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Reading Material



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GOVERNMENT OF A.P.

&

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IDENTIFICATION OF SCHEDULED TRIBE - SOME PROBLEMS *

Andhra Pradesh State with 41.99 lakhs of Scheduled Tribe population has the largest tribal concentration in Southern India. Even though there are 33 entries in the list of Scheduled Tribes of Andhra Pradesh, there are only 28 tribal groups in effect others being repetitions or synonyms of other listed tribes. The major tribal groups exclusive to the Andhra Pradesh are Bagatha, Chenchu, Yanadi, Valmiki and Naikpod. Some of the tribal groups which are common to the neighboring States are Gond, Kolam, Savara, Khond, Konda Dora, Koya, Lambada, Gadaba, Yerukala and Porja. Among the minor tribal groups which are common to the neighboring states are Kattrunayakan, Bhil and Andh. The tribes of Andhra Pradesh can be classified into two different categories on the basis of their habitat namely (1) the tribes inhabiting the hill and forest tracts and (2) the tribes living in the countryside along with non-tribal populations in the plain villages. Savara, Jatapu, Konda Dora, Gadaba, Koya, Konda Reddi, Bagata, Mooka Dora, Mannedora, Reddi Dora, Porja, Khond, Valmiki, Mali, Goud, Kammara, Naikpod, Thoti, Gond, Kolam, Pardhan, Andh and Chenchu come under first category. The second category consists of the Yerukala, Yanadi and Sugali (Lambada).

HISTORICAL PERSPECTIVE: Historical study of these people as revealed in ancient religious texts and medieval literature as well as in various statutes enacted in the 19th and 20th Centuries for the tribes exclusively would afford an insight into the problem and help identify the characteristics that set apart these groups from other non-tribal groups.

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The religious texts in the Sanskrit have copious references to various forest living groups. Earliest reference dates back to Rigveda where tribes are referred to as "Kirata and Nishadas" Further "Aitareya Brahmana", "Ramayana", "Mahabharata" are replete with references to "SABARA". The "Bhagavata Purana" also have references to "KIRATA", "PULINDA", "SABARA", "BHILA", "ABHIRA" and other groups. The famous frescoes at Ajantha cave depict leaf clad primitive people carrying bows and arrows. Even at Ellora the frescoes in the Viswa - Karma Chaitya are representations of the forest people living in the vicinity.

The Telugu literature of medieval times like "Harvilasam" and "Skandapurana" by Srinatha, "Manucharithra" by Allasanipeddana and "Amukthamalyada" by Srikrishna Devaraya have several references to Chenchu and other forest living tribes. The stone carvings depicting the leafclad Chenchu women wielding bows and arrows are found on the stone sculptures of outer wall of the Srisailam Temple.

All these groups referred to in ancient and medieval literature lived in the hills and forest tracts. All these groups which were living in geographical isolation in their hilly and forest habitat are generally termed as "Atavika Jatis" (forest living ethnic groups) in ancient and medieval texts.

When the British extended wings of its administration into the hilly and forest tracts in the early 19th Century, they discovered that inaccessible forest and hill tracts were inhabited by socially and culturally distinct groups. They had been living in relative geographical isolation and had been walled off from the currents of change from the rest of the country. The British administrator-Scholars called these groups "tribes" on the analogy of similar groups in America and African continents. Gradually these tribes came to be recognized as special category for administration and for census in the erstwhile Madras State. This realization led to enactment of

a series of laws dating back to the Ganjam and Vizagapatam Act, 1836 which marked beginning of separate policy for the hill and forest groups. The Act of 1836 was replaced by the Ganjam and Vizagapatam Act, 1839. Under this Act the hill and forest living groups in the then Ganjam and Vizagapatam districts were conferred with special status. In 1874 the Scheduled Districts Act was made to extend the special status to the people belonging to hill and forest groups in the "Scheduled Districts" of the British India. Subsequently special protective laws were made to safeguard the interests of this vulnerable section from land grabbers and money lenders from outside. Under the Agency Tracts Interest and Land Transfer Act, 1917, these groups were termed as "Hill Tribes", and the areas inhabited by them were designated as "Agency Tracts". Separate set of rules called Agency rules were introduced for the administration of these tracts ⁱⁿ 1924. In 1931 the Census Commissioner categorised these people as "Primitive Tribes", while they were designated as "Backward Tribes", and their habitat was designated as "Partially Excluded Areas" under the Government of India Act, 1935. The Government of Madras issued a list of 'Aboriginal Tribes' in the State of Madras for launching ameliorative programmes for these hill and forest living groups. The aboriginal tribes were notified in respect of 'Agency Tracts' in the then Madras State. The list of Backward Tribes issued under Govt. of India Act, 1935 formed the basis for drawing up the first list of Scheduled Tribes in Independent India. The first list of Scheduled Tribes was issued under the Constitution (Scheduled Tribes) Order, 1950, and the forest and hill living groups notified under the said order are designated as 'Scheduled Tribes', while the areas inhabited by them are designated as Scheduled areas under the Scheduled Areas (Part A & B States) Order, 1950. These groups received the attention of Social Workers even before Independence. Social Workers and common people called

these groups as 'Girijans' (hill people) 'Vanavasi's' (Forest dwellers) and Vanyajatis (Forest groups).

From the foregoing discussion it is evident that from the very ancient times till the first list of Scheduled Tribes the term tribe which is now called Scheduled Tribe was referred to the culturally and socially distinct primitive group inhabiting the hilly and forest tracts which are now called Scheduled Areas. Various special provisions and extra-ordinary powers vested in the Governors of the States under Fifth Schedule to the Constitution of India and series of special laws enacted for the protection of Scheduled Tribes in the Scheduled areas unmistakably indicate that the Constitution makers and founding fathers of Constitution had only the hill and forest tribes inhabiting the Scheduled areas in their mind while framing the Constitution. It was only in 1956 that the list of Scheduled Tribes was thrown open to non-hill and forest living tribes. It has since been found that there have been marked differences in the levels of development between the hill and forest tribes and the plains living tribes mainly due to their divergent habitats.

It is necessary to examine the definitions of 'tribe'. According to the Dictionary of Anthropology,^x tribe is a social group usually with a definite area, dialect, cultural homogeneity and unifying social organisation. S.N.Madan in his Dictionary of Anthropology^{xx} defines the tribe as a social group having definite area, dialect, cultural homogeneity and unifying social organisation.

Encyclopaedia of Britannica^{xxx} describes 'Tribe' as a social group of simple kind with common dialect, a common name, a contiguous territory, a relatively uniform culture or way of life and common descent.

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x Dictionary of Anthropology, Charles Winick, Peter Owen Ltd., London, PP 546.

xx Dictionary of Anthropology, S.N.Madan, Anmol Publications, New Delhi - 1989, PP 316.

xxx Encyclopaedia of Britannica, A New Survey of Universal Knowledge Volume-22, PP 465-466.

In the International Encyclopaedia of the Social Sciences ^{xxxx} while discussing the concept of tribe it is stated that the term tribe now refers to the widest territorially defined, politically independent unit.

Thus it is clear from the foregoing examination of the definitions of the concept of tribe that the territory is an essential ingredient of tribe.

All the tribes of A.P. except Sugali (Lambada), Yerukula and Yanadi have been inhabiting in specified areas in the State. Even though the habitats are not exclusive to any particular tribe, each of the hill and forest living tribes in the state has got a specified habitat. The traditional habitats of the major tribes are given hereunder:

S.No.	Name of the Tribe	Habitat
1.	Andh	The scheduled areas of Adilabad District.
2.	Bagata	The scheduled areas and adjoining villages of Visakhapatnam Dist.
3.	Chenchu	The Nallamalai Forest of Mahaboobnagar, Prakasam, Kurnool, Guntur, Nalgonda & R.R. Districts.
4.	Gadaba	The scheduled areas and their adjoining villages of Visakhapatnam, Vizianagaram and Srikakulam Dists.
5.	Gond	The scheduled areas of Adilabad and a few villages in Karimnagar District.
6.	Hill Reddi, Konda Reddi	The scheduled areas of West Godavari, East Godavari and Khammam Districts.
7.	Jatapu, Khond	The scheduled areas and the adjoining villages of Visakhapatnam, Vizianagaram and Srikakulam Dists.
8.	Kammara	The scheduled areas of East Godavari, West Godavari and Visakhapatnam Districts.
9.	Kolam (Mannervarlu)	The scheduled areas of Adilabad District.
10.	Konda Dora, Konda Kapu	The scheduled areas and adjoining villages of Vizianagaram, Visakhapatnam, East Godavari and Srikakulam Districts.

S.No.	Name of the tribe	Habitat
11.	Kotia	Scheduled areas of Visakhapatnam district.
12.	Koya	The scheduled areas and adjoining villages of Warangal, Khammam, East Godavari, and West Godavari, Karimnagar and Adilabad Districts.
13.	Mali	The scheduled areas of Visakhapatnam and Vizianagaram Districts.
14.	Manne Dora	The scheduled areas of Visakhapatnam, Vizianagaram and East Godavari Districts.
15.	Mooka Dora	The scheduled areas of Visakhapatnam and Vizianagaram Districts.
16.	Nayak	The scheduled areas of West Godavari and Khammam Districts.
17.	Pardhan	The scheduled areas of Adilabad District.
18.	Porja	The scheduled areas of Visakhapatnam District.
19.	Reddi Dora	The scheduled areas of Visakhapatnam District.
20.	Savara	The scheduled areas and adjoining villages of Srikakulam and Vizianagaram District.
21.	Thoti	The scheduled areas of Adilabad district only.
22.	Valmiki	The scheduled areas of East Godavari and Visakhapatnam Dists.

Thus each of the scheduled tribes has an identifiable traditional habitat where each tribe has been living from the times immemorial ⁱⁿ consonance with its nature and social milieu. Many of the tribal groups have been living in symbiosis with other tribal groups in their habitat and as a result these tribes who have been living together have evolved common socio-cultural and religious institutions. ^{For} eg., Visakhapatnam Agency and Gondwana area.

