GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

File No. 17/10/Inclusion/2013/RU-III Dated 30/09/2013

To

Smt. Namita Priyadarshee,
Director(C&LM)
Ministry of Tribal Affairs
Shastrti Bhawan,
New Delhi- 110001

Sub: Inclusion of Bhuinyan (बुहिन्यान) Bhuiyan (बूढियान) Bhuyan (बूढियान) Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh.

Madam,

I am directed to refer to your letter No. 12016/11/2010 dated 20/05/2013 forwarding therewith the proposal for inclusion of Bhuinyan (बुहिन्यान) Bhuiyan (बूढियान) Bhuyan (बूढियान) Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh seeking comments of NCST and to say that the subject matter was discussed as Agenda Item No- VI in the 50th Meeting of the Commission held on 02/09/2013.

2. The Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and necessary action.

Yours faithfully,

(K. D. Bhansor) Mrs.
Deputy Director

Copy with copies of enclosures forwarded for information and necessary action to:-

✓ 1. SSA (NIC) for uploading on the Website of NCST
   2. Assistant Director (Coordination)

(K. D. Bhansor) Mrs.
Deputy Director
NATIONAL COMMISSION FOR SCHEDULED TRIBES

Sub: Summary record of the 50th meeting of the National Commission for Scheduled Tribes held at 12:00 HRS on 02/09/2013

The 50th meeting of the Commission was held at 12:00 hrs on 02/09/2013 in the Chamber of the Hon’ble Chairperson, National Commission for Scheduled Tribes in the Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon’ble Chairperson, NCST. List of the participants is enclosed at ANNEXURE. There were initially seven Agenda Items for discussion in the meeting. In addition, five Agenda items were taken up for discussion with the permission of the Chairperson. Thus, total twelve Agenda Items were discussed in the meeting.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

<table>
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<tr>
<th>Agenda Item VI</th>
<th>Inclusion of Bhuinya (हृदया) Bhuiyan (हृदया) Bhuyan (हृदया) Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh.</th>
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16. Ministry of Tribal Affairs vide letter No. 12016/11/2010-C&LM-I dated 20/05/2013 forwarded for comments of the Commission a proposal for inclusion of Bhuinya (हृदया) Bhuiyan (हृदया) Bhuyan (हृदया) Communities as synonyms of Bharia Bhumia listed at Sl. No. 5 in the list of Scheduled Tribes in Chhattisgarh. The Commission recalled that the proposal on the subject was earlier discussed in its 47th meeting held on 10/06/2013 wherein it was, inter-alia, decided that a Member of the Commission may be deputed to ascertain socio-economic conditions of the Bhuiyan, Bhuinya, Bhuiyan and Bhuyan" community in the Chhattisgarh State and also their position in context of the prescribed criteria for specification of a community as Scheduled Tribes viz; (a) indication of primitive traits; (b) distinctive culture; (c) geographical isolation; (d) shyness of contact with the community at large and (e) backwardness.
Report on inclusion of ‘Bhuinya, Bhuiyan and Bhuyan’ Communities as synonyms of Bharia Bhumia listed at serial no. 5 in the list of Scheduled Tribes of Chhattisgarh State.

A team of the Commission led by Shri B.L. Meena, Hon’ble Member, NCST, New Delhi and accompanied by Shri R.K. Dubey, Assistant Director, NCST, Regional office, Bhopal and Shri P.K. Das, Senior Investigator, Regional office, Raipur visited Surguja, Balrampur, Jashpur, Raigarh and Bilaspur Districts of Chhattisgarh State from 10-07-2013 to 16-07-2013 to ascertain the ground position in the process of examination of the proposal to include the ‘Bhuinya, Bhuiyan and Bhuyan’ Communities as synonyms of Bharia Bhumia listed at serial no. 5 in the list of Scheduled Tribes of Chhattisgarh State received in the Commission from Ministry of Tribal Affairs, Government of India. Wide publicity was given to the public through print and electronic media about the visit of the team of the Commission. The team visited many villages / habitations of the ‘Bhuinya, Bhuiyan and Bhuyan’ community residing in these districts and obtained information related to the cultural aspects, rituals, traits, method of worship, marriages, language, occupation, social structure, totem, Gotras, methods of agriculture, agricultural equipments, utensils, present status of socio-economic development, representation in Government services, elected bodies etc. The team held detailed discussion through public hearings with the social leaders of the ‘Bhuinya, Bhuiyan and Bhuyan’ community, other tribal groups and other interested persons. It also discussed the matter with District Collectors, Sub-divisional officers (Revenue) and Tahsildars of the area to understand various aspects of the issue.

