by the NDA government has largely focused on including communities that were excluded in the past just because of minor differences in their name. The Bill entertains only four such proposals of the state government. The details of claims of ST categorization recommended by the state government are as follows.

| Name of Community                                                                                          | Proposal of State Government                                                                                                                                   | Status / Present position                                                                                                    |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Pathari as synonym of Pardhan (entry no. 35)                                                               | State Govt. on 7.1.2010 proposed for this community                                                                                                            | RGI did not support the proposal. Conveyed to State Govt.                                                                    |
| Saura, Sahara, Soura&Saonra as synonyms of Sawar, Sawara (entry 41)                                        | The State Govt. has for the 3rd time submitted the proposal for inclusion vide letter No. F.10-5/2012/25-2 dated 05.9.2013.                                    | Cabinet has approved on 25.5.2016.                                                                                           |
| Mahra                                                                                                      | State Govt. on 19.2.2014 proposed for inclusion in Bastar division.                                                                                            | Govt. of Chhattisgarh vide letter dated 13.10.15 informed that Mahra community does not fulfil criteria for inclusion of ST. |
| “Bhuinya, Bhuiyan, Bhuyan, Bhuyya, Bhiyan” communities as synonyms of “BhariaBhumia” listed at entry No. 5 | State Govt. on 18.2.2010 recommended for inclusion ““Bhuinya, Bhuiyan, Bhuyan, Bhuyya, Bhiyan” communities as synonyms of “BhariaBhumia” listed at entry No. 5 | Cabinet has approved on 25.5.2016.                                                                                           |
| Gadba without change in English text.(entry 15)                                                            | State Govt. proposed on 30.4.2014.                                                                                                                             | Sent to RGI for comments                                                                                                     |
| Dhanuhar, Dhanuwar as a synonym of Dhanwar (entry no. 14)                                                  | State Govt. on 7/1/2012 proposed for inclusion of these communities.                                                                                           | Cabinet has approved on 25.5.2016.                                                                                           |

<sup>7</sup> [https://www.telegraphindia.com/1160527/jsp/northeast/story\\_87864.jsp#.WGtHilVOKlc](https://www.telegraphindia.com/1160527/jsp/northeast/story_87864.jsp#.WGtHilVOKlc)

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|                                                                               |                                                                                 |                                                                                                                                                                    |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Binjhia                                                                       | State Govt. on 17/2/2011 proposed for inclusion of this community in districts. | Recommended by State Govt., RGI and NCST.                                                                                                                          |
| Sabria                                                                        | State Govt. proposed on 13.9.2011.                                              | RGI did not support the proposal Conveyed to State Govt..                                                                                                          |
| Rautia                                                                        | State Government proposed on 7.9.2011                                           | RGI did not support the proposal. Conveyed to State Govt                                                                                                           |
| Kisan as synonym of Nagesia, Nagasia (entry no. 32)                           | State Govt. on 10/1/2012 proposed for inclusion of this community.              | Cabinet has approved on 25.5.2016.                                                                                                                                 |
| Parganiha, Pardhan                                                            | State Govt. proposed on 29.4.2013                                               | State Govt. sent comments on 26.3.2014 RGI did not support the proposal. Conveyed to State Govt. Justification from State Govt. has been sent to RGI for comments. |
| Dhuri, Dhoori                                                                 | State Govt. proposed on 12.12.2013                                              | RGI did not support the proposal. Conveyed to State Govt.                                                                                                          |
| Banjara, Nayak                                                                | State Govt proposed on 13.12.2013                                               | RGI did not support the proposal. Conveyed to State Govt.                                                                                                          |
| Amnit, Amneet as sub-caste of Bhattara                                        | . State Govt. proposed on 1.8.2014                                              | Sent to RGI for comments                                                                                                                                           |
| Kodaku at Sl no.27                                                            | State Govt. proposed on 27.5.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Kondh/Kond                                                                    | State Govt. proposed on 27.5.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Nagawanshi without any change in English version at Sl.No.16                  | State Govt. proposed on 30.4.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Kherwar, Khairwar at sl. No.21                                                | State Govt. proposed on 26.7.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Majhwar (inclusion of variant Devnagari version) at Sl.No.29                  | State Govt. proposed on 27.5.2014                                               | Sent to RGI for comments                                                                                                                                           |
| TanwarChhatri                                                                 | State Govt. proposed on 28.8.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Parhia                                                                        | State Govt. proposed on 26.7.2014                                               | Sent to RGI for comments                                                                                                                                           |
| Dhangad(rectification of धनगढ़ in Hindi version by substitution with धांगड़ ( | State Govt. proposed on 30.9.2014                                               | Cabinet has approved on 25.5.2016.                                                                                                                                 |
| Dhimar, Kewat, Kahar and Mallah as synonym of Majhi                           | State Govt. proposed on 25.9.2009                                               | RGI did not support the proposal. Conveyed to State Govt.                                                                                                          |
| Bhuihar in Hindi at Sl. No.5                                                  | State Govt. proposed on 30.4.2014                                               | Sent to RGI for comments                                                                                                                                           |