ACT No. 108 OF 1976 AND ITS REFURCUSSIONS;

Wider publicity was given through mass media to inform the general public about the salient changes effected in the

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list of scheduled tribes by Scheduled Castes And Scheduled Tribes Orders (Amendment) Act, 1976 (Central Act No.108 of 1976). However, the message did not reach the people correctly. It was often distorted by the ill-informed press and other mass media. As a result of this mis-information, an impression was created that area restriction has been removed in respect of the scheduled tribes by the Act of 1976 enabling the non-tribal groups with similar nomenclature living throughout the state of A.P. to claim the scheduled tribe status. The caste organisations which received new fillip, organised themselves with renewed vigour to give wide publicity to the mis-information and made their members stake claim for ST status. The result is a sudden spurt in the number of wrong claimants for ST certificates. The persons belonging to various non-tribal groups like Gouda, Kammara, Valmiki (Boya), Mannevar, Bagata (fisherman community) etc., who were considering themselves as non-scheduled tribes hitherto (as they do not belong to the traditional habitat of the specified scheduled tribes with similar nomenclature) staked their claim for issue of scheduled tribe certificates, often with the support of their caste organisations. Some gullible certifying officers granted ST certificates to these claimants on the basis of this mis-information. However, some well informed certifying officers did not oblige. The result is proliferation of litigation in the courts of law.

But the Scheduled Castes And Scheduled Tribes Orders (Amendment) Act, 1976 was not promulgated to remove the area restriction in respect of all scheduled tribe communities. If one carefully examines the preamble of the Act 108 of 1976, it would be abundantly clear that the Act was never meant to remove the area restriction in respect of all scheduled tribes. The preamble to the Act reads as follows. " An Act to provide the inclusion in, and the exclusion from, the lists of scheduled castes and scheduled tribes, of certain castes and tribes for the re-adjustment of representation of parliamentary and

assembly constituencies in so far as such re-adjustment is required by such inclusion or exclusion and for matters connected therewith". "The removal of area restriction" does not find place anywhere in the Act. But it is given currency partly out of ignorance, ^{and} partly by interested groups. But this is baseless and unfounded. All the scheduled tribes in A.P. except Sugali (Lambada), Yanadi and Yerukula tribes continued to live in their specified traditional habitats. But ^{since} the other plains living groups Lambada, Yanadi and Yerukula which are found to be inhabiting the rural areas of Telangana region of the State of A.P., by the Act of 1976 these groups are notified as scheduled tribes in the Telangana region also. However, it does not mean that any person can claim to be a member of any listed scheduled tribe from any part of the state without proving his nativity in the traditional habitat of the particular scheduled tribe to which he claims to belong. The Govt. of A.P. have in fact issued orders for the guidance of all certifying officers listing out the salient features of each of the scheduled tribes in Andhra Pradesh. In the said guidelines, the traditional habitat of each of the scheduled tribes in A.P. has been identified. The certifying officers have to examine the claim of the certificate seekers with reference to the traditional habitat of the tribe to which the applicant claims to belong, among others.

IDENTIFICATION OF SCHEDULED TRIBES IN A.P. - SOME PROBLEMS:

Existence of non-tribal groups with the names similar to Scheduled Tribes:

Similarity in the names of certain scheduled tribes and those of non-scheduled tribes is causing confusion to the certifying authorities. For instance, the names of Kammara, Goud, Valmiki, Thoti, Bagata and Mannevar are found among both the scheduled tribes and the non-tribal groups. This similarity in nomenclature has been causing a lot of confusion in the minds of general public as well as certifying officers. Most Officers could not differentiate between the scheduled

Tribes and non-tribal groups with similar or identical names and were misled by the similarities in the name and were issuing Scheduled Tribe certificates to the persons belonging to non-tribal groups with similar name. The publicity about the removal of area restriction in respect of Scheduled Tribes vide Act No. 108. of 1976 has confounded the confusion. To dispel the confusion, the Govt. of A.P. issued orders in G.O.Ms.No. 245 S.W. (E) Department dt. 30-6-1977 . Detailed guidelines have been issued in the said Govt. Order for examination of the community claims of the Scheduled Tribe certificate seekers. The salient features of each of the Scheduled Tribes in A.P. have been given for the guidance of the certifying officers to enable the certifying authorities to screen the community claim of the applicants of Scheduled Tribe certificates. Further the comparative analysis of Scheduled Tribes vis-à-vis non-tribal groups of similar nomenclature has been given to facilitate proper differentiation between the Scheduled Tribes and non-tribal groups with similar nomenclature, so that the wrong claimants can be weeded out.

Existence of non-tribal groups whose occupation is similar with listed Scheduled Tribes:

There is another category of bogus claimants of Scheduled Tribe status who taking the advantage of their identical occupation with one of the Scheduled Tribes and ignorance of the certifying authorities, are infiltrating into the ranks of Scheduled Tribes by fraudulently claiming to belong to the particular listed Scheduled Tribe whose traditional occupation is similar to theirs. For instance, Medara is a caste of bamboo workers and basket makers, while Yerukulas are also engaged in basket making. Medaras are only classified as Backward class, while yerukals are notified as Scheduled Tribe.

In Rayalaseema region of the state, the Medaras are obtaining Scheduled Tribe certificates masquerading as Yerukalas taking advantage of the similarity in their occupation.

Scheduled Tribe status claim through Adoption:

There are various ingenuous methods devised by the bogus claimants of Scheduled Tribe status. Fake adoption is the most common among these devious methods. In such cases the non-tribal's identify the gullible tribal parents who can be lured with inducements for lending their names as adoptive parents. Touts are always available to work out the details and settle the deal. Once the deal is settled the transactions are executed with lightning speed. The adoption deed is written and duly registered at a the nearest office of the Sub-Registrar of Assurances. The adoption deed is promptly produced before the certifying officer by the "adoptive child" of tribal "adoptive" parents to claim Scheduled Tribe certificate through adoption. It is noticed that most certifying authorities are readily issuing community certificates merely on the basis of adoption deed without verifying the bonafides of such adoption. Thus the non-Tribals are gaining access to the statutory benefits meant for genuine Scheduled Tribe persons through the device of fake adoptions, Although the Govt. of India issued general instructions on adoptions they are not comprehensive and do not provide any procedure for screening the motives and bonafides of the adoptions of non-tribal by tribal parents. Andhra Pradesh High Court in B. Sreenivasa Rao Vs. O.U. Engineering College, Hyderabad and others held that the adoption of non-tribal by tribal is not valid for the purpose of constitutional and other statutory benefits.

Interstate racket of bogus claimants of S.T. Certificates:

There is another method generally resorted to by the people living in the border areas of the state. Taking advantage of bi-linguism and existence of kith and kin across the state borders, they obtain the community certificates from the village officer of a border village situated in neighbouring state like Tamilnadu, Karnataka, Orissa, Maharashtra or Madhya Pradesh to the effect that they belong to a community which is declared as Scheduled tribe in both the states like Konda Reddy, Konda Kapu, Mannervarlu etc.,. Several cases have come to the notice that Kapus and Reddis in Tamilnadu, who have relatives in neighbouring districts of A.P. are styling themselves as Konda Kapus or Konda Reddis in Tamilnadu and are able to obtain ST certificates due to lack of correct information on these tribes in these states. Ignorance of the village officers of the neighbouring states about the tribes of A.P. State is generally responsible for such wrong certificates in the first instance. Once they obtain certificates they travel back to A.P. and produce these certificates for seeking admission into educational institutions or securing jobs under ST category in the Central Government Organisations. In the event of investigation about their claims, the machinery of the State Government of A.P. is handicapped for want of jurisdiction as village from which he produced certificate falls outside Andhra Pradesh. There is no co-ordination at present among the neighbouring states to check this menace. A concerted action among the neighbouring states is urgently required to curb the interstate racket.

Fake Orphans: There is another interesting category of bogus certificate holders. These certificate holders claim that they had lost their parents in their childhood and were brought up by 'Good Samaritans' who discovered them as destitutes and orphans. The certificate holders or the persons who are alleged to have brought them up disown any knowledge about

the parents and the native places of the certificate holders. But surprisingly they were issued Scheduled Tribe certificates and the certificate holders (who disown any knowledge about their parents and other relatives) claim that they were told by some unknown persons that their parents belong Scheduled Tribe. The contentions of the certificate holders about their past are evidently false and aimed at suppressing vital information relating to their genealogy so as to frustrate the investigations into their real communities.

Mass infiltrations: It is reported in some villages in A.P. most families belonging to a particular caste whose name bears resemblance to one of the listed Scheduled Tribes change their caste name on masse in accordance with a resolution and or a common decision taken by the villagers belonging to the same caste. Accordingly to their pre-plan the members of a particular community in a village declared before the authorities of the educational institutions that they belong to one of the listed Scheduled Tribes and got their children recorded as belonging to one of the Scheduled Tribes with whose name their caste name has some resemblance. They even got enumerated themselves as Scheduled Tribe voters. A classic case of this kind is reported from Hyderabad twin cities where an occupational subdivision of a nomadic community called "Balasanthu" got registered an association as "Lingadhari Koya" (Ordinary) Association. It is also reported that the same people some time ago got registered another association under the name "Budiga Jangam" but got the name board and the office of the Budiga Jangam Association shifted to another locality in Hyderabad city. While Budiga Jangam is notified as a Scheduled Caste in A.P. Lingadhari Koya is one of the sub-tribes of Koya tribe which is notified as Scheduled Tribe in A.P. The Balasanthu which is notified as a Backward class...

in A.P. State is a nomadic community of traditional entertainers and caricaturists. They put on the attire of different ethnic groups and mimic them. One section of this group has specialized in the role of "Koya". These persons masquerading as Koyas roam about in the towns and villages. These Psuedo-Koyas in course of time succeeded in convincing the gullible villagers and certifying authorities that they are the real Koyas. They came to know about the attractive package of the reservations and economic incentives meant for Scheduled Tribes. They formed into an association and got registered as "Lingadhari Koya" (Ordinary) association and obtained Scheduled Tribe certificates as belonging to "Lingadhari Koya and with the help of these certificates secured jobs and benefits meant for Scheduled Tribes , thereby defeating the objectives of constitutional scheme of reservations. Similar cases have been reported from Machilipatnam where Andhra Rastra Konda Kapu Adima Jathi (Scheduled Tribe) Association was registered in 1982. These associations have been formed mainly to scuttle the enquires into the community claims of the persons claiming to belong to Konda Kapu tribe by the Government agencies on receipt of complaints. These associations are reportedly issuing Scheduled Tribe certificates to various persons belonging to non-tribal groups with similar name. Some gullible officers are giving credence to such certificates given by such spurious organizations. In the event of enquires against the persons who secured employment under the Scheduled Tribe quota, the Associations lend support to them by issuing certificates to them stating that they belong to Scheduled Tribe.

