

STANDING COMMITTEE ON LABOUR AND WELFARE  
(2002)

(THIRTEENTH LOK SABHA)

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

THE CONSTITUTION SCHEDULED CASTES ORDERS (AMENDMENT) BILL,  
2001

TWENTY-SECOND REPORT

LOK SABHA SECRETARIAT  
NEW DELHI

May, 2002/ Vaisakha, 1924 (Saka)

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# COMPOSITION OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (2002)

## LOK SABHA MEMBERS

**Dr. Sushil Kumar Indora-CHAIRMAN**

### LOK SABHA MEMBERS

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4. Smt. Sandhya Bauri
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6. Shri Bhim Prasad Dahal
7. Shri Khagen Das
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21. Shri Ramshakal
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25. Shri N.T. Shanmugam
26. Shri Charanjit Singh
27. Shri Khelsai Singh
28. Dr. R.C. Tomar
29. Shri Mansukhbhai D. Vasava
30. Shri Rajesh Verma

### RAJYA SABHA MEMBERS

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32. Shri Jhumuklal Bhendia

33. Shri Debabrata Biswas
34. Shri Indramoni Bora
35. Shri Ramachandra Khuntia
36. Ms. Alkaben Balarambhai Kshatriya
37. Shri Sukhdev Singh Libra
38. Smt. Kum Kum Rai
39. Shri Kanshi Ram
40. Shri Jibon Roy

### **SECRETARIAT**

1. Shri John Joseph - Additional Secretary
2. Shri Ram Autar Ram - Joint Secretary
3. Shri J.P. Sharma - Deputy Secretary
4. Shri Bhupesh Kumar - Assistant Director
5. Shri S.K. Saxena - Committee Officer

## INTRODUCTION

I, the Chairman of the Standing Committee on Labour and Welfare having been authorised by the Committee to submit the report on their behalf present this Twenty-second Report on the Constitution Scheduled Castes Orders (Amendment) Bill, 2001 of the Ministry of Social Justice and Empowerment.

2. The Bill was introduced in Lok Sabha on 31<sup>st</sup> August, 2001 and was referred to the Committee by the Hon'ble Speaker, Lok Sabha under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and Report.

3. The Committee wish to express their thanks to the officers of the Ministry of Social Justice and Empowerment for placing before them detailed written notes on the subject and for furnishing the information the Committee desired in connection with the examination of the Bill.

4. The Committee considered the Bill at their sitting held on 7 May, 2002 and approved the Constitution Scheduled Castes Orders (Amendment) Bill, 2001.

**NEW DELHI;**

**May, 2002  
Vaisakha, 1924(Saka)**

**DR. SUSHIL KUMAR INDORA,**  
*Chairman,*  
**Standing Committee on Labour and  
Welfare.**

## REPORT

The Constitution Scheduled Castes Orders (Amendment) Bill, 2001 provides for further to amend the Constitution (Scheduled Castes ) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Pondicherry) Scheduled Castes Order, 1964 (Annexure I)

2. The Clause (1) of Article 341 of the Constitution provides that “The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes, which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory as the case may be”. As per the said provision, following Orders were issued:

1. The Constituion (Scheduled Castes) Order, 1950 (Appendix I)
2. The Constitution (Union Territories) Scheduled Castes Order, 1951(Appendix II)
3. The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956 (Appendix III)
4. The Constitution (Dadra & Nagar Haveli) Scheduled Castes Order,1962 (Appendix IV)
5. The Constituion (Pondicherry) Scheduled castes Order, 1964 (Appendix V)
6. The Constitution (Sikkim) Scheduled Castes Order, 1978.(Appendix VI)

3. Subsequently the lists of Scheduled Castes have been amended from time to time as per provision under Clause (2) of Article 341 of the Constitution, which provides that; “ Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification”. Orders modifying in the list of Scheduled Castes are as follows.

1. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956.

2 The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

4. The proposed amendments in the Constitution Scheduled Castes Orders (Amendment) Bill, 2001 broadly fall under the following categories, namely:-

- (i) inclusion of synonyms in respect of a caste in the existing list;
- (ii) clubbing castes in the existing list, which are similar to one another from social and anthropological point of view;
- (iii) corrections in spelling of the caste, in the existing list, keeping in view the linguistic and phonetic variations;
- (iv) imposition of area restriction in the specific castes in the existing list, keeping in view relative social, educational and economic position;
- (v) inclusion of new castes based on social, educational and economic backwardness;
- (vi) modifications in the existing entries in accordance with directives of Hon'ble High Court of Orissa in the case of Narayan Behra Vs. State of Orissa (OJC No.247 of 1978) and the Supreme Court in Bhaiya Ram Munda Vs. Anirudh Patar (A.I.R. 1971 SC 2533); and
- (vii) deletion of communities from the list, in respect of the State of Arunachal Pradesh, Kerala and the Union Territory of Dadra and Nagar Haveli.

