



Pahari Tribe in the ST list of J&K

For Prelims: National Commission for Scheduled Tribes, Scheduled Tribe, TRIFED, Digital Transformation of Tribal Schools.

For Mains: Issues Related to SCs & STs.

Why in News?

The [National Commission for Scheduled Tribes \(NCST\)](#) has now cleared the way for the inclusion of the **'Pahari ethnic group' in the [Scheduled Tribes \(ST\)](#)** list of the Union Territory of Jammu and Kashmir.

- The commission also called for the inclusion of the "Paddari tribe", "Koli" and "Gadda Brahman" communities to be included in the ST list of J&K.
- Currently, Jammu and Kashmir has **12 communities that have been notified as STs**.

What is the Process of Inclusion in the ST List?

- The process to include tribes in the ST list begins **with the recommendation from 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.
- This is followed by the NCST approval before the list is sent to the Cabinet for a final decision.
- The final decision rests with the **President's office issuing** a notification specifying the changes under powers **vested in it from Articles 342**.
- The inclusion of any community in the Scheduled Tribes come into effect only after the President assents to a Bill that amends **the Constitution (Scheduled Tribes) Order, 1950**, as is appropriate, after it is passed by both the Lok Sabha and Rajya Sabha.

What will be the Benefits in the Inclusion in the ST List?

- **Enables members of the communities newly listed in the revised list of Scheduled Tribes to derive benefits** meant for STs under the existing schemes of the government.
- Some of the major benefits include **post-matric scholarship, overseas scholarship and the national fellowship, besides education**, concessional loans from the National Scheduled Tribes Finance and Development Corporation, and hostels for students.
- In addition, the tribes will also be entitled to **benefits of reservation in services and admission to educational institutions** as per the government policy.

What are the Constitutional Provisions and Initiatives related to Tribes in India?

- **Constitutional Provisions:**
 - As per Census-1931, Schedule tribes are termed as "**backward tribes**" living in the "**Excluded**" and "**Partially Excluded**" areas. The Government of India Act of 1935 called for the first time for representatives of "backward tribes" in provincial assemblies.

- The Constitution **does not define the criteria for recognition of Scheduled Tribes** and hence the definition contained in 1931 Census was used in the initial years after independence.
- However, **Article 366(25)** of the Constitution only provides process to define Scheduled Tribes: "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."
 - 342(1): 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.
- The **Fifth Schedule of the Constitution** lays out provision for Administration and Control of Scheduled Areas and Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram.
- The **Sixth Schedule** deals with the administration of the **tribal areas in Assam, Meghalaya, Tripura and Mizoram.**
- **Legal Provisions:**
 - Protection of Civil Rights Act, 1955 against Untouchability.
 - [Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989.](#)
 - [Provisions of the Panchayats \(Extension to the Scheduled Areas\) Act, 1996.](#)
 - [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006.](#)
- **Related Initiatives:**
 - [TRIFED](#)
 - [Digital Transformation of Tribal Schools](#)
 - [Development of PVTGs](#)
 - [Pradhan Mantri Van Dhan Yojana](#)
- **Related Committees:**
 - [Xaxa Committee \(2013\)](#)
 - Bhuria Commission (2002-2004)
 - Lokur Committee (1965)

UPSC Civil Services Examination Previous Year Question

Prelims

Q. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State.

Ans: (a)

Q. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

Ans: (b)

Mains

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

Source: [TH](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/pahari-tribe-in-the-st-list-of-jk>