Bills to Modify the Scheduled Tribes (ST) List

For Prelims: National Commission for Scheduled Tribes, Scheduled Tribes, Fifth Schedule of the Constitution, Sixth Schedule of the Constitution.

For Mains: Process of Inclusion in the Scheduled Tribes List, Constitutional Provisions and Initiatives related to Tribes in India.

Why in News?

Recently, **four Bills, seeking to modify the** Scheduled Tribes (ST) list in 4 States - Tamil Nadu, Karnataka, Himachal Pradesh and Chhattisgarh, were introduced in **Lok Sabha** via amendments proposed in the **Constitution (STs) Order, 1950.**

What are the Proposed Changes?

- **The Bill Seeks To:**
  - Add the **Narikoravan and Kuruvikkaran hill tribes** to the ST list of Tamil Nadu.
    - The **Lokur Committee (1965),** in its report, also recommended their inclusion in the list.
  - **Introduce Betta-Kuruba as a synonym for the already categorised** Kadu kuruba **in the ST list of Karnataka.**
  - **Add a number of synonyms in Devanagri script for the already categorised Bhariya Bhumia tribe** in the ST list of Chhattisgarh.
    - As per the Ministry of Tribal Affairs, they are **all part of the same tribe but had been kept out of the list** just because they are pronounced and spelled their names differently.
  - Add **Hattee community** of Trans-Giri region in Sirmaur district **to the ST list of Himachal Pradesh** (after almost five decades).

What is the Process of Inclusion in the ST List?

- **Recommendation from State:**
  - The process to include tribes in the ST list begins with **recommendations 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.**
- **Approval from NCST:** This is followed by the **National Commission for Scheduled Tribes (NCST)** approval **before the list is sent to the Cabinet for a final decision.**
- **President's Assent**: The **final decision rests with the President (under** Articles 342**).**
  - The **inclusion of any community in the STs comes into effect only after the** President assents **to a Bill** amending the Constitution (Scheduled Tribes) Order, 1950.

What are the Provisions Related to STs in India?

- **Definition:**

- The **Constitution of India does not define** the criteria for recognition of STs. As per **Census-1931,** STs 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.**

- **Constitutional Provisions:**
  - **Article 366(25):** It only **provides a process to define STs:** "STs 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."
  - **Article 342(1):** The President with respect to any State/UT (after consultation with the **Governor** in case of state) may **specify the tribes/tribal communities/part of or groups within tribes/ tribal communities as a Scheduled Tribe** in that State/UT.
  - **Fifth Schedule**: **It lays out provisions for the Administration and Control of Scheduled Areas and STs** in states other than 6th Schedule States.
  - **Sixth Schedule:** **Deals with the administration of the tribal areas** in Assam, Meghalaya, Tripura and Mizoram.
- **Statutory 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.**

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q1. 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)

Q2. 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)**

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