5. With a view to processing proposals for amendments in the list of Scheduled Castes and Scheduled Tribes as per the aforesaid provision in a systematic manner, detailed modalities were laid down in June, 1999. (Annexure II)

6. As per the said modalities, all proposals for modifications of SC list are processed by the Ministry of Social Justice and Empowerment in consultation with the concerned State Government/Union Territory Administration, the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes.

7. The Constitution Scheduled Castes Orders (Amendment) Bill, 2001 involves 81 amendments. Details of the proposed amendments are as follows:-

Sl. No	States/UTs	Inclusion	Exclusion	Other Modification	Total
1.	Andhra Pradesh	2	-	6	8
2.	Arunachal Pradesh	-	16	-	16
3.	Bihar	-	-	4	4
4.	Gujarat	-	-	2	2
5.	Haryana	-	-	5	5
6.	Himachal Pradesh	1	-	-	1
7.	Jammu & Kashmir	-	-	3	3
8.	Karnataka	-	-	4	4
9.	Kerala	1	7	11	19
10.	Madhya Pradesh	1	-	1	2
11.	Orissa	-	-	8	8
12.	Punjab	-	-	2	2
13.	Tripura	2	-	-	2
14.	Chandigarh	-	-	1	1
15.	Dadra & Nagar Haveli	-	1	-	1
16.	Daman & Diu	-	-	1	1
17.	Delhi	-	-	1	1
18.	Pondicherry	1	-	-	1
	<b>Total</b>	<b>8</b>	<b>24</b>	<b>49</b>	<b>81</b>

8. During the course of discussion held on 29<sup>th</sup> November, 2001, the Committee pointed out that some of the castes in Haryana namely, “Heri”, and “Nayak” which fulfil the criteria for inclusion - such as socio-economic backwardness and untouchability - have not been included in the Scheduled Castes List. In a written reply furnished to the Committee, the Ministry has stated that a proposal for inclusion of “Nayak, Hedi, Ahedi, Aheriya, Thori, Thuri” in the list of Scheduled Castes for Haryana was sent by Government of Haryana vide their letter No. 4/3/78-Saka(I) dated 28.2.1979. The State Government has indicated that these communities have been listed as Backward Classes. They are landless and socially and educationally backward. They also suffer from untouchability.

9. The Ministry have further stated that this proposal was examined by the Registrar General of India (RGI) who vide his letter No. 8/2/81-SS dated 11.5.1981 have indicated that Nayak, Thori, Aheri and Turi are notified as independent Scheduled Castes in the neighbouring State of Rajasthan. It is not known whether “Hedi” is same as “Heri or Aheri”.



It is, however, not known whether the “Nayak” proposed for grouping with other name in Haryana is the same caste or group notified as Scheduled Caste in the neighbouring Rajasthan State. The others could be considered for inclusion in the list of Scheduled Castes in Haryana, provided it is ascertained that they are found in viable number in Haryana State and are subject to distinct social disabilities therein.

10. In view of the views expressed by the Registrar General of India, due to non availability of adequate data/information on these communities, the matter has been referred to the State Government for sending ethnographic material and supporting documents vide their letter No. 12016/17/81-SCD (RL Cell) dated 16.10.2000, followed by reminders. Relevant details are awaited from the State Government.

11. On 22 January, 2002, the Committee decided to invite suggestions on the Bill not only from the Members of the Committee but also from all Members belonging to Scheduled Castes from Lok Sabha/Rajya Sabha. Apart from this certain suggestions were received from some of the organisations for inclusion of certain castes in the List of Scheduled Castes for the States of Bihar, Orissa, Jharkhand and Delhi as the people of these communities are most backward and suffering from the stigma of untouchability:-

**(A) In Part III of the List of Scheduled Castes for the State of Bihar**

Addition of - “Dhanuk and Khatik”

On 7 May, 2002, during the course of evidence, some of the members were of the view that “Dhanuk and Khatik” communities which fulfill the criteria for inclusion such as socio-economic backwardness and untouchability, have not been included in the List of Scheduled Castes of Bihar whereas the same communities are included in the List of Scheduled Castes in the neighbouring States of Haryana, Himachal Pradesh, Maharashtra, Punjab, UP, Delhi, Chandigarh and Rajasthan.

**(B) In Part XIII of the List of Scheduled Castes for the State of Orissa**

Addition of – “Dhoba Baishnab, Rajaka, Rajaki, Gokha Baishnab, Kuduma, Kodma, Kodama, Kandra Baishnab, Kalandi, Kalandi Baishnab, Kandara Baishnab, Kalindi Baishnab, Pana Baishnab, Pano Baishnab, Buna Pano, Pana Tanti”

As regards claims for inclusion of certain communities in the List of Scheduled Castes for Orissa, the Ministry in their written reply

furnished to the Committee have stated that the State Government of Orissa has not furnished the ethnographic material in support of the proposals and have been further requested to furnish the same. Further action would be taken as per approved modalities after receipt of above information from the State Government.

