

Explained: What Modifications To Scheduled Tribes List Mean For Adivasi Communities

As per Article 342 of the Constitution, the President is the sole authority to notify tribal communities as Scheduled Tribes, while the Parliament has the power to modify the Scheduled Tribes list.



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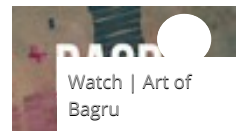
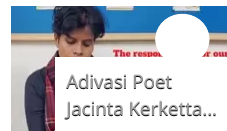
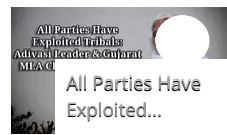
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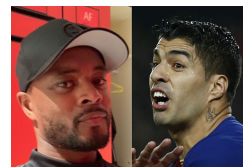
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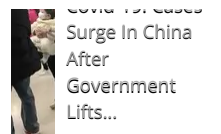
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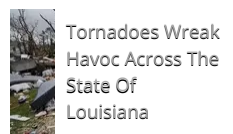
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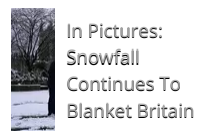
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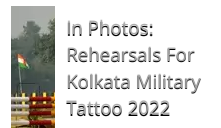
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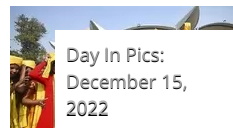
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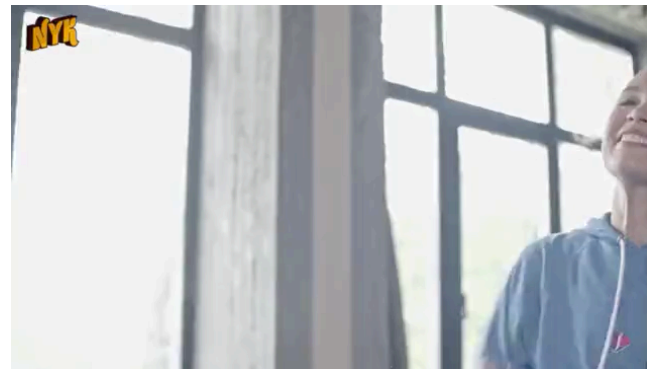
SAGAR SINGH KALSI

Union Tribal Affairs Minister Arjun Munda on Friday introduced four separate bills in the Lok Sabha to modify the list of Scheduled Tribes in as many states. The Constitution (Scheduled Tribes) Order (Amendment) Bills seek to revise the state lists for STs in Chhattisgarh, Karnataka, Tamil Nadu, and Himachal Pradesh.

From time to time, the union government brings such bills to give effect to modifications proposed by various states in relation to the ST list. Here's all you need to know about how ST lists are formulated and altered:

What do we know of the tribes to be added through these four bills?

In September this year, the central government had approved the inclusion of certain tribal communities in the ST lists for Chhattisgarh, Tamil Nadu, Karnataka, Himachal Pradesh and Uttar Pradesh, fulfilling long-pending demands from these states. To give effect to this, the Tribal Affairs ministry on Friday has introduced the Constitution amendment bills for four states.



In Chattisgarh, the Binjhia tribes will be recognised as a Scheduled Tribe in the state after the passage of the Constitution (Scheduled Tribes) Order (Amendment) Bill, 2022. Binjhias are an agriculturist tribe that have already been accorded ST status in Odisha and Jharkhand.

In Tamil Nadu, the Narikoravan and Kurivikkaran tribes are proposed to be added to the state's ST list. Both of these are traditional nomadic and hunter and gatherer tribes.

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In Karnataka, a proposal for the addition of the Betta-Kuruba, also called the Kadu Kuruba tribes in the ST list is a long standing demand. The tribes have been lobbying for their recognition as a Scheduled Tribe for three decades.

Finally in Himachal Pradesh, the Hatti tribe is all set to be included in the ST list. The Hattis get their name from their traditional occupation as sellers of homegrown vegetables, crops, meat and wool etc. at local markets called 'haats.' The tribe was recognised as a Scheduled Tribe in the Jaunsar-Bawar tribal belt in neighboring Uttarakhand in 1967. In December 2021, in a maha 'khumbli,' the central Hatti community even passed a resolution demanding ST status to the community on par with those living in the Jaunsar-Bawar region. The proposal to accede to this demand has come days after the state assembly elections concluded.

How does the Constitution define Scheduled Tribes?

The Constitution of India identifies Scheduled Tribes as simply ones that are "deemed under Article 342 (1) to be Scheduled Tribes" as per the provisions of Article 366(25).

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In this regard, Article 342 combined with Article 366 only lays out the process to define Scheduled Tribes, wherein the "President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory."

So essentially, the President is the sole authority to notify tribal communities as Scheduled Tribes as per the Constitution of India, with the Governor playing a recommendatory role.

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However, the Constitution has remained silent on the criterion for the identification of ST communities. Thus as a general convention, the recommendations of the 1965 Lokur Committee are followed to identify ST communities based on indicative criterion such as primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and backwardness.

As per the 2011 Census, there are over 700 recognised Scheduled Tribes in India in 30 states and Union Territories. Five states/UTs comprising Punjab, Chandigarh, Haryana, NCT of Delhi, and Puducherry have no listed STs at present.

What are the Constitutional provisions for modifying ST lists?

Article 342 clause (2) further provides that the “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.”

So essentially, the Parliament is the sole authority to pass amendments to the Constitution to modify the lists. Additionally, the state governments play an advisory role, wherein the process to include tribes in the ST list starts with the recommendation of the respective State governments, which are then sent to the Tribal Affairs Ministry, which reviews and sends them to the Registrar General of India for approval. The National Commission for Scheduled Tribes also monitors and approves the lists before it is sent to the Cabinet for a final go ahead.

What benefits accrue from being recognised as STs?

The fifth and sixth schedules of the Constitution provide for greater autonomy to tribal communities in the administration of Scheduled areas and Tribal areas. The fifth schedule provides for the Tribes Advisory Council, which comprises 3/4th of its members from the STs, while the sixth schedule enlists provisions for autonomous district and regional councils. This is done to ensure that the tribal communities can preserve their unique culture.

Additionally, the government has formulated multiple welfare schemes for the benefit and upliftment of ST communities, ranging from post-matric scholarship, overseas scholarship and the national fellowship,

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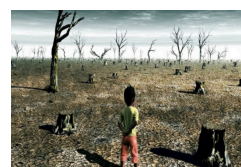
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besides education, to concessional loans from the National Scheduled Tribes Finance and Development Corporation, and hostels for students.

Furthermore, inclusion in ST lists also entitles tribal communities for the benefits of reservations in jobs and educational institutions as per government policies.

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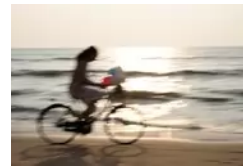
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