

परिशिष्ट (अ)

मध्य प्रदेश शासन

आदिम जाति एवं अनुसूचित जाति

[8/3/2021] दिनांक

पृष्ठी क्र. 7053/3-25

दिनांक 22/11/12

E.No. 12026/32/12 C&LM-I

प्रदेश सं. 3613 Government of India

Ministry of Tribal Affairs

Shastri Bhawan, New Delhi-01

Dated: 5th November, 2012.

08th

पं.
श्री 3/11/12

To,
The Principal Secretary,
Tribal Development Department,
Government of Madhya Pradesh,
Bhopal-452001.

Subject: Criteria for determining tribal characteristics of a community and the modalities laid down by the Government of India on 15-6-1999 (further revised on 26-6-2002) for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying lists of Scheduled Tribes.

Sir,

The Scheduled Tribes are specified in accordance with the provisions of Article 342 of the Constitution. The first list of Scheduled Tribes in relation to a State/UT is by a notified Order of the President, after consultation with the State Government concerned. Any subsequent modification can only be effected through an Act of Parliament in consultation with the State Government concerned.

The criteria for determining tribal characteristics of a community are (a) Indications of primitive traits; (b) Distinctive culture; (c) Geographical isolation; (d) Shyness of contact with the community at large; and (e) Backwardness. These criteria are not spelt out in the Constitution, but have become well established and accepted. It takes into account the definitions contained in the 1931 census and the reports of various Committees etc.

The Government of India on 15-6-1999 (further amended on 25-6-2002) has laid down the modalities for determining the claims for inclusion in, exclusion from and other modifications in the Orders specifying lists for Scheduled Castes and Scheduled Tribes (copy enclosed). These modalities had been circulated by the Ministry of Social Justice & Empowerment, vide their letter No. 12016/2/99-SCD (RL Cell) dated 3-4-2000 and letter No. 12016/36/96-SCD (RL Cell)-Vol. III dated 30-7-2002 respectively.

According to these modalities, only those proposals which have been recommended and justified by the concerned State Government, the Registrar General of India (RGI) and the National Commission for Scheduled Tribes (NCST) are to be considered for amendment of legislation.

It is requested that the above criteria for determining tribal characteristics of a community for new proposal for inclusion in and other modifications in the lists of Scheduled Tribes of the State is to be followed and the above procedure is also to be adopted for sending the proposal to the Government of India.

Yours faithfully,

Purnima
508/11-12
(Purnima Tudu)

Under Secretary to the Government of India

Tel: 23387444

Handwritten Signature
अनुभाग अधिकारी
मध्यप्रदेश शासन,
आदिम जाति तथा अनुसूचित जाति
कल्याण विभाग,
मंत्रालय, वल्लभ भवन, भोपाल

(The Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities' in its meeting held on 15-6-1999 had approved the following modalities and Para (f) amended in its meeting held on 25-6-2002)

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists.

Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes have been notified. Such proposals are required to be processed as indicated below:-

- (a) Cases favoured by both the State Governments and the Registrar General of India (RGI) in their most recent reports would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, along with the comments of the State Governments and the RGI as well as any relevant material/information furnished by them or by representations.
- (b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.
- (c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organizations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of India, on regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period. (In such cases, extension of time would be sought from the courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.
- (d) Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured

modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice and Empowerment.

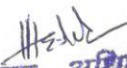
(e) Claims for inclusion, exclusion or other modifications that neither the RGI nor the concerned State Governments have supported would not be referred to the National Commission. These would be rejected at the level of the Minister for Social Justice and Empowerment.

(f) In case of claims recommended by the concerned State Governments/Union Territory Administrations, but not agreed to by the Registrar General of India, the concerned State Government/Union Territory Administration would be asked to review and further justify their recommendations in the light of the comments of the RGI. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal would be referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/Union Territory Administration on a second reference, the Government of India may consider rejection of the said proposal.

(g) Claims in respect of which the comments of either the RGI or the State Government or of both are awaited would remain under consideration until their views are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.

(h) Claims recommended suo-moto by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable.

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(Note:- The Note for the 'Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities' moved by Ministry of Social Justice & Empowerment, vide their Note No. 12016/36/96-SCD(RL Cell) dated 17.12.1998 and Note dated 17.01.2002)


अनुभाग अधिकारी
मध्यप्रदेश शासन,
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