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|------------------------------------------------------------|-----------------------------------|--------------------------|
| Pando                                                      | State Govt. proposed on 30.4.2014 | Sent to RGI for comments |
| Bharia (rectification in Hindi Version) at Sl.No.5         | State Govt. proposed on 30.4.2014 | Sent to RGI for comments |
| Gond (inclusion of variant Devanagari version at Sl.No.16) | State Govt. proposed on 30.4.2014 | Sent to RGI for comments |

Source: LOK SABHA, STARRED QUESTION NO. \* 119, ANSWERED ON 25.7.2016

### Proposed ST Categorization:

The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016 has proposed to include following communities from Chhattisgarh in ST list of the state.

**Kisan:** The Nagesia and Nagasia community of Chhattisgarh are listed in ST list but some members of these communities are also known as Kisan according to their land title. This distinct name of some members of these communities excluded them from ST list of the state. The NCST in its report in 2013 admitted that the 'Kisan and Nagesia/Nagasia community are same. The report reads, "the houses, way of living, rituals, customs, social structure, economic activities, political organization, religious life and folk arts of the 'Kisan' are similar to that of Nagesia and Nagasia. They reside in the same area and qualify for Scheduled Tribe status in terms of criteria for specification of community as ST."<sup>8</sup> the Bill has proposed to include 'Kisan' community in ST list of Chhattisgarh as synonyms of Nagesia and Nagasia.

**Bhuinya, Bhuiyan and Bhuyan:** A scheduled tribal community- 'Bharia Bhumia' in Chhattisgarh is also known as Bhuinya, Bhuiyan and Bhuyan in different areas of Chhattisgarh. However these synonyms of Bharia Bhumia community are not listed as ST in the state. The NCST in its 50th meeting on 02/09/2013 recommended for inclusion of these communities in ST list proposed by the state government.<sup>9</sup> The Bill has proposed to include them in the ST list of the state.

**Dhanuhar, Dhanuwar:** The NCST in its study of the community has found that Dhanuhar and Dhanuwar terms are used for Dhanwar community in Chhattisgarh in colloquial language. According to the proposal of Chhattisgarh government, Dhanwar people who are also known as Dhanuwar and Dhanuhar in local language is very small group. According to the government the total population of these people in the state is mere 1065.<sup>10</sup> Dhanwar is listed as tribe in Chhattisgarh but its synonyms Dhanuhar and Dhanuwar are not recognized as tribal. The Bill seeks to correct this mistake.

**Saura, Sahara, Soura and Saonra:** the state ST list of Chhattisgarh recognizes Sawar and Sawara as Scheduled Tribe but its synonyms such Saura, Sahara, Soura and Saonra had been denied from benefits for STs. People with such community name have been demanding for ST status for many years. The NCST in its 69<sup>th</sup> meeting on 20/03/15 recommended for inclusion of Saura, Sahara, Soura and Saonra in the ST list of the state as synonyms of already listed

<sup>8</sup> <http://ncst.nic.in/sites/default/files/circulars/Letter to MTA 30092013 Inclusion Nagesia6908124947.pdf>

<sup>9</sup> <http://ncst.nic.in/sites/default/files/copy of minutes of meeting/Comm meeting minutes 020920133428598084.pdf>

<sup>10</sup> <http://www.ncst.gov.in/sites/default/files/circulars/Revision ST List dhannuhar 30082013 RU3498632860.pdf>

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Sawar and Sawara tribes. The minutes of the meeting reads, “In the pre-independence old revenue records and publication of Chhattisgarh state, the name of this community has also been written as ‘Saura, Sahara, Soura, Saunra, Saonra and Saora which are one and the same as Sawar, Sawara which is listed in Sl. No. 41 in the list of ST of the state. The name of community has been recorded differently in the pre-independence old revenue records/missal Bandobast due to degeneration/corrupt form of Savar word, phonetic variation and nasal pronunciation in different parts of the state.<sup>11</sup>” The Bill has acknowledged the claim of Saura, Sahara, Soura and Saonra for ST categorization.

