

:

Bill No. 2 of 2022

THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(AMENDMENT) BILL, 2022

By

SHRI BIDYUT BARAN MAHATO, M.P.

A

BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2022.

Short title and commencement.

5 (2) It shall come into force on such a date, as the Central Government may, by notification in the official Gazette, appoint.

Amendment
of the Schedule. 2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XXII.—*Jharkhand*, after entry 32, the following entry shall be inserted, namely:—

“33. Kudmi (Mahato).”.

STATEMENT OF OBJECTS AND REASONS

Jharkhand is predominantly a tribal State. It was on account of its tribal identity that the movement for its creation became a success. There are a large number of tribal people known as Kudmi (Mahato), who are living in the State but have not been included in the list of Scheduled Tribes of the State of Jharkhand.

As a result, the persons belonging to the Kurmi/Kudmi tribe are not getting the benefits, which are otherwise available to the Scheduled Tribes in the State. Even before the segregation of the State of Jharkhand from the State of Bihar and since India's Independence, as a result of the oscillating policy adopted by the Government of Jharkhand and the Central Government, the issue of including Kurmi/Kudmi (Mahato) tribes of Chota Nagpur into the list of Scheduled Tribes has been lying pending. The State Government of Jharkhand in the year 2004 recommended to the Central Government for inclusion of Kudmi (Mahato) in the list of the Scheduled Tribes for the reason that in 1913 and in 1931 the said tribes figured in the list of Scheduled Tribes. However, with effect from the year 1950 and the year 1952, this tribe was removed. Reasons for the said removal from the list have not been spelled out. Keeping in mind the demands being raised to include the said tribe into the list of Scheduled Tribes, the Central Government should seriously take a relook about the inclusion of this tribe into the list of Scheduled Tribes.

Nearly about two crore people belonging to Kurmi/Kudmi community are residing in the district of East Singhbhum, Saraikela Karsawan, West Singhbhum, Ranchi, Hazaribagh, Dhanbad, Giridih, Bokaro, Ramgarh, Palamu, Godda, Jamtara of State of Jharkhand; district of Purulia, Bankura, East Midnapur and West Midnapur of State of West Bengal and Mayurbhanj, Kendujhar, Sundergarh districts of State of Odisha. In Jharkhand alone, about twenty seven per cent. of the population belongs to Kurmi/Kudmi (Mahato) tribe which is the single largest population of a particular tribe. In these three States, despite being tribals, they are not getting the facilities meant for the tribals. Their culture, living standards, way of worship, social living are similar to those of the tribals. Most of the people belonging to this tribe reside in forest areas like other tribals. People belonging to these tribe are extremely backward on social, economical and educational aspects. Sale and purchase of land belonging to the tribals is being regulated by the Chota Nagpur Tenancy Act, 1908 in the State of Jharkhand. Sale and purchase of land can be undertaken only among the people of same tribes. Keeping in view, their ways of living, cultural and socio-economic condition, the British had included the Kurmi/Kudmi (Mahato) tribe of Jharkhand Chota Nagpur into the list of tribes. Under a well thought out strategy, the Kurmi/Kudmi (Mahato) was not included in the 1950 and 1952 lists of Scheduled Tribes.

Therefore, the Kurmi/Kudmi (Mahato) tribe must be included in the list of Scheduled Tribes in respect of Jharkhand State.

Hence this Bill.

NEW DELHI;
10 December, 2021

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Kudmi (Mahato) community in the list of Scheduled Tribes in respect of the State of Jharkhand. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure will be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

(C.O. 22)

*	*	*	*	*
		The Schedule		
*	*	*	*	*
		PART XXII.— <i>Jharkhand</i>		
*	*	*	*	*
32. Kol.				
*	*	*	*	*

LOK SABHA

A

BILL

further to amend the Constitution (Scheduled Tribes) Order, 1950

(Shri Bidyut Baran Mahato, M.P.)