**(C) List of Scheduled Castes – State of Jharkhand**

Inclusion of Mushhar Bhuion – New entry in the list of Scheduled Castes for Jharkhand

The Ministry, in their reply furnished to the Committee, have stated that according to their record, it appears that no proposal for inclusion of “Mushhar Bhuion” as new entry in the list of SC for Jharkhand was received earlier. The Government of Jharkhand has been requested for sending their comments along with ethnographic details on the above mentioned proposal. Further action in the matter will be taken as per approved modalities after receipt of above information from the State Government.

**(D) List of Scheduled Castes – State of Delhi**

Inclusion of - Dusadh, Dosadh, Dhari, Dharhi and Dhor.

Regarding inclusion of Dusadh, Dosadh, Dhari, Dharhi and Dhor communities in the List of Scheduled Castes for Delhi, the Ministry have stated that Dusadh Caste do not live in Delhi and accordingly the proposal was rejected as per the approved modalities. About other communities, no proposal has been received for inclusion.

The representative of the Ministry assured the Committee that all the suggestions pointed out by the members had been noted and would be finalised on the basis of the modalities as early as possible.

**12. The Committee note that the Constitution Scheduled Castes Orders (Amendment) Bill, 2001 relates to amendment of Scheduled Castes list of 18 States and Union Territories covering 81 communities. The changes proposed are of three categories, viz., inclusion of eight new communities, exclusion of 24 communities and modification of synonyms, area restrictions and merger of communities in respect of 49 communities. The Committee further note that as per the modalities approved by the Cabinet Committee on 15<sup>th</sup> June, 1999 for deciding claims for inclusion in, and exclusion from the list of Scheduled Castes, all proposals for modifications in the list have been duly processed by the Ministry of Social Justice and**

**Empowerment in consultation with the concerned State Government/Union Territory Administration, the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes. The Committee observe that the proposed amendments contained in Clause 2 (Schedules I to V) of the Bill have been duly processed as per approved modalities. The Committee, therefore, approve the amendments in the Bill in its entirety.**

**13. As regards fresh suggestions for inclusion, the Committee have been informed that a proposal for inclusion of “Nayak, Hedi, Ahedi, Aheriya, Thori, and Thuri” in the list of Scheduled Castes for Haryana was sent to the Ministry in 1979 which has also been examined by the Registrar General of India. The RGI has also commented that “Hedi, Ahedi, Aheriya and Thori” could be considered for inclusion in the list of Scheduled Castes for Haryana provided it is ascertained that they are found in viable number in Haryana. The Committee express their serious concern that the proposal is pending and shuttling between the Central Government, State Government and the RGI for more than two decades and the people of these communities are being deprived of the status of Scheduled Castes in Haryana, whereas these communities are already having the status of Scheduled Castes in the neighbouring State of Rajasthan. The Committee, therefore, recommend that the State Government, Registrar General of India and National Commission for Scheduled Castes and Scheduled Tribes may be persuaded in right earnest for inclusion of “Nayak, Hedi, Ahedi, Aheriya, Thori and Thuri” in Part V of the List of Scheduled Castes for Haryana.**

**14. The Committee are surprised to note that people belonging to Dhanak/ Dhanuk and Khatik communities are included in the List of Scheduled Castes in the States of Rajasthan, Chandigarh, Himachal Pradesh, Haryana, Madhya Pradesh, Punjab, Delhi and Uttar Pradesh whereas the same communities are not included in the list of Scheduled Castes for Bihar although they are the most backward communities and are suffering from the stigma of untouchability. The Committee, therefore, recommend that “Dhanuk and Khatik” may be considered for inclusion in Part III of the List of Scheduled Castes for Bihar.**

**15 The Committee have been informed that certain proposals have been received from the State Government of Orissa for additions/modifications in the List of Scheduled Castes but the same are pending with the State Government for want of ethnographic material in support of the proposals. The Committee, therefore, recommend that the Ministry should pursue vigorously with the State Government to furnish the required ethnographic material in respect**

of Dhoba Baishnab, Rajaka, Rajaki, Gokha Baishnab, Kuduma, Kodma, Kodama, Kandra Baishnab, Kalandi, Kalandi Baishnab, Kandara Baishnab, Kalindi Baishnab, Pana Baishnab, Pano Baishnab, Buna Pano, and Pana Tanti so that these castes may be considered for inclusion in Part XIII of the list of Scheduled Castes for Orissa.

NEW DELHI:

May, 2002  
Vaisakha, 1924(Saka)

DR. SUSHIL KUMAR INDORA,  
*Chairman,*  
Standing Committee on Labour and  
Welfare.