

## CHAPTER 4

## Scheduled Tribes and Scheduled Areas in India

## SCHEDULED TRIBES

4.1.1 The term "Scheduled Tribes" first appeared in the constitution of India. Article 366 (25) defines scheduled tribes as "such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution". Article 342 prescribes the procedure to be followed in the matter of specification of scheduled tribes.

4.1.2 Empowered by Clause 1 of Article 342, the President may, with respect to any state or union territory, and where it is a state, after consultation with the Governor, notify tribes or tribal communities or parts of these as scheduled tribes. This confers on the tribes or part of it a constitutional status invoking the safeguards provided for in the constitution, to these communities in their respective states/Uts.

4.1.3 Clause 2 of the Article empowers the Parliament to pass a law to include or exclude from the list of scheduled tribes, any tribe or tribal community or parts of these.

4.1.4 Thus, the first specification of scheduled tribes in relation to a particular state/ union territory is by a notified order of the President, after consultation with the state governments concerned. These orders can be modified subsequently only through an Act of Parliament. The above Article also

provides for listing of scheduled tribes State/Union Territory wise and not on an all India basis.

4.1.5 The criteria followed for specification of a community as a scheduled tribe are

- ✓ a. indications of primitive traits.
- ✓ b. distinctive culture.
- ✓ c. geographical isolation.
- ✓ d. shyness of contact with the community at large, and
- ✓ e. backwardness.

4.1.6 This criteria is not spelt out in the Constitution but has become well established. It takes into account the definitions in 1931 Census, the reports of first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes orders (Amendment) Bill 1967 (Chanda Committee) 1969.

4.1.7 In exercise of the powers conferred by Clause (1) of Article 342 of the Constitution of India, the President, after Consultation with the State Governments concerned have promulgated so far 9 orders specifying the Scheduled Tribes in relation to the states and union territories. Out of these, eight are in operation at present in

*Karen fulfills all these criteria*