

AS INTRODUCED IN THE RAJYA SABHA
ON THE 28TH NOVEMBER, 2014

Bill No. XXIV of 2014

THE CONSTITUTION (SCHEDULED CASTES) ORDER
(AMENDMENT) BILL, 2014

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BILL

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

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

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2014. Short title.

C.O. 19

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950,—

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(a) in Part XVIII.—Uttar Pradesh,—

(i) for entry 18, substitute,—

"18. Beldar, Bind";

Amendment
of the
Constitution
(Scheduled
Castes) Order,
1950.

(ii) for entry 36, substitute,—

"36. Gond, Gaur, Godiya, Kahar, Kashyap, Batham"

(iii) for entry 53, substitute,—

"53. Majhwar, Kewat, Mallah, Nishad"

(iv) for entry 59, substitute,—

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"59. Pasi, Tarmali, Bhar, Rajbhar"

(v) for entry 65, substitute,—

"65. Shilpkar, Kumhar, Prajapati"

(vi) for entry 66, substitute,—

"66. Turaiha, Dheemar, Dheewar, Turaha, Turha".

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STATEMENT OF OBJECTS AND REASONS

Uttar Pradesh is the most populous State of the Country. There are several castes here which are equally backward on all fronts. People from castes such as Bind, Bhar, Rajbhar, Gaur, Kashyap, Kahar, Godiya, Batham, Dheewar, Dheemar, Mallah, Kewat, Nishad, Kumhar, Prajapati, Turha, Turaha are living in large numbers in this State. The reports of surveys/ studies conducted by Scheduled Castes/Scheduled Tribes Research and Training Institute, Uttar Pradesh show that untouchability exists as a traditional practice among the above mentioned sub-castes and this continues to prevail even today. From the viewpoint of the practice of inter-marriages, life style, vocation and customs, Beldars, Gonds, Majhwars, Pasi, Tarmali Shilpkars, Turaiha have similar tradition as they are their synonymous names. It is similar to the addition of Dhusia or Jatav with Chamar at entry 24 in Part XVIII—Uttar Pradesh. Hon'ble Supreme Court has directed in the *Bhaiya Ram Munda versus Anirudha Patar*, A.I.R. 1971, SC page 2523 to include the different castes of Machhuwa (fisherman) community in the Scheduled Caste, which had been left out earlier, but they have still not been included in the list of Scheduled Castes of Uttar Pradesh notwithstanding with fact that their socio-economic and educational condition is worse than those of other castes. People who belong to this community with synonymous castes names are getting the benefit of reservation in many States other than Uttar Pradesh. Therefore, the benefit of reservation should be extended to these people in Uttar Pradesh as well. The Government of Uttar Pradesh has sent a request to the Central Government in the year 2004, 2006, 2007 and last time on 15th February, 2013 to include them in the list of Scheduled Castes by an amendment in article 341 of the Constitution. But despite the fact that these synonymous castes fulfil all the criteria required for being included in the list of the Scheduled Castes, the Central Government has not taken any action in this regard.

Therefore, these castes are eligible for inclusion in the list of the Scheduled Castes as appearing in Part XVIII—Uttar Pradesh of the Constitution (Scheduled Castes) Order, 1950.

The Bill seeks to achieve the above objectives.

VISHAMBHAR PRASAD NISHAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for inclusion of 17 castes in the list of Scheduled Castes of Uttar Pradesh, which are synonymous with the castes already included in said list. As a result, people belonging to these newly added communities will become entitled for the benefits of the schemes which are in place for the development of people from Scheduled Castes and as such some recurring and non-recurring expenditure will be involved in this.

It is difficult to exactly estimate the actual expenditure on this count.

ANNEXURE
EXTRACTS FROM THE CONSTITUTION
(SCHEDULED CASTES) ORDER, 1950
(C.O. 19)

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PART XVIII.—*Uttar Pradesh*

1. Agariya ¹[excluding Sonbhadra districts]
2. Badhik
3. Badi
4. Baheliya
5. Baiga ¹[excluding Sonbhadra districts]
6. Baiswar
7. Bajaniya
8. Bajgi
9. Balahar
10. Balai
11. Balmiki
12. Bangali
13. Banmanus
14. Bansphor
15. Barwar
16. Basor
17. Bawariya
18. Beldar
19. Beriya
20. Bhantu
21. Bhuiya ¹[excluding Sonbhadra districts]
22. Bhuyiar
23. Boira
24. Chamar, Dhusia, Jhusia, Jatava
25. Chero ¹[excluding Sonbhadra and Varanasi districts]
26. Dabgar
27. Dhangar
28. Dhanuk
29. Dharkar
30. Dhobi
31. Dom

1. Ins. by Act 10 of 2003, s. 3 and the First Sch.

32. Domar
33. Busadh
34. Gharami
35. Ghasiya
36. Gond ¹[exluding Mehrajanj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra districts]
37. Gual
38. Habura
39. Hari
40. Hela
41. Kalabaz
42. Kanjar
43. Kapariya
44. Karwal
45. Khairaha
- ²[46. Kharwar (excluding Benbansi) (excluding Deoria, Balia Gazipur, Varanasi and Sonbhadra districts)]
47. Khatik
48. Khorot
49. Kol
50. Kori
51. Korwa
52. Lalbegi
53. Majhwar
54. Mazhabi
55. Musahar
56. Nat
57. Pankha ¹[excluding Sonbhadra and Mirzapur districts]
58. Parahiya ¹[excluding Sonbhadra district]
59. Pasitarmali
60. Patari [excluding Sonbhadra district]
61. Rawat
62. Saharya ¹[excluding Lalitpur district]
63. Sanaurhiya
64. Sansiya
65. Shilpkar
66. Turaiha.

1. Ins. by Act 10 of 2003, s. 3 and the First Sch.

2. Subs. by s. 3 and the First Sch., *ibid*, for entry 46.

RAJYA SABHA

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

(Shri Vishambhar Prasad Nishad, M.P.)