

Bill No. 18 of 2023

**THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED
CASTES ORDER (AMENDMENT) BILL, 2023**

A

BILL

further to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

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

1. This Act may be called the Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Act, 2023. Short title.

C.O. 52. 5 2. In the Schedule to the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for entry 5, the following entry shall be substituted, namely:— Amendment of Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

"5. Valmiki (in the Union territory of Jammu and Kashmir only), Chura, Bhangi, Balmiki, Mehtar".

STATEMENT OF OBJECTS AND REASONS

Scheduled Castes have been defined in clause (24) of article 366 of the Constitution as "such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution."

2. Article 341 of the Constitution provide as under:—

"341. Scheduled Castes.—(1) 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.

(2) 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."

3. According to the provisions of article 341 of the Constitution, a list of Scheduled Castes of the Union territory of Jammu and Kashmir was first notified on 22.12.1956 through the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 and the said list was last modified on 17.12.2002, *vide*, the Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002 (61 of 2002). The Union territory of Jammu and Kashmir has recommended for inclusion of Valmiki community as a synonym of Chura, Bhangi, Balmiki, Mehtar at Sl. No. 5 in the list of Scheduled Castes of Union territory of Jammu and Kashmir.

4. On the basis of the recommendation of the Union territory of Jammu and Kashmir, it is proposed to modify the list of Scheduled Castes in respect of the Union territory of Jammu and Kashmir by amending the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

5. The Constitution (Jammu and Kashmir) Scheduled Castes Order (Amendment) Bill, 2023 proposes to amend the Schedule of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 for inclusion of Valmiki (in the Union territory of Jammu and Kashmir only) in entry 5.

6. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 30th January, 2023.

DR. VIRENDRA KUMAR.

FINANCIAL MEMORANDUM

The Bill seeks to include one synonymous community in the list of Scheduled Castes for the Union territory of Jammu and Kashmir. This will entail some additional recurring and non-recurring expenditure on account of benefits of schemes meant for development of the Scheduled Castes to which the persons belonging to the newly added community will become entitled, as a result of this Bill.

2. It is not possible to estimate the likely expenditure to be incurred on this account at this stage. However, the expenditure, if any, shall be accommodated within the approved budgetary outlay of the Government.

ANNEXURE

EXTRACT FROM THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED CASTES ORDER, 1956

C.O. 52

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THE SCHEDULE

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5. Chura, Bhangi, Balmiki, Mehtar

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further to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

(Dr. Virendra Kumar, Minister of Social Justice and Empowerment)

MGIPMRND—2414LS—31-01-2023.