### Jharkhand:

32 different communities of Jharkhand categorized as Scheduled Tribe account for 26% of the state population. Moreover, there are several other communities in the state, which have been demanding for the ST status. The government of Jharkhand has positively responded to some those demands and recommended for inclusion of various communities in the ST list of the state. Details of claims of communities for inclusion in ST list recommended by the state government are as follows:

| Name of Community                                                                    | Proposal of State Government                                                                                                                                                   | Status / Present position                                                     |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Biar                                                                                 | Recommended by State Govt..vide letter dated 8.12.2004.                                                                                                                        | State Govt. requested to send recommendation along with ethnographic report.  |
| Kolh (Teli)                                                                          | Recommended by Jharkhand Govt. vide letter dated 6.1.2005.                                                                                                                     | State Govt. requested to send recommendation along with ethnographic report.  |
| Khetauri                                                                             | Recommended by Jharkhand Govt. vide letter dated 31.10.12.                                                                                                                     | RGI did not support the proposal. Conveyed to State Govt.                     |
| Kurmi /Kudmi (Mahto)                                                                 | Government of Jharkhand, vide letter dated 10.2.2015 sent ethnographic report which has not supported the inclusion of Kurmi/Kudmi (Mahto) community in STs list of Jharkhand. | State Govt. did not recommend.                                                |
| Ghatwar / Ghatwal                                                                    | Recommended by Jharkhand Govt. vide letter dated 31.10.12.                                                                                                                     | RGI did not support the proposal. Conveyed to State Govt.                     |
| Puran                                                                                | Recommended by Jharkhand Govt. vide letter dated 22.1.2011.                                                                                                                    | Cabinet has approved on 25.5.2016.                                            |
| Bhogta, Deshwari, Ganju, Dautalbandi (Dwalbandi), Patbandi, Raut, Maajhia and Khairi | Recommended by Jharkhand Govt. vide letter dated 2.3.12                                                                                                                        | Bill is proposed to be introduced with regard to these communities very soon. |
| Rautia                                                                               | Recommended by Jharkhand Govt. vide                                                                                                                                            | RGI did not support the proposal.                                             |

<sup>11</sup> [http://ncst.nic.in/sites/default/files/recommendations\\_proposals/Inclusion\\_saura4035418942.pdf](http://ncst.nic.in/sites/default/files/recommendations_proposals/Inclusion_saura4035418942.pdf)

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|--|------------------------|-------------------------|
|  | letter dated 28.9.2012 | Conveyed to State Govt. |
|--|------------------------|-------------------------|

Source: LOK SABHA, STARRED QUESTION NO. \* 119, ANSWERED ON 25.7.2016

Out of eight proposals of state government for inclusion of some communities in ST list of Jharkhand, the central government has approved two proposals. The proposed Bill has agreed to include Bhogta, Deshwari, Ganjhu, Dautalbandi, Dwalbandi, Patbandi, Raut, Maajhia, Khairi and Kheri as synonyms of Kharwar tribal community. Kharwar is already categorized as ST in Jharkhand. Along with this, the Bill has also approved inclusion of Puran community of Jharkhand in the ST list of the state. “Purans, who also use Manjhi as a title, primarily live in Tamar and Bundu in Ranchi district, besides Odisha. Their population is around 10,000<sup>12</sup>.”

### PART:V Conclusion:

The Constitution Amendment (Scheduled Caste and Scheduled Tribe) Order (Amendment) Bill, 2016 attempts to resolve 12 different proposals of five state governments for inclusion of various communities in the list of STs. State governments of Assam, Chhattisgarh, Jharkhand, Tamil Nadu and Tripura at different points of time forwarded these proposals to the Government of India for the final approval. It will help nearly 23 communities to avail benefits meant for social and economical empowerment of impoverished tribal communities. Many of these communities have struggled for decades demanding inclusion in the list of STs. The Bill has also acknowledged that many communities (sub group of already categorized ST) in the proposed list were denied their rightful status in 1950 because of minor differences in their community name mostly due to administrative ignorance and colloquial language. Despite, political consensus amongst regional and national political parties, the process of recognizing these claims took very long time. Even after the approval of some of these claims by the UPA-II government in 2013, it took more than two and half years for this government to move this Constitutional amendment Bill. There are several such claims that are pending for final approval and some of these claims have been pending for decades. According to the government of India, 210 such proposals forwarded by various State governments are pending with Central government for final approval. The delay in recognizing rightful claim of communities is denying their constitutional rights. Therefore, there is urgent need to put in place a mechanism to process such proposals in time bond manner.

<sup>12</sup> [https://www.telegraphindia.com/1160227/jsp/jharkhand/story\\_71527.jsp#.WGy8K4VOKIY](https://www.telegraphindia.com/1160227/jsp/jharkhand/story_71527.jsp#.WGy8K4VOKIY)