IMMIGRATION OF IDENTICAL GROUPS FROM OTHER STATES:

There is yet another problem which is causing concern in the State of A.P. some groups are notified as Scheduled Tribes in A.P., while their counterparts in the neighboring States are not notified as Scheduled Tribes. The communities like Mali and Goud in Visakhapatnam District, Lambada, Yerukulas and Yanadis come under this category. Mali and Goud in the neighboring ORISSA State are not notified as Scheduled Tribes. Similarly the Lambadas in the neighboring Maharastra and Karnataka States and Yeukulas in the neighboring Tamilnadu and Karnataka States are not notified as Scheduled Tribes. These people are migrating to the A.P. State to gain access to the attractive package of statutory reservations and other non-statutory benefits meant for Scheduled Tribes in the State. Unless it is checked, this will change the demographic composition of Scheduled Tribes of this state and also dilute the benefits meant for Scheduled Tribes in the State of A.P.

The Andhra Pradesh Government has been alive to the problem of bogus Scheduled Tribe certificates and it has been in the forefront in issuing orders to grapple with the problem of false certificates. Government of Andhra Pradesh have issued orders streamlining the procedure for issue of community certificates from time to time. Govt. have identified the Scheduled Tribes under whose name the incidence of false certificates is high and issued orders to authorize only the Revenue Officers exercising regular jurisdiction over the native place of certificate seekers to issue Scheduled Tribe certificates. Detailed guidelines have also been issued to facilitate the certifying authorities to identify genuine Scheduled Tribes. Orders were also issued to punish the authorities who knowingly issue Scheduled Tribe certificates to false claimants of Scheduled Tribe status and also to the bogus claimants of Scheduled Tribe certificates.

Orders were also issued to authorise the Director, Tribal Welfare, A.P., to screen the community claims of the applicants for admission into all professional courses under ST Quota every year. Further it is stipulated that the decision of the Director of Tribal Welfare is final and binding on the applicants in the matter. Further preappointment scrutiny of the candidates selected for appointment under ST Quota in State~~ment~~ Government Departments is also being conducted by the Director of Tribal Welfare. Orders have also been issued authorising the Director, Tribal Welfare as one of the investigating agencies to investigate into the complaints made against employees and other individuals claiming to belong to scheduled tribes.

Government of Andhra Pradesh has brought out a special Act called A.P. Scheduled Castes, Scheduled Tribes and Backward classes (Regulation of issue of community certificate) Act, 1993 to provide for streamlining the issue of caste certificates, cancellation of bogus certificates, to provide for punishment for claiming fraudulently ST certificates and for issue of ST certificates to bogus claimants among others.

In the entire country, A.P. Government has pioneered in enactment of separate legislation to grapple with the problem of false community certificates and issued various orders to bring the culprits to book, while the other states are yet to make up their minds to check the menace of the bogus community certificates.

The Scheduled Tribes and the Scheduled Areas

SCHEDULED TRIBES

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.

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 thereof, notify tribes or tribal communities or parts of these as Scheduled Tribes. This confers on the tribe or part of it a Constitutional status invoking the safeguards provided for in the Constitution, to these communities in their respective States/Uts.

Clause (2) of the Article empowers the Parliament to pass a law to include in or exclude from the list of Scheduled Tribes, any tribe or tribal community or parts of these.

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 Government concerned. These order 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.

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.

This criteria is not spelt out in the constitution but has become well established. It takes into account the definition in the 1931 Census, the reports of the first Backward Class 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.

ISSUE OF SCHEDULED TRIBES CERTIFICATE POINTS TO BE OBSERVED

(a) General

Where a person claims to belong to a Scheduled Tribe by birth it should be verified:-

- (i) That the person and his parents actually belong to the community claimed;
- (ii) That the community is included in the Presidential Order specifying the Scheduled Tribes in relation to the concerned State;
- (iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled;
- (iv) He may profess any religion;
- (v) That he or his parents/grandparents etc., should be permanent resident of the State/UT on the date of notification of the Presidential Order applicable in his case.
- (vi) A person who is temporarily away from his permanent place of residence at the time of the notification of the presidential Order applicable in his case, say for example to earn a living or seek education, etc can also be regarded as a Scheduled Tribe, if his tribe has been specified in that Order in relation to his State/Union Territory. But he cannot be treated as such in relation to the place

of his temporary residence notwithstanding the fact that the name of his tribe has been scheduled in respect of that State where he is temporarily settled, in any Presidential Order.

- (vii) In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Tribe status, is the place of permanent abode of their parents at the time of the notification of the Presidential Order under which they claim to belong to such a tribe.

(b) Scheduled Tribe claims on migration

- (i) Where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which community is not scheduled, he will continue to be deemed to be a member of the Scheduled Tribe, in relation to that State;
- (ii) Where a person migrates from one State to another, he can claim to belong to a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

(c) Scheduled Tribe claims through marriages

The guiding principle is that no person who was not a Scheduled Tribe by birth will be deemed to be a member of Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe.

Similarly a person who is a member of a schedule tribe would continue to be a member of that Scheduled Tribe, even after his or her marriage with a person who does not belong to Scheduled Tribe.

(d) Punishments for officials issuing Scheduled Tribe certificates without proper verification

Action is to be taken against them under the relevant provisions of the Indian Penal Code if any of them is found to have issued the Scheduled Tribe certificate carelessly and without proper verification in addition to the action to which they are liable under the appropriate disciplinary rules applicable to them.

(e) Liberalization of procedure for the issue of Scheduled Tribe certificates to migrants from other States/Union Territories.

Persons belonging to a Scheduled Tribes who have migrated from one State to another for the purpose of employment, education etc., experience great difficulty in obtaining tribe certificates from the State from, which they have migrated. In Order to remove this difficulty, it has been decided that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Tribe certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother by the prescribed authority of the State of the father/mother's origin except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the tribe in question is scheduled or not in relation to the State/ Union Territory to which the person has migrated. However, they would not be entitled to Scheduled Tribe benefits in the State they have migrated to.

(f) procedure for inclusion in or exclusion from the list of Scheduled Tribes.

In June, 1999, the Government approved modalities for deciding claims for inclusion in or exclusion from the lists of Scheduled Tribes. According to these approved guidelines, only those claims that have been agreed to by

the concerned State Government, the Registrar General of India and the National Commission for Scheduled Caste & Scheduled Tribes will be taken up for consideration. Whenever representations are received in the Ministry for inclusion of any community in the list of Scheduled Tribes of a State / UT, the Ministry forwards that representation to the concerned State Government/UT. Administration for recommendation as required under Article 342 of the Constitution. If the concerned State Government recommends the proposal, then the same is sent to the Registrar General of India (RGI). The RGI, if satisfied with recommendation of the State Government, recommends the proposal to the Central Government. Thereafter, the Government refers the proposal to the National Commission for Scheduled Castes and Scheduled Tribes for their recommendation. If the National Commission for Scheduled Castes and Scheduled Tribes also recommends the case, the matter is processed for the decision of the Cabinet after consulting the concerned administrative Ministries. Thereafter the matter is put up before the Parliament in the form of a Bill to amend the Presidential Order. In case, there is disagreement between the views of the State Government and the RGI, the views of the RGI are sent to the State Government for reviewing or further justifying their recommendation. On receipt of the further clarification from the State Government/Union Territory Administration, the proposal is again referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government / UT Administration on a second reference, the Government of India may reject the said proposal. Claims that neither the RGI nor the concerned State Government have supported are rejected. Similarly, those cases where the State Government and the RGI favour inclusion/exclusion, but not supported by the National Commission for Scheduled Caste Scheduled Tribes are also rejected.

SCHEDULED AREAS

The Scheduled Tribes live in contiguous areas unlike other communities. It is, therefore, much simpler to have area approach for

development activities and also regulatory provisions to protect their interests.

In Order to protect the interests of Scheduled Tribes with regard to land alienation and other social factors provisions of "Fifth Schedule" and "Sixth Schedule" have been enshrined in the Constitution.

The Fifth Schedule under Article 244(1) of Constitution defines "Scheduled Areas" as such areas as the President may by Order declare to be Scheduled Areas after consultation with the Governor of that State.

The Sixth Schedule under Article 244 (2) of the Constitution relates to those areas in the north east which are declared as "tribal areas" and provides for an District or Regional Autonomous Councils for such areas. These councils have wide ranging legislative, Judicial and executive powers.

FIFTH SCHEDULE AREAS:-

The criteria for declaring any area as a "Scheduled Area" under the Fifth Schedule are:

- Preponderance of tribal population,
- Compactness and reasonable size of the area,
- A viable administrative entity such as a district, block or taluk, and
- Economic backwardness of the area as compared to neighboring areas.

The specification of "Scheduled Areas" in relation to a State is by a notified Order of the President, after consultation with State Government concerned. The same applies for altering, increasing, decreasing,

incorporating new areas, or rescinding any Orders relating to "Scheduled Areas".

PURPOSE AND ADVANTAGE OF SCHEDULED AREAS:-

The advantage of Scheduled Area is that:

(a) The Governor of a State which has Scheduled Areas is empowered to make regulations in respect of the following:

1. Prohibit or restrict transfer of land from Tribals;
2. Regulate the business of money lending to the members of Scheduled Tribes

In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.

(b) The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modifications as he may specify.

(c) The Governor of a State having Scheduled Areas therein, shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said area.

(d) Tribes Advisory Council (TAC) shall be established in States having Scheduled Areas. The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. The TAC consists of not more than twenty members or whom, as nearly as may be, three fourth are from the representatives of Scheduled

Tribes in the Legislative Assembly of the State. The role of TAC is to advise the State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to it by the Governor.

(e) The Panchayats (Extension to Scheduled Areas) Act, 1996, vide which the provisions of Panchayats, contained in part IX of the Constitution, were extended to Scheduled Areas, also contains special provisions for the benefit of Scheduled Tribes.

SCHEDULED AREAS AND SCHEDULED TRIBES COMMISSION

To give a further thrust to the welfare and development of the Scheduled Tribes, a Scheduled Areas and Scheduled Tribes Commission has been set up vide Order dated 18th July, 2002 under the Chairmanship of Shri Dilcep Singh Bhuria, ex. M.P. with ten other Members. The last such Commission was set up in 1960. The Commission shall examine the development strategies followed so far for the welfare and development of the Scheduled Tribes, and suggest an outline of a viable comprehensive tribal policy.

STATE-WISE LIST OF SCHEDULED AREAS

ANDHRA PRADESH*

(1) Balmor, Kondnagol, Banal, Bilakas, Dharowaram, Appaipali, Rosul Chernvu, Pulechelma, Marlapaya, Burj Gundal, Agarla Penta, Pullaipalli, Dukkan Penta, Bikit Penta, Karkar Penta, Boramachernvu, Yemlapaya, Irlapenta, Mudardi Penta, Terkaldari, Vakaramamidi Penta, Medimankal, Pandibore, Sangrigundal,

Lingabore, Rampur, Appapur, Malapur, Jalal Penta, Piman Penta, Railet, Vetollapalli, Patur Bayal, Bhavi Penta, Naradi Penta, Tapasi Penta, Chandragupta, Ullukatrevu, Timmareddipalli, Sarlapalli, Tatigundal, Elpamaahena, Koman Penta, Kollam Penta, Mananur, Macharam, Malhamamdi, Venketeshwarla Bhavi, Amrabad,

Timalapur, Upnootola, Madhavanpalli, Jangamreddi Palli, Pedra, Venkeshwaram, Chitlamkunta, Lachmapur, Udmela, Mared, Ippalpalli, Maddimidag, Akkaram, Ainol, Siddapur, Bamanpalli, Ganpura and Manewarpalli Villages of Achampoth Taluq of Mahbubnagar district.

