

Bill No. 29 of 2022

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

By

DR. DNV SENTHIL KUMAR S., M.P.

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

5 2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV.— *Tamil Nadu*, for entry 18, the following entry shall be substituted, namely:— Amendment of the Schedule.

“18. Kuruma, Kuruman, Kurumans, Kurumba, Kuruman Goundar, Kurumban and Kurumbar.”.

STATEMENT OF OBJECTS AND REASONS

Tribal communities of this country have undergone many sufferings due to historical reasons like socio-economic exploitation, deprivation, isolation, inequalities and discrimination which pushed them backward and vulnerable. Citing historical injustice, our forefathers of the Constitution incorporated several provisions which aspired to promote education and economic interest of weaker sections particularly Scheduled Castes or Scheduled Tribes.

Article 366 (25) of the Constitution refers to Scheduled Tribes (STs) as those communities who are scheduled with article 342 of the Constitution. To carry out social justice measures for the tribal communities the list for Scheduled Tribe was declared by the President through initial public notification. Many communities are demanding to be included in Scheduled Tribe list which mainly falls in three categories such as (i) new entry, (ii) sub-tribes/sections, synonyms, and (iii) phonetic variations. The demands of “Kurumans synonyms” in State of Tamil Nadu also has characteristics of phonetic variation where the issue is pending for many decades. At present in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV.—Tamil Nadu, for entry 18 which mentions a tribe name “Kurumans”. The Director, Tribal Research Centre, Ooty was entrusted with the task of taking up the ethnological study on the communities. The study reveals that on the basis of social structure, clan organization and the cycle rituals, all these names like Kurumba, Kurumbar and Kurumans are one and the same community. The study also substantiates that with ‘the present study of Anthropological conclusions and the observations of earlier writers like Thurston, A. Aiyappan, K.S.Singh, etc., discloses the same. It further reveals that the communities like Kuruma, Kuruman, Kurumba, Kurumban, Kurumbar etc. are identical to each other and these names are synonym names to the community of KURUMANS and the same are eligible to get Scheduled Tribes status under the name KURUMANS. As per recent ethnographic study on Kurumans by Dr. K M Metry (Head of Department of Tribal at Kannada University, Hampi) where he says that even if Kurumans tribe is called, spelled, pronounced by different synonym names, according to the places, languages, pronunciation and it denotes Kurumans tribal shepherd community and its synonyms names. The illiteracy and ignorance prevailed among the tribal people where they mentioned their tribe’s name in the incorrect spelling, their tribe claim should not be denied because of simple correction in the spelling mistake.

The report of the Advisory Committee on the Revision of the Lists of Scheduled Castes and Scheduled Tribes (popularly known as Lokhur Committee Report) have advised that where a caste or a tribe is mentioned in the lists by its generic name, it should be deemed to include all its synonyms, phonetic variations, sub-castes or sub-tribes, as the case may be. Here Kurumans is a generic name and it should include its entire synonyms name.

The Scheduled Caste or Scheduled Tribe Order Amendment Bill 2002 which was referred to the Standing Committee on Labour and Welfare, where in its report opined that “The Committee are of the opinion that if a community have the similar characteristics, their claims should not be rejected on the flimsy grounds like involving correction in the spelling of certain tribe”. Based on the Tribal Research Centre, Ooty director’s report the State Government had sent recommendation to the Union Government for inclusion of KURUMANS synonyms names in the S.T. List *vide* TN. Govt Letter No. 13194/CV 1/2007-22 dated 19.7.2014. Moreover in V. Manickam *vs* Union of India (dated 23.01.2017) where hon’ble Madras High Court divisional bench directed the Union Government to consider the matter expeditiously for an independent analysis that can be made on the basis of the materials already supplied for the inclusion of Kurumans synonyms name.

In order to render the social justice and affirmative action without further loss of time, this Bill will be much needed corrective measures.

The Bill, therefore, seeks to amend the Constitution (Scheduled Tribes) Orders, 1950 with a view to include ‘Kuruma, Kuruman, Kurumba, Kuruman Goundar, Kurumban, and Kurumbar as synonyms of Kurumans tribes in the list of Scheduled Tribes of the State of Tamil Nadu.

NEW DELHI;
22 December, 2021.

Dr. DNV SENTHIL KUMAR S.

FINANCIAL MEMORANDUM

The Bill seeks to include Kuruma, Kuruman, Kurumba, Kuruman Goundar, Kurumban and Kurumbar as the synonym name of Kurumans to the list of Scheduled Tribes with respect to the State of Tamil Nadu by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the Scheduled Tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees thirty-five crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees seventy crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950.

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(PART III— Rules and Orders under the Constitution)

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PART XIV. — *Tamil Nadu*

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18. Kurumans

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

(Dr. DNV Senthil Kumar S., M.P.)