



## 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 Devanagiri 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 Sirmour 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 6<sup>th</sup> 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)**

**Source: TH**