(2) Malai Borgava, Ankapur, Jamul Dhari, Lokari, Vanket, Tantoli, Sitagondi, Burnoor, Navgaon, Pipal Dari, Pardi Buzurg, Yapalguda, Chinchughat, Vankoli, Kanpa, Avasoda Burki, Malkapur, Jaree, Palsi Buzurg, Arli Khurd, Nandgaon, Vaghapur, Palsikurd, Lingee, Kaphar

Deni, Ratnapur, Kosai, Umari, Madanapur, Ambugaon, Ruyadee, Sakanapur, Daigaon, Kaslapur, Dorlee, Sahaji, Sangvee, Khogdoor, Kobai, Ponala, Chaprala, Mangrol, Kopa Argune, Soankhas, Khidki, Khasalakurd, Khasalabuzurg, Jamni, Borgaon, Sayedpur, Khara, Lohara,

Marigaon, Chichdari, Khanapur, Kandala, Tipa, Hati Ghoti, Karond Kurd, Karoni Buzurg, Singapur, Buranpur, Nagrala, Bodad, ChandPELLI, Peetgain, Yekori, Sadarpur, Varoor, Rohar, Takli and Ramkham villages of Adilabad taluq of Adilabad district.

(3) Ambari, Bodri, Chikli, Karntala, Ghoti, Mandwa, Maregaon, Malborgaon, Patoda, Dahigaon, Domandhari, Darsangi, Digri, Sindgi, Kanakwari, Kopra, Malakwadi, Nisapur, Yenda, Pipalgaon, Bulja, Varoli, Anji, Bhimpur Sirmeti, Karla, Kothari,

Gokunda, Gogarwudi, Malkapur, Dhonora, Rampur, Patri, Porodhi, Boath, Darsangi, Norgaon, Unrsi, Gadi, Sauarkher, Naikwadi, Sarkani, Wajhera, Mardap, Anjenkher, Gondwarso, Palaiguda, Karalgaon, Palsi, Patoda, Javarla, Pipalgaon, Kanki Singora,

Dongargoan, Pipalsendha, Jurur, Minki, Tulsi, Machauder Pardhi, Murli, Takri, Parsa, Warsa, Umra, Ashta, Hingni, Timapur, Wajra, Wanola, Patsonda, Dhanora, Saku and Digni villages of Kinwat talu of Adilabad district.

(4) Hatnur, Wakri, Pardhi, Kartanada, Serlapalli, Neradi-konda, Daigaon, Kuntala, Venkatapur, Hasenapur, Surdapur, Polmamda, Balhanpur, Dharampuri, Gokonda, Bhotai, Korsekal,

Patnapur, Tejapur, Guruj, Khahdiguda, Rajurwadi, Ispur, Ghanpur, Jaterla, Khantegaon, Sauri, Ichora, Mutnur, Gudi Hatnur, Talamedee, Gerjam, Chincholi, Sirchelma, Mankapur, Narsapur,

Dhampur, Harkapur, Dhampur, Nigni, Ajhar Wajhar, Chintalbori, Chintakarvia, Rampur, Gangapur and Gayatpalli villages of Boath taluk of Adilabad district.

(5) All villages of Utinur taluq of Adilabad district.

(6) Rajampet, Gunjala, Indhani, Samela, Tejapur, Kannargaon, Kantaguda, Shankepalli, Jamuldhari, Gundi, Chorpalli, Saleguda, Wadiguda, Savati, Dhaba, chopanguda, Nimgaon, Khirdi, Metapipri, Sakra, Sangi, Devurpalli, Khotara-Ringanghat, Nishani, Kota Parandoli, Mesapur, Goigaon, Dhanora, Pardha, Surdapur, Kerineri Murkilonki,

(7) Gudam, Kasipet, Dandepalli, Chelampeta, Rajampet, Mutiempet, Venkatapur, Rali, Kauwal, Tarapet,

(8) Bendwi, Chincholi, Goigaon, Hirapur, Sakri, Balapur, Manoli, Antargaon, Wirur, Dongargaon, Timbervai, Sersi, Badora, Vmārjeeri, Lakarkot, Ergaon, Kirdi, Sondo, Devara, Khorpana, Kanargaon,

(9) Ralapet, Kistampet, Takalapalli, Chakalpalli, Anaram, Bhepalli, Korsni Isgaon, Chintaguda, Ankora, Usurampalli, Arpalli,

(10) Kannaiguda, Ankanaguda, Raghavpatnam, Medarmiola, Koetla, Parsa Nagaram, Muthapur, Motlaguda, Vengapur, Yepak, Kanaboepalli, Medaram, Kondred, Chintaguda, Kondaparathi, Yelsethipalli, Allvamarighunpur, Rampur, Malkapalli, Chettial, Bhupathipur, Gangaram, Kannaiguda, Rajannapet, Bhutarani, Akkela, Sivapur, Gangaram,

Devapur, Chinta Karra, Iheri, Ara, Dasnapur, Kapri, Belgaon, Sirasgaon, Maar, Wadam, Dhamriguda, Dallanpur, Chalwardi, Ihoreghat, Balijhari, Sakamgundi, Ara, Uppal Naugaon, Anksorpur, Chirakunta, Illipita Dorli, Mandrumera, Dantanpalli, Deodurg, Tunpalli, Dhagleshwar, Padibanda, Tamrin, Malangundi, Kandan Moar, Geonena, Kuteda,

Devapur, Gathapalli, Rotepalli, Mandamari, Dharmaraopet Venkatapur, Chintaguda and

Chennai, Kairgaon, Samalhira, Dhanoli, Marnagondi, Yellapur, Katalburi, Isapur, Devti, Panderwani, Wansari, Perda, Wargaon Nokari, Mirapur, Pardhi, Kutada, Parsewara, Mangalhra, Karki, Nokari, Manoli,

Bophalpatnam, Balasaga, Pardhi, Tumrihati, Chintalmanopalli, Chintam, Gullatalodi, Damda, Dhorpalli, Kanki Garlapet,

Bhupathipur, Pumbapur, Rampur, Ankampalli, Kamaram, Kamsettigudam, Ashnaguda, Yellapur, Allaguda, Narsapur, Puschapur, Bhattupalli, Lavnal, Vadduguda, Kothur, Pegdapalli, Sivapur, Bhussapur, Chelvai, Rangapur Govindraopet, Ballapali, Dhumpallaguda, Kelapalli, Lakhanavaram, Pasra, Gonapalli, Padgapur, Narlapur, Kalvapalli,

Tilani, Kanepelli, Bordoum Telundi, Maugi Lodiguda, Moinda-gudipet, Chinnedari, Koitelundi, Madura, Devaiguda, Areguda, Gardepalli, Takepalli, Choutepalli, Rane Kannepalli, Sungapur, Rala Samkepalli, Chopri, Doda Arjuni, Serwai, Rapalli, Tekamandwa and Meta Arjuni villages of **Asaifabad taluq of Adilabad district.**

Mutiempalli villages of **Lakshetipet taluq of Adilabad district.**

Sonapur, Inapur, Mangi, Uparwai, Tutta, Lakmapur, Kirdi, Injapur, Jamni, Hargoon, Chikli, Patan, Kosundi, Kotara and Sonarli villages of **Rajura taluq of Adilabad district.**

Gudlaburi, Gurmpet, Lomveli, Mogurdagar, Wirdandi and Chilpurdubor villages of **Sirpur taluq of Adilabad district.**

Uratam, Kondia, Maliat, Aclapur, Dodla, Kamaram, Tadvai, Boediguda, Bannaji, Bandam, Selpak, Kantalpalli, Sarvai, Gangaguda, Tupalkalguda, Akulvari, Ghanpur, Shahpalli, Gagpelli, Chinna-beonpalli, Venkatapur, Narsapur, Anaram, Lingal, Ballepalli, Bandal and Thunmapur villages of **Mulug taluq of Warrangal district.**

(11) Vebelli, Polaṛa,
Bakkachintaphad, Ganjad,
Thirmalguda, Gopalpur, Khistapur,
Tatinari Venpalli, Pattal Bhoopati,
Chandelapur, Battalpalli,
Advarampet, Satiahnagar, Dutla,
Mothwada, Mangalawarpet, Karlai,
Arkalkunta, Kodsapet, Gunderpalli,
Masami, Battavartigudem,
Mamidigudem, Pangonda, Roturai,
Satreddipalli, Konapur,
Kondapuram, Pogulapalli,

Govindapuram, Makadapalli,
Pagulapalli, Murraigudem,
Yelchogudem, Tummapuram,
Jangamvartigudem, Rangagudem,
Peddalapalli, Yerravaram,
Kundapalli Neelampalli
Daravarinampalli, Karnegund,
Mahadevagudem, Marrigudem,
Jangalpalli, Bavarguda, Oarbak,
Gangaramam; Mucherla
Amaroncha, Kamarāam,

Chintagudem, Nilavancho,
Kangargidda, Madagudem,
Dalurpet, Kothagudem, Kotapalli,
Durgaram, Dubagudem,
Rudravaram, Narsugudem,
Komatlagudem, Katervam, Semar
Rajpet, Marepalli, Goarur,
Radhiapur, Gazalgudem, Rajvepalli
and Bollypalli villages of
**Narsampet taluk of
Warrangal district.**

(12) All the villages of Yellandu taluq of Warrangal district (excluding the Yellandu, Singareni and Sirpur villages and the town of Kothaguda)

(13) (i) All the villages of Palocha taluq of Warrangal district excluding Palondha, Borgampad, Ashwaraopet, Dammamet, Kuknur and Nelipak villages and (ii) Samasthan of Paloncha

(14) Visakhapatnam Agency area
[excluding the areas comprised in
the villages of Agency
Lakshimpuram, Chidikada,
Konkasingi, Kumarapuram,

Krishnadevipeta,
Pichigantikothagudem,
Golugondapeta, Gunupudi,
Gummudukonda,
Sarabhupalapatnam, Vedurupalli,

Pedajaggampeta]²[Sarabhupathi
Agraharam, Ramachandrarajupeta
Agraharam, and Kondavatipudi
Agraharam in Visakhapatnam
district.]

(15) East Godwari Agency area² [excluding the area comprised in the village of Ramachandrapuram including its hamlet Purushothapatnam in the East Godavari district.]

(16) West Godawari Agency area in West Godavari district.

*The Scheduled Areas in the State of Andhra Pradesh were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O.No.9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O.No.26) dated 7.12.1950 and have been modified vide the Madras Scheduled Areas (Cesser) Order 1951 (C.O. 50) and the Andhra Scheduled Areas (Cesser) Order, 1955 (C.O.30)

1. Inserted by the Madras Scheduled Areas (Cesser) Order, 1951

2. Inserted by the Andhra Scheduled Areas (Cesser) Order, 1955

THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950.

C. O.22. - In exercise of the powers conferred by clause (1) of Article 342 of the Constitution of India the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:-

1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.

2. The tribes or tribal communities, or parts of, or groups within, tribes of tribal communities, specified in Parts I to XIV of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those parts of that Schedule.

3. Any reference in the Schedule to this Order to a district or other territorial division of a State shall be construed as a reference to that district or other territorial division as existing on the 26th January, 1950.

THE SCHEDULE
PART V - MADRAS

Throughout the State:-

1. Aranadan
2. Bagata
3. Bhattadas - Bodo Bhattada, Muria Bhattada and Sano Bhattada.
4. Bhumias - Bhuri Bhumia and Bodo Bhumia.
5. Chenchu

5. Gadabas - Boda Gadaba, Cerllam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Pranga Gadaba.
7. Gondi-Modya Gond and Rajo Gond.
8. Goudus - Bato, Bhirithya Dudhokouria Hato-Jatako and Joria.
9. Kosalya Goudus - Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Boddu Kamariya, Dudu Kamaro, Ladiya Goudus and Pullosoriya Goudus.
10. Magatha Goudus - Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha.
11. Holva
12. Jadapus
13. Jatapus
14. Kammara
15. Kattunayakan
16. Khattis - Khatti, Kommarao and Lohara
17. Kodu
18. Kommar
19. Konda Dhoras
20. Konda Kapus
21. Kondareddis
22. Kondhs - Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs.
23. Kota
24. Kotia - Bartika, Benthoriya, Dhulia or Dulia. Holva Paiko. Putiva. Sanrona and

25. Koya or Goud, with its subsects - Raj or Rasha Koyas, Lingadhari Koyas (ordinary) and Kottu Koyas.
26. Kudiya
27. Kurumans
28. Manna Dhora
29. Maune
30. Mukha Dhora - Nooka Dhora
31. Muria
32. Paigarapu
33. Palasi
34. Paniyan
35. Porjas - Bodo Bonda, Daruva, Didua, Jodia, Mundili, Pengu, Pydi and Saliya.
36. Reddi Dhoras
37. Savaras - Kapu Savaras, Khutto Savaras and Maliya Savaras.
38. Sholaga
39. Toda
40. Inhabitants of the Laccadive, Minicoy and Amindivi Islands who, and both of whose parents, were born in these Islands.

Throughout the State:

PART IX - HYDERABAD

Throughout the State:

1. Andha
2. Bhil
3. Chenchu or Chenchwar
4. Gond (including Naikpod and Rajgond)
5. Hill Reddis
6. Kolam (including Mannervarlu)
7. Koya (including Bhine Koya and Rajkoya)
8. Pardhan
9. Thoti.



GOVERNMENT OF INDIA
MINISTRY OF LAW

New Delhi, Dated the 25th September, 1956.

The following Act of Parliament received the assent of the President on the 25th September, 1956, and is hereby published for general information:-

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT) ACT, 1956.

ACT No. 63 OF 1956.

An Act to provide for the inclusion in, and the exclusion from, the list of Scheduled Castes and of Scheduled Tribes, of certain castes and tribes and matters connected therewith.

Be it enacted by Parliament in the Seventh year of the Republic of India as follows:-

1. This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956.

SCHEDULE III

(See Section 4 (1))

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950.

1. Before the heading "PART I - ASSAM", insert:-

"PART I - ANDHRA"

Throughout the States-

- | | |
|------------|-----------------|
| 1. Bagata | 5. Kammara |
| 2. Chenchu | 6. Kattunayakan |
| 3. Gadabas | 7. Konda Dhoras |
| 4. Jatapus | 8. Konda Kapus |

9. Konda redds :
 10. Kondhs (Kodi and Kodhu), Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs.
 11. Kotia - Benth Oriya, Bartika, Dhulia or Dulia, Holva, Paiko, Putiya, Sanrona ~~xx~~ and Sidhopaiko.
 12. Koya or Goud with its sub-sects, - Rajah or Rasha Koyas, Lingadhari Koyas (Ordinary) and Kottu Koyas.
 13. Kulia
 14. Malis
 15. Manna Dhora
 16. Mukha Dhora or Nooka Dhora
 17. Porja (Parangiperja)
 18. Reddi Dhoras
 19. Rona, Rena
 20. Savaras - Kapu Savaras, Maliya Savaras or Khutto Savaras.
 21. Sugalis (Lambadis)
 22. Yenadis
 23. Yerukulas
2. In the Agency treacts:-
1. Goudu (Goud)
 2. Nayaks
 3. Valmiki".

// True Copy //

MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 29th October, 1956.

S.R.O. 2477A. - The following Order made by the President is published for general information:-

THE SCHEDULED CASTES AND SCHEDULED TRIBES LISTS
(MODIFICATION) ORDER, 1956.

In pursuance of section 41 of the States Re-organisation Act, 1956 (37 of 1956), and section 14 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956), the President hereby makes the following Order, namely:-

1. This Order may be called the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

2. (1) The Constitution (Scheduled Castes) Order, 1950, is hereby modified in the manner and to the extent specified in Schedule I.

(2) The Constitution (Scheduled Castes) (Part-C-States) Order, 1951, is hereby modified in the manner and to the extent specified in Schedule II.

3. (1) The Constitution (Scheduled Tribes) Order, 1950, is hereby modified in the manner and to the extent specified in Schedule III.

(2) The Constitution (Scheduled Tribes) (Part C States) Order, 1951, is hereby modified in the manner and to the extent specified in Schedule IV.

SCHEDULE III

(See Paragraph 3 (1))

Modifications to the Constitution (Scheduled Tribes) Order, 1950.

1. In Paragraph 2, for "Parts I to XIV", Substitute, "Parts I to XII".

2. For paragraph 3, substitute:-

"3. Any reference in this Order to a State or ~~of~~ to a district or other territorial division thereof shall be, construed as a reference to the State, district or other territorial division constituted as from the 1st day of November, 1956".

3. For the Schedule, Substitute:-

THE SCHEDULE

PART I - ANDHRA PRADESH

1. Throughout the State:-

1. Chenchu or Chenchwar
2. Koya or Goud with its sub-sects - Rajah or Rasha Koyas, Lingadhari Koyas (ordinary), Kottu Koyas, Bhine Koyas and Raj Koya.

2. Throughout the State except Hyderabad, Mahbubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda districts:-

1. Bagata
2. Gadabas
3. Jatapus
4. Kammara
5. Kattunayakan
6. Konda Dhoras
7. Konda Kapus
8. Kondareddis
9. Kondhs (Kodi and Kodhu), Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs.
10. Kotia-Bentho Oriya, Bartika, Dhulia or Dulia, Holva, Paiko, Putiya, Sanrona and Sidhopaiko.
11. Kulia

12. Malis
13. Manna Dhora
14. Mukha Dhora or Nooka Dhora
15. Porja (Parangiperja)
16. Reddi Dhoras
17. Rona, Rena
18. Savaras-Kapu Savaras, Maliya Savaras
or Khutto Savaras.
19. Sugalis (Lambadis).
20. Yenadis
21. Yerukulas

3x

3. In the districts of Hyderabad, Mahabubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda:-

1. Andh
2. Bhil
3. Gond (including Naikpod and Rajgond).
4. Hill Reddis
5. Kolam (including Mannervarlu)
6. ~~Kokam~~ Pardhan
7. Thoti.

4. In the Agency tracts:

1. Goudu (Goud)
2. Nayaks
3. Valmiki

// True Copy //

THE SCHEDULED CASTES AND SCHEDULED TRIBES
ORDERS (AMENDMENT) ACT, 1976.

NO. 108 OF 1976

18th September, 1976.

An Act to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such re-adjustment is necessitated by such inclusion of exclusion and for matters connected therewith.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title and commencement:- (1) This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

x x x x x

(2)

THE SECOND SCHEDULE

(See section 4)

CHAPTER I

In the Constitution (Scheduled Tribes) Order, 1950:-

(a) for paragraph 3, substitute

"3. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976."

(b) for the Schedule, substitute--

THE SCHEDULE
PART I - ANDHRA PRADESH

1. Andh
2. Bagata
3. Bhil
4. Chenchu, Chenchwar
5. Gadabas
6. Gond, Naikpod, Rajgond
7. Goudu (in the Agency tracts)
8. Hill Reddis
9. Jatapus
10. Kammara
11. Kattunayakan

(3)

12. Kolam, Mannervarlu
13. Konda Dhoras
14. Konda Kapus
15. Kondareddis
16. Kondhs, Kodi, Kodhu, Desaya Kondhs,
Dongria Kondhs, Kuttiya Kondhs, Tikiria
Kondhs, Yenity Kondhs.
17. Kotia, Benthoriya, Bartika, Dhulia,
Dulia, Holva, Paiko, Putiya, Sanrona,
Sidhopaiko.
18. Koya, Goud, Rajah, Rasha Koya, Lingadhari
Koya (ordinary,) Kottu Koya, Bhine Koya,
Rajkoya.
19. Kulia
20. Malis (excluding Adilabad, Hyderabad,
Karimnagar, Khammam, Mahbubnagar, Medak,
Nalgonda, Nizamabad and Warangal districts)
21. Manna Dhora

(4)

22. Mukha Dhora, Nooka Dhora
23. Nayaks (in the Agency tracts)
24. Pardhan
25. Porja, Parangiperja
26. Reddi Dhoras
27. Rona, Rena
28. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras.
29. Sugalis, Lambadis
30. Thoti (in Adilabad, Hyderabad, Karimnagar, Khammam, Mahabubnagar, Medak, Nalgonda, Nizamabad and Warangal districts).
31. Valmiki (in the Agency tracts)
32. Yenadis
33. Yerukulas.

//true copy//

12/8/81
RESEARCH OFFICER
TRIBAL CULTURAL RESEARCH
AND TRAINING INSTITUTE,
NIZAMABAD, HYDERABAD.

NO. BC. 12016/37/76-SCT: V

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH
MANTRALAYA

New Delhi, the October, 1979

To

The Secretary
to the Government of Andhra Pradesh,
Social Welfare Department,
Secretariat Building,
Hyderabad.

Subject:—Specification of equivalent names and name of synonyms and sub-castes/tribes of the existing Scheduled Castes and Scheduled Tribes in Andhra Pradesh State.

Sir,

I am directed to refer to the correspondence resting with your letter No. 2595/F2/78-1, dated 15th

December, 1978 on the above subject and to say that in the light of the Supreme Court's ruling in the case of *Bhaiya Ram Munda Vs. Anirudh Pater (A.I.R. 1971 S.C. 2433)* the Government of India has in consultation with the Registrar General of India, decided that the entries in column (3) of the table below may be treated as equivalent names or names of synonyms and sub-castes/tribes of the Scheduled Castes and Scheduled Tribes entered in column (2) of the table for the State of Andhra Pradesh:—

S.No. in the SC/ST Schedule.	Name of the community as given in the SC/ST Schedule.	Equivalent names or names of synonyms and sub-castes/tribes.
(1)	(2)	(3)
(a) List of Scheduled Castes		
11.	Byagara .. .. .	.. Byagari.
14.	Chamar, Mochi, Muchi .. .. .	.. Chamar-Ravidas, Chamar-Rohidas.
35.	Mala .. .. .	.. Mala Ayawaru.
(b) List of Scheduled Tribes.		
1.	Andh .. .. .	.. Sadhu Andh.
5.	Gadabas .. .. .	.. Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera, Gadaba, Kapu Gadaba,
6.	Gond, Naikpod, Raygond .. .. .	.. Koitur.
12.	Kolam, Mannervaru .. .. .	.. Kolawar.
13.	Konda Dhoras .. .. .	.. Kubi.
16.	Kondhs, Kodi, Kodhu, Desaya-Kondhs, Dongria Kondhs, Kultiya Kondhs, Tikiria Kondhs, Yenity Kondhs.	Kuvinga.
18.	Koya, Gould, Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Raj Koya.	.. Doli Koya, Gutta Koya, Kammaru Koya, Musara Koya, Oddi Koya, Pattidi Koya.
29.	Sugalis, Lambadis .. .. .	.. Banjaras.
32.	Yenadis .. .. .	.. Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi.
33.	Yerukulas .. .. .	.. Koracha, Dabba Yerukula, Kunchapuji Yerukul a Uppu Yerukula.

2. The above list of equivalent names and names of synonyms or sub-castes/tribes has been prepared by taking into account the ethnographic and other facts relating to the community referred to above and may be used only for the purpose of verification of claims of the members of the relevant community, calling themselves by the names given in column (3) of the table above to belong to the community given in column (2) of the table.

3. The above list not intended or shall not be treated as an alteration or amendment of the Schedules to the Presidential Orders specifying Scheduled Castes and Scheduled Tribes in relation to the Andhra Pradesh State, as any alterations or amendments of the lists of Scheduled Castes and Scheduled Tribes contained in the Presidential Orders can be made only by Parliamentary legislation.

4. The SC/ST certificates to the eligible person will be valid only if they are issued in the relevant name of the community entered in the Presidential Order, i.e. those in column (2) of the table and not in the names given in column (3) thereof. Before issuing such certificate, it has also to be verified that they fulfil all other conditions of eligibility set out in the Presidential Order e.g., that the person should be a resident of the locality specified in relation to the respective Scheduled Caste/Tribe from the date of notification of the Presidential Order, etc.

5. It is further clarified that as the listed synonyms/sub-castes/sub-tribes would not form part of the Presidential Order, it would be open for any affected person to contend that the particular synonyms/sub-castes/sub-tribes is not, in fact, a part of or identical with the respective Schedule Caste/Tribe.

6. The State Government are requested to bring the content of this letter to the notice of all concerned authorities in the State for compliance. Copy of those instructions may also be sent to this Ministry for information and record.

Yours faithfully,

P. S. KRISHNAN,

Joint Secretary to the Government of India.

(Tele No. 381652.

No. BC. 12016/37/76-SCT.V. New Delhi, dated the 25th October, 1979.

Copy forwarded for information to:--

1. The Registrar General of India, Social Studies Unit, West Block, R. K. Puram, New Delhi--110023.
2. The Commissioner for Scheduled Castes and Scheduled Tribes, West Block-1, R. K. Puram, New Delhi--110023.
3. The Commission for Scheduled Castes and Scheduled Tribes Lok Nayak Bhavan, New Delhi-110 003.
4. All Ministries of the Government of India.

P. S. KRISHNAN,

Joint Secretary to the Government of India.

Tele. No. 381652.

No. 35/172-R.U. (SCT.V)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

To
The Chief Secretaries of all State Governments
and Union Territory Administration
New Delhi-110001, Dated the 2 May, 1975

12 Vaisakha, 1897.

Subject: Issue of Scheduled Castes and Scheduled
Tribe certificates.

Sir,

I am directed to state that complaints are often received that Scheduled Caste and Scheduled Tribe certificates are given to persons who do not in fact belong to a Scheduled Castes or Scheduled Tribes. It is necessary, therefore, that the Certificate issuing authorities should make a proper verification before they actually issue such a certificate.

2. In this connection a set of points which should be taken into account are enclosed for the guidance of those empowered to issue Scheduled Caste and Scheduled Tribe certificates. It is requested that these instructions may be circulated amongst them.

Yours faithfully,

(O. K. MOORTHY)
Director General, BCW

No. 35/172/R.U. (SCT.V), New Delhi-10001

dated the 2 May, 1975; 12 Vaisakha, 1897

Copy forwarded for necessary action to:—

1. All Ministries/Depts. of the Govt. of India.
2. All attached and subordinate offices of M.H.A.
3. The Union Public Service Commission, Dhoolpur House, New Delhi-110011.
4. The Deptt. of Personnel and Administrative Reforms, Estt. (SCT) Section, New Delhi.
5. The Commissioner for Scheduled Caste and Scheduled Tribe, Ramakrishnapuram, New Delhi.

(O. K. MOORTHY)

Director General, BCW.

Government of India/Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya
Enclosure to circular letter No. 35/172-R.U. (SCT.V)
dated the April, 1975; Vaisakha, 1897

Issue of Scheduled Caste and Tribe Certificate-Points to be observed.

1. General: (Applicable in all cases)

Where a person claims to belong to Scheduled Caste or a Scheduled Tribe by birth it should be verified:—

- (i) that the person and his parents actually belong to the community claimed.
- (ii) that this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes in relation to the concerned State.
- (iii) that the person belongs to that State and to the area within that State in respect of which the community has been scheduled;
- (iv) if the person claims to be Scheduled Castes, he should profess either the Hindu or the Sikh religion;
- (v) if the person claims to be a Scheduled Tribe, he may profess any religion.

2. Cases of migration:

- (i) where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be in relation to that State;
- (ii) where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

3. Claims through marriage

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or a Scheduled Tribe merely because he or she had married a person belonging to a Scheduled Caste or a Scheduled Tribe.

Similarly a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

3 of conversion and reconversion.

Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism and then reconverts himself back to Hinduism or Sikhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.

In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

4 of adoption :

care has to be exercised in dealing with here a person claims to be Scheduled Caste person. The validity of the adoption has to be established before any caste certificate can be issued. It is for the party to prove his claim by sound and reliable evidence.

The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoptions and Maintenance Act, 1956 (relevant extracts of which are attached). The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or birth.

ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

- (ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of Law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
- (iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the Dist. Magistrate who shall, after making due enquiries as to the validity of the adoption and as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hinduism of that particular area, or that community, group or family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family, that the custom or usage has not been discontinued. In addition it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted, person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

CHAPTER II—Adoption

Requisites if a valid adoption

6. No adoption shall be valid unless—

- (i) The person adopting has the capacity, and also the right, to take in adoption;
- (ii) the person giving in adoption has the capacity to do so;
- (iii) the person adopted is capable of being taken in adoption; and
- (iv) the adoption is made in compliance with the other conditions mentioned in this chapter;

Capacity of a male Hindu to take in adoption

7. Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption:

Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

EXPLANATION: If a person has more than one wife living at the time of adoption, the consent of all the wives is necessary unless the consent of any one of them is unnecessary for any of the reasons specified in the preceding proviso.

Capacity of a female Hindu to take in adoption

8. Any female Hindu—

- (a) who is of sound mind,
- (b) who is not a minor, and
- (c) who is not married or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption.

Persons capable of giving in adoption

9. (1) No person except the father or mother or the guardian of a child shall have the capacity to give the child in adoption.

(2) Subject to the provisions of sub-section (3) and sub-section (4), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother unless the mother has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of a competent jurisdiction to be of unsound mind.

(3) The mother may give the child in adoption if the father is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of a competent jurisdiction to be of unsound mind.

(4) Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself.

(5) Before granting permission to a guardian under sub-section (4), the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child and that the applicant for permission has not received or agreed to receive and that no person had made or given or agreed to make or give to the applicant any payment or reward in consideration of the adoption except such as the court may sanction.

Explanation—For the purposes of this section—

- (i) the expression "father" and "mother" do not include an adoptive father and an adoptive mother.
- (ia) "guardian" means a person having the care of the person of a child or both his person and property and includes—
 - (a) a guardian appointed by the will of the Child's father or mother; and
 - (b) a guardian appointed or declared by a court;
- (ii) "court" means the city civil court or a district court within the local limits of whose jurisdiction the child to be adopted ordinarily resides.

Persons who may be adopted.

10. No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely:—

- (i) he or she is a Hindu;
- (ii) he or she has not already been adopted;
- (iii) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;
- (iv) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

Other complied Conditions for a valid adoption

11. In every adoption, the following conditions must be complied with:—

- (i) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son, son (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(ii) if the adoption is of a daughter, the adoptive father or mother by whom the adoption is made must not have a Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(iii) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;

(iv) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted;

(v) the same child may not be adopted simultaneously by two or more persons;

(vi) the child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth or in the case of an abandoned child or a child whose parentage is not known, from the place or family where it has been brought up to the family of its adoption;

Provided that the performance of datta homam shall not be essential to the validity of an adoption.

No. BC. 12025/2/76-SCT.I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

To

The Chief Secretaries to

All State Governments/Union Territory
Administrations.

New Delhi-110001, the 22 march, 1977
Chaitra, 1898

Sub: Issue of Scheduled Caste and Scheduled Tribe
certificate—Clarifications.—regarding

Sir,

I am directed to say that many instances have come to the notice of this Ministry wherein certificates of belonging to a particular Scheduled Caste/Tribe have not been issued strictly in accordance with the principles governing the issue of such certificates. This is presumably due to inadequate appreciation of the legal position regarding the concept of the term "residence" on the part of the authorities empowered to issue such certificates.

2. As required under Articles 341 and 342 of the Constitution, the President has, with respect to every State and Union Territory and where it is State after consultation with the Governor of the concerned State issued orders notifying various Castes and Tribes as Scheduled Castes and Scheduled Tribes in relation to that State or Union Territory from time to time. The inter-state area restrictions have been deliberately imposed so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Caste or Scheduled Tribe status, only benefit from the facilities provided for them. Since the people belonging to the same caste but living in different State/Union Territories may not necessarily suffer from the same disabilities, it is possible that two persons belonging to the same caste but residing in different States/ U. Ts may not both be treated to belong to Scheduled Caste/Tribe or vice-versa. Thus the residence of a particular person in a particular locality assumes a special significance. This residence has not to be understood in the literal or ordinary sense of the word. On the other hand it connotes the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality. Thus a person who is temporarily away from his permanent place of abode at the time of notification of the Presidential Order applicable in his case, say, for example, to earn a living or seek education, etc., can also be regarded as a Scheduled Caste or a Scheduled Tribe, as the case may be, if his caste/tribe has been specified in

that Order in relation to his State/U. T. But he cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his caste/tribe has been scheduled in respect of that area in any Presidential Order.

3. It is to ensure the veracity of this permanent residence of a person and that of the caste/tribe to which he claims to belong that the Government of India has made a special provision in the proforma prescribed for the issue of such certificate. In order that the certificates are issued to the deserving persons it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquiries, is made before such certificates are issued. As it is only the Revenue Authorities who, besides having access to the relevant revenue records are in a position to make reliable enquiries, Government of India insists upon the production of certificates from such authorities only. In order to be competent to issue such certificates, therefore the authority mentioned in the Government of India (Department of Personnel and Administrative Reforms) letter No. 13/2/74-Est (SCT) dated the 5th August, 1975, (copy enclosed) should be the one concerned with the locality in which the person applying for the certificate and his place of permanent abode at the time of the notification of the relevant Presidential Order. Thus the Revenue Authority of one District would not be competent to issue such a certificate in respect of persons by longing to another district. Nor can such an authority of one State/UT issue such certificates in respect of persons whose place of permanent residence at the time of the notification of a particular Presidential Order, has been in a different State/Union Territory. In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Caste or Scheduled Tribes status, is the place of permanent abode of their parents at the time of the notification of the Presidential Order under which they claim to belong to such a caste/tribe.

4. It is understood that some State Governments/ Union Territory Administrations have empowered all their Gazetted Officers to issue such certificates and ever Revenue Authorities issue Certificates on the basis of the certificates issued by Gazetted Officers, M. P.s. and M. L. As. etc., If such a practice is followed, there is a clear danger of wrong certificates being issued, because in the absence of proper means of verification such authorities can hardly assure the intrinsic correctness of the facts stated in such certificates. In order to check the issuance of false certificates, the question of verification assumes all the more importance.

5. All the State Governments/Union Territory Administrations are, therefore, requested to streamline their respective procedures for issuing such certificates so as to conform to the above instructions as well as to those issued from time to time. Where Revenue Authorities have been empowered to issue certificates on the basis of a certificate issued by an M.P., M.L.A., Gazetted Officer, etc., they would do so only after having made proper verifications and after having satisfied themselves of the correctness of such certificates.

Yours faithfully,
(O. R. SRINIVASAN)

(Under Secretary to the Government of India)

Telephone No. 381843

No. BC. 12025/2/76-SCT.I

March, 1977

Phalgun, 1898

Copy to:—

1. The Department of Personnel and Administrative Reforms, Government of India, with reference to their U. O. No D. 2014/76-Est. (SCT), dated the 8th July, 1976. They are requested to make necessary amendments to the Brochure on the reservation for Scheduled Castes and Scheduled Tribes by incorporating, where necessary, the position seted in the foregoing paragraphs.

2. Director, Institute of Scett. Training and Management, West Block No. 1, Wing No. 6, Rama-Krishnapuram, New Delhi-110022 with reference to his letter No. 12/4/76-ARRNG, dated the 21st February, 1976.

3. Secretary, Union Public Service Commission, New Delhi.

4. All Ministries/Departments of the Government of India.

5. All Zonal Directors/Deputy Directors.

(O. R. SRINIVASAN)

Under Secretary to the Government of India
Telephone No. 381843

COPY

Letter No. 13/2/74-Est. (SCT)

Government of India|Bharat Sarkar
Cabinet Secretariat|Mantrimandal
Sachivalay

Department of Personnel and Administrative Reforms
(Karmik Aur Prasashank Sudhar Vibhag)
New Delhi-110001, the 5th August, 1975

To

The Chief Secretaries of
All State Governments and Union Territory Administrations.

Sub:- Verification of claims of candidates belonging to Scheduled Castes and Scheduled Tribes—
Form of Caste Certificate—Amendments to.

Sir,

I am directed to say that candidates belonging to Scheduled Castes and Scheduled Tribes seeking employment to posts/services under the Central Government are required to produce a certificate in the prescribed form from one of the prescribed authorities in support of their claim. A list of the prescribed authorities in this regard is enclosed for information. The form of caste certificate has now been slightly revised. The revised form of Caste certificate is enclosed. I am to request that the revised form of caste certificate may please be brought to the notice of the authorities under the State Government who are empowered to issue such certificates.

(Sd.),

J. S. AHLUWALIA.

Under Secretary to the Government of India,
No. 13/2/74-Est. (SCT) New Delhi-110001,

5th August, 1975

Copy forwarded to U.P.S.C. for information with ref. to their letter No. 26/43/74-EI (B) dated 28-1-1975.

List of authorities empowered to issue certificates of verification.

1. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector (not below the rank of 1st Class Stipendary Magistrate) 1st Class Stipendary Magistrate/City Magistrate Sub-Divisional Magistrate/Taluk Magistrate/Executive Magistrate/Extra Assistant Commissioner.

2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.

Revenue Officers not below the rank of Tahsildar.

Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

5. Administrator/Secretary to Administrators/ Development Officer (Lakshadweep Islands).

Form of certificate to be produced by a candidate belonging to a Scheduled Castes or Scheduled Tribes in Support of his claim.

Form of Caste certificate

This is to certify that Shri/Shrimati*/Kumari*.....son/daughter* of.....
.....of village/town.....in District/Division*.....of the State/Union Ter-
ritory*.....belonging to the.....Caste/Tribe* which is recognised as Scheduled Caste* Schedule Tribe

under :—

The Constitution (Scheduled Castes) Order, 1950 ;

The Constitution (Scheduled Tribes) Order, 1950 ;

The Constitution (Scheduled Castes) (Union Territories) Order, 1951 ;

[as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971]

The Constitution (Jammu and Kashmir) Scheduled Castes*Order, 1956 ;

The Constitution (Andaman and Nicobar Islands) Scheduled Tribes *Order, 1959 ;

The Constitution, (Dadra and Nagar Haveli) Scheduled Castes*Order, 1962 ;

The Constitution (Dadra and Nagar Haveli) Scheduled Tribes *Order, 1962

The Constitution (Pondicherry) Scheduled Castes *Order, 1964 ;

The Constitution (Scheduled Tribes) (Uttar Pradesh) *Order, 1967 ;

The Constitution (Goa, Daman and Diu) Scheduled Caste *Order, 1968 ,

The Constitution (Goa, Daman and Diu) Scheduled Tribes *Order, 1968.

The Constitution (Nagaland) Scheduled Tribes *Order, 1970.

2. Shri/Shrimati/Kumari.....and his/her* family Ordinarily reside (s) in village/town.....
.....of.....District/Division* of the State/Union Territory* of.....

Signature.....
Designation.....
(with seal of Office)

Place.....State

Union Territory*

Date.....

*Please delete the words which are not applicable.

Note :—The term "Ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the peoples Act, 1950.

No. 39387/73-SCT. I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

2. It is requested that these instructions may be circulated among all the authorities empowered to issue Scheduled Caste and Scheduled Tribe certificates.

Yours faithfully,

(O. R. SRINIVASAN)

UNDER SECRETARY TO THE GOVT. OF INDIA
No. 39/37/73-SCT.I, Dated the 21 May, 1977
31 Vaisakha, 1899

Copy to:—

1. All Ministry's/Departments of the Government of India.
2. All attached and subordinate offices of the Ministry of Home Affairs.
3. The Union Public Service Commission, Dhoolper House, New Delhi-110011.
4. The Subordinate Services Commission, R. K Puram, New Delhi-110022.

(O. R. SRINIVASAN)

UNDER SECRETARY TO THE GOVT. OF INDIA.

The Chief Secretaries of all State Governments & Union Territory Administrations.

New Delhi-110001., the 21 May, 1977/31 Vaisakha, 899.

Subject:—Caste status of the offsprings of intercaste married couples.

Sir,

I am directed to say that enquires about the caste status of the offsprings of the inter-caste married couples, have been sought from this Ministry by various State Governments/Union Territory Administrations from time to time. Accordingly this question has been receiving the attention of this Ministry for quite some time. A set of legal views on the caste status of such offsprings was already brought out vide this Ministry's letter of even number dated the 4th March, 1975. The matter has, however, been further examined and the comprehensive legal position about the status of the offsprings born to couples where one or both of the spouses is/are member(s) of Scheduled Castes and or Scheduled Tribes, is given in the enclosed Annexures (A to D).

ANNEXURE—A.

Legal views on the status of the offspring of a couple where one of the spouses is a member of a Scheduled Caste.

The general position of Law as to that effect of marriage between parties who are Hindus and one of whom belongs to the Scheduled Castes in that under the ancient Hindu Law, generally, inter-caste marriage was looked down upon by the propounders and commentators. Some of the authorities however, reluctantly permitted marriage between a male caste Hindu with a Shudra female and included it in the list of Anuloma marriages although it was stated that in the wedding with a Shudra wife the ceremony should be performed without Mantras. The children born out of such marriage by a caste Hindu with a woman of an inferior caste had neither the caste of the father nor the status of his Savarn Aurasis—meaning the son born of a caste Hindu wife. They were termed as Anulomaja and belonged to an intermediate caste higher than that of their mother and lower than that of their father. Yajnavalkya omits the son of Brahmin by a Shudra wife from the list of sons mentioned by Manu. Partiloma marriages, i.e., marriages between woman of superior caste with a man of an inferior caste, were altogether forbidden and no rites were prescribed for them in Grihya Sutra and persons entering into such marriages were degraded from the caste.

2. After the passing of the various statutory enactments relating to the Hindu Law, such as, the Hindu Marriages Act, 1955, the Hindu Succession Act, 1956 and the Hindu Minority & Guardianship Act, 1956, customary ban on inter-caste marriages in either way, has been lifted by the statutory enactments. Under the Hindu Marriage Act, and two Hindus of different sex, irrespective of their caste may enter into a valid marriage unless such marriage is prohibited by the Statute itself. According to the above three Statutes, all children either legitimate, or illegitimate, one of whose parents is a Hindu, a Buddhist, a Jain or a Sikh by religion and who are brought up as members of the tribe, community, group or family to which their parents belong or belonged, are to be treated as Hindus. In view of the above, the off-springs of marriage between the caste Hindu and a member of the Scheduled Caste community, are Hindus and like the off-springs of marriage in the same caste, are entitled to succeed to the properties of their parents. But the status of his or her parent belonging to the higher caste or a question arises as to whether such a child will acquire the property that of the parent belonging to the Scheduled Caste. On this point,

we have not come across any direct case law. But we feel that the ratio of the decision in *Wilson Read Vs. C. S. Booth* reported in AIR, 1958 Assam 128 would apply such cases. It is stated at page 182.

"The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he was treated by the community and the practice amongst the tribal people in the matter of dealing with the tribal people in the matter of dealing with persons whose mother was a Khasi and father was a European".

Similarly, in the case of *Muthuswamy Mudaliar Vs. Masilman Mudaliar*, reported in ILR 33, Madras. 342, the Court held:—

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or castes. The process of adoption into the Hindu hierarchy through caste is common both in the North and in the South India. As we have already pointed out, in the past there have been cases where people who judge from the purity of blood could not be Khasis, were taken into their fold or the orthodoxy did not stand in the way of their assimilation into the Khasi Community".

3. The Supreme Court in *V. V. Giri Vs. D. S. Dora* reported in AIR 1959 S. C. 1318 (1327) held,—

"...The caste—status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry. There is no evidence on this point at all. Besides the evidence produced by the appellant merely shows some acts by respondent I which no doubt were intended to assert a higher status acts of this character cannot be easily taken to prove that the claim for the higher status which the said acts purport to make is established. That is the view which the High Court has taken and in our opinion the High Court is absolutely right."

In view of the above observations by superior Courts, it can safely be concluded that the crucial test to determine is whether a child born out of such

wedlock has been accepted by the Scheduled Caste community as a member of their community and has been brought up in that surrounding and in that community or not. The nexus between the child and the community or class or caste is a real test irrespective of the fact whether the accommodating class or caste or community is Scheduled Caste community or a caste Hindu community. Even if the other of the child is a member of the Scheduled Caste community, it is possible that the child is accepted by the community of his father and brought up in the surroundings of his father's relations. In a case where a child cannot be treated as a member of the Scheduled Caste community and cannot get any benefit as such. Similarly when the mother belongs to a higher caste and the father is a Scheduled Caste, the father may remain away from the Scheduled Caste community and the child may be brought up in a different surrounding under the influence of his mother's relations and her community members. In such cases also, the child cannot be said to be a member of the Scheduled Caste community. In the alternative, where the child irrespective of the fact whether the father or the mother is a member of the Scheduled Caste community is brought up in the Scheduled Caste as a member of such community, then he has to be treated as a member of the Scheduled Caste community and would be entitled to receive benefits as such.

4. As regards the marriages not registered and marriages not legally valid it may be pointed out that registration is not mandatory for marriages under the Hindu law. Even under the Hindu Marriage Act, 1955 registration under section 8 is optional and sub-section (5) provides that the validity of any Hindu marriage shall, in no way, be affected by the omission to make entry in the Marriages Register intained under this section. Section 7 provides that Hindu marriage may be solemnised in accordance with the customary rites and the ceremonies

of either party thereto and, if such ceremony includes the Saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view thereof, all those marriages though not registered but which have been solemnised in accordance with the procedure mentioned in this Section, are to be treated as valid marriages and our opinion mentioned in para 3 above will apply to the children born out of such valid but undersigned marriages.

5. As regards marriages which are not legally valid, it is clear that such children are illegitimate unless invalidity of marriage is due to grant of a decree of nullity by a Court in which case, provisions of Section 16 of the Hindu Marriage Act, 1955, will apply. Under Section 6 (b) of the Hindu Minority and Guardianship Act, 1956, the natural guardian of a Hindu minor has been stated to be—

"in case of an illegitimate boy or an illegitimate girl—the mother and after her the father"

6. It can be derived from this that the illegitimate children are generally brought up by the mother and in her own surroundings. Therefore, if the mother belongs to the Scheduled Caste and brings up the child within a Scheduled Caste community, the child can be taken as a member of the Scheduled Caste community. But in this case also the major factor for consideration is whether the child has been accepted by the Scheduled Caste community as a member of their community and he has been brought up as such.

7. The above are the general observations, however, each case has to be examined in the light of the circumstances prevalent in that case and final decision has to be taken thereof.

ANNEXURE-B

Legal views on the status of the off-springs of a couple where one of the spouses is a member of a Schedule Tribe,

The question has arisen whether the Off-spring born out of wedlock between a couple one of whom is a member of Schedule Tribe and other is not, should be treated as a Scheduled Tribe or not.

2. It may be stated at the outset that unlike members of Scheduled Castes, the members of Scheduled Tribes continues as such even after their conversation to other religion. This is because while Constitution (Scheduled Castes) Order, 1950 provides in clause 3 that only a member of Hindu or Sikh religion shall be deemed to be a member of Scheduled Caste, the Constitution (Scheduled Tribes) Order 1950) does not provide any such condition. This view has been upheld by the Supreme Court in the case reported in AIR 1964 S. C. at p. 201.

3. It may be stated that unlike members of Scheduled Castes, members of Scheduled Tribes remain in homogenous groups and quite distinct from any other group of Scheduled Tribes. Each Tribe live in a compact group under the care and supervision of the elders of the Society whose words are obeyed in all social matters. A member committing breach of any prescribed conduct is liable to be excommunicated. The social custom has a greater binding force in their day to day life.

4. In the case of marriage between a tribal with a non-tribal, the main factor of consideration is whether the couple were accepted by the tribal society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the Society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribe. However, a circumstances may be there when a Scheduled Tribe woman may have children from marriage with a non-Scheduled Tribe man. In that event the children may be treated as Scheduled Tribes only if the members of the Scheduled Tribe Community accept them and treat them as members of their own community. This view has been held

by the Assam High Court in *Wilson Read v. C.S. Booth* reported in AIR 1958 Assam at p. 128, where it has been held—

“The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he has been treated by the Community and the practice amongst the tribal people in the matter of dealing with persons whose mother was a Khasi and father was European”.

Similarly, in the case of *Muthuswamy Mudaliar U. Masilamam Mudaliar*, reported in ILR 33, Madras, 342, the Court held—

“It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim they are treated as of that class or caste”.

Similarly, in *V. V. Giri v. D. S. Dora*, reported in AIR 1959 S. C. 1318 (1327) the Court held—

“The caste-status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the case into which he seeks an entry.”

5. As mentioned above, it is the recognition and acceptance by the society of the children born out of a marriage between a member of Scheduled Tribe with an outsider, which is the main determining factor irrespective of whether the Tribe is matriarchal or patriarchal. The final result will always depend on whether the child was accepted as a member of the Scheduled Tribe or not.

6. The general position of law has been stated above. However, each individual case will have to be examined in the light of existing facts and circumstances in such cases.

Annexure-C

Legal views on the status of the off-spring of a couple where both the spouses are member of Scheduled Caste/Scheduled Tribes but each belongs to a different Sub-Caste/Sub-Tribe.

1. Under the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, what is material is residence of the member of the caste, race or tribe in the localities specified in the respective schedule. In the case of a minor child the question arises whether his residence will go along with that of his father. Under the principles of prevailing International Law, the domicile of a minor child follows that of his father and in certain cases of his mother and the minor child is incapable of changing his domicile by any voluntary act. This rule by no means is absolute. Suppose, for instance, a father deserts his son or he is divorced and the custody of his son is given to his wife. In such a case, the court may consider that the minor's domicile will be that of the mother.

2. Under section 3 of the Hindu Minority and Guardianship Act, 1956 the natural guardian in the case of a minor boy or an unmarried girl is father and after him his mother. In the case of an illegi-

itimate boy or illegitimate unmarried girl, the natural guardian will be the mother and after her, the father.

3. In the above background it has to be seen as to which sub-caste or sub-tribe the off-spring would belong in case the parents belonging to two distinct communities within the same Schedule Castes or Scheduled Tribes as the case may be. Prima facie it would appear that in such cases the children born of such parents could be treated as members of the Scheduled Castes or Scheduled Tribes, as the case may be. The prima facie presumption is also in favour of the child possessing the sub-caste or sub-tribe of the father. In the large majority of cases, having regard to the concept of domicile mentioned above. Apart from this, it has to be seen whether the child has also been accepted and assimilated in the sub-caste or sub-tribe in that community. Each case has to be examined in the light of the circumstances pertaining to it.

Annexure-D

Legal views on the Status of the off-spring of a couple where one of the spouses is a member of a Scheduled Caste and the other that of a Scheduled Tribe.

As regards the status of the offspring whose father is a member of Scheduled Caste and mother of a Scheduled Tribe, the prima-facie presumption is in favour of the child possessing the caste of the father in the large majority of cases, having regard to the concept of domicile explained in para 1 of Annexure C. Apart from this, it may also be a relevant criterion to see whether the child has been accepted and

assimilated in the Scheduled Caste community to which the father belongs.

2. The principle mentioned above would also apply to the case of an offspring whose mother is a member of a Scheduled Caste and father of a Scheduled Tribe.

3. This is the general position of law. Each case, however, has to be examined in the light of the attendant facts and circumstances.

No. BC-16014|1|82-SC&BCD-I
Government of India|Bharat Sarkar
Ministry of Home Affairs|Grih Mantralaya
New Delhi, the 6th August, 1984

To

The Chief Secretaries of All State Governments and UT Administrations.

Subject:—Verification of claim of candidates belonging to Scheduled Castes and Scheduled Tribes and migrants from other States| Union Territories—form of certificate—Amendment to.

Sir,

I am directed to refer to this Ministry's letter of even number dated the 18-11-1982 and the Department of Personnel and Administrative Reforms letter No. 50012/0/7920. (SCT) dated the 25-10-1977 on the above subject and to say that the form of Scheduled Caste|Scheduled Tribe certificate enclosed with the aforesaid letters has been further revised consequent upon coming into force of the Scheduled Caste and