

GOVERNMENT OF INDIA  
MINISTRY OF TRIBAL AFFAIRS  
**LOK SABHA**  
**UNSTARRED NO- ‡3178**  
TO BE ANSWERED ON- 20/03/2023

**INCLUSION OF LOHAR IN ST LIST**

‡3178. SHRI KAUSHALENDRA KUMAR:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether under the Scheduled Castes/ Scheduled Tribes Order Amendment Act, 1976, the Hindi "Lohar" of Shasvitansh registered at number- 22 has been marked as "Lohara";
- (b) whether it is because of this Amendment Act 48 of 2006 that the matter has become more complicated;
- (c) whether it is under the amendment of 2006 that the Hindi translation of the English word Shasvitansh is registered as 'Lohar' in the Scheduled Tribes Order (Amendment) Act, 1976;
- (d) whether Lohar caste will be included in the list of Schedule Tribes through issuance of a clear- cut notification by abrogating Act, 48/2006 out of the banned act-11 vide notification issued by the Ministry of Tribal Affairs office memorandum dated 14/06/2016;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

**ANSWER**

MINISTER OF STATE FOR TRIBAL AFFAIRS  
(SHRI BISHWESWAR TUDU)

**(a) to (f):** As per Scheduled Tribes (STs) orders (Amendment) Act, 1976, “Lohara”, “Lohra” communities are listed at Sl. No. 22 in STs list of Bihar. The respective Hindi version was mentioned as “लोहार”, “लोहरा”.

In Civil Appeal No. 5483 of 2000, the Supreme Court held that “The Court after taking notice of Article 348 (1) (b) of the Constitution of India which provides that the authoritative text of all Bills to be introduced or amendments thereof to be moved in either House of the Parliament shall be in English language came to the conclusion that the Hindi version was a translated version and the original version was the authoritative text and in the Hindi version there was some defect in translation because of which Lohar Community had been claiming the advantage of being a Scheduled Tribe when actually they were only a backward class and thus could not be given the benefit of reservation as a Scheduled Tribe...”

Later, Hindi version of Lohara has been corrected as लोहारा from लोहार vide “The Constitution (Scheduled Tribes) Order (Amendment) Act, 2006 (No. 48 of 2006).

Ministry of Tribal Affairs issued O.M. dated 14.06.2016 where it clearly mentions that revision of Scheduled Tribes list made by virtue of amendment Acts (which also includes Act 48 of 2006) will not be affected by repealing of these Acts.

Further, the Supreme Court in Writ Petition (Civil) No. 1052 of 2021 has clearly mentioned that,

*“We quash the impugned Notification. We may notice that in the impugned Notification, the direction is to give certificate to ‘Lohara’, (‘Lohar’) community. While ‘Lohara’ is a member of the Scheduled Tribe, ‘Lohar’ is not. Therefore, while we have quashed the notification, it must not be understood as meaning that ‘Lohara’ which is already included in the category of Scheduled Tribe is to be affected by this Judgment. We clarify that the quashing of the impugned Notification will be qua ‘Lohar’ community and the Lohara will continue to get the benefit vouchsafed for them under the Presidential Order as amended by the Acts.”*

In pursuance of the above order of the Supreme Court, the State Government of Bihar vide communication dated 19/04/2022 withdrew its notification dated 23/08/2016 by which the Lohar community was accorded Scheduled Tribe status.

It is pertinent to mention that Hon’ble Supreme Court in its decision dated 28-11-2000 in case No. 652 of 2000 (Civil Appeal No. 2294 of 1986) State of Maharashtra Vs. Milind regarding order issued under Article 341 and 342 of Constitution had held which *inter-alia* states as under: -

*“STs Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in STs Order, if they are not so specifically mentioned in it.”*

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