As per para (c) of the modalities for deciding claims for inclusion in, exclusion from and other modifications in the orders specifying Scheduled Castes and Scheduled Tribes list approved by The Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities in its meeting held on 15-06-1999 and 25-06-2002, experts in the field of anthropology were also associated (wherever available). Director, Anthropological Survey of India, Kolkata, Head of office, Anthropological Survey of India, Sub-regional centre, Jagdalpur (C.G.) and Head of the Department of Anthropology, Pandit Ravi Shankar Shukla University, Raipur were also requested to advise the Commission on the subject. Response was received from Head of office, Anthropological Survey of India, Sub-regional centre, Jagdalpur (C.G.) who sent copies of published articles on anthropological and ethnological studies related to these communities. No response was received from others. Discussion on the subject was also held with officers of Tribal Research and Training Institute, Raipur. After extensive field visits and the discussion held with
the community people, their leaders, officers of the District Administration, experts in the field of Anthropology and the officers of the State Government, the observations and findings of the Commission’s team on the subject are, as under:

1. Bhuinya, Bhuiyan and Bhuyan are synonymous group of the Scheduled Tribe Bhumia Community in the State of Chhattisgarh. They speak same dialect viz. Chhattisgarhi, Sadri, Surgujhia etc. as the Bharia Bhumia, Bhumia do. They worship ‘land’ (भुमि). In Chhattisgarhi language ‘land’ (भुमि) is called as Bhuinya, Bhumiya (भुमिया /भुमि). Hence, they are called as Bhuinya, Bhuiyan and Bhuyan etc. in the regional language.

2. It was observed that in the pre-independence land settlement records, the community name has been entered as Bhuinya, Bhuiyan and Bhuyan etc. in place of main community name “Bhumia”. Socially, they are treated as same/ synonymous by other communities as well as other ST groups. The local revenue authorities were aware about this similarity and they were issuing “Bhumia” ST community certificates to the persons having Bhuinya, Bhuiyan and Bhuyan written in their pre-independence land settlement records.

3. For the last few years, persons having Bhuinya, Bhuiyan and Bhuyan written in their pre-independence land settlement records are not being issued “Bhumia” ST community certificate in light of the judgment of The Supreme Court in AIR 2001 SC 393 (State of Maharashtra Vs. Milind) which says that the Scheduled Tribes order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribe order if they are not so specifically mentioned in it. As the ‘Bhuinya, Bhuiyan and Bhuyan’ community has not been included in the list specifying the Scheduled Tribes of Chhattisgarh State, the families who were having ‘Bhunyia, Bhuiyan and Bhuyan’ written in their pre-independence land settlement records were not being provided ST community certificate by the revenue authorities though they are synonymous to the “Bhumia” community. Hence, it is necessary to include “Bhuinya, Bhuiyan and Bhuyan” in the ST list of the State.

4. In the adjoining state of Odisha, “Bhuiya, Bhuyan” community has been included in the ST list at serial no. 6 and “Bhumia” at Serial no. 7. In the state of UP “Bhuiya, Bhuinya” community has been included in the ST list at serial no. 15 (in Sonbhadra District) by Government of India.

5. The main occupation of Bhunyia, Bhuiyan and Bhuyan community is collection of forest produces, agriculture and labour.

6. The ‘Bhuinya, Bhuiyan and Bhuyan’ community resides in the villages of northern
part of the Chhattisgarh State along with other tribes like Oraon, Munda, Nagesia, Kanwar, Gond etc. They have close social and economic relation and take meals together on different occasions.

7. The ‘Bhunia, Bhuiyan and Bhuyan’ community is divided into three main subgroups viz. Bade Bhuiyan, Saan Bhuiyan and Medi Bhuiyan. Further it is divided in many ‘Gotras’ like Pradhan, Kalo, Majhi, Khandayat, Nag, Dehri etc. which is similar to “Bhumia”.

8. The ‘Bhunia, Bhuiyan and Bhuyan’ community have exogamous totemistic clan system like Bharia Bhumia and other Dravidian tribes of the region plants and animals like Nag (Cobra), Kachchap (Tortoise) are their totemistic objects which they protect and do not kill. They do not take services of Pandits, Barber and Washerman. They have their on folk songs and dances for different occasions. Bright price is prevalent in their society.

9. Published literature available on the subject also suggests synonymous use of community name in between the ‘Bhumia’ and ‘Bhunia, Bhuiyan and Bhuyan’ communities in Chhattisgarh (which was then a part of Madhya Pradesh State). ‘The Scheduled Tribes’ volume- III (by Shri K.S. Singh), Anthropological Survey of India. 1994 ‘The Tribes and Castes of the Central Provinces of India’ (Russel, R.V. and Hiralal), 1916, are important publications in this regard. The Lokur committee report also accepts Bhunia as subgroup of ‘Bhumia’.

In view of the observations of the field visit, it shall be appropriate to agree with the proposal of the State Government to include the ‘Bhunia, Bhuiyan and Bhuyan’ community as synonym of ‘Bhumia’ listed at Sl. No. 5 in the list of Scheduled Tribes of Chhattisgarh State which is also supported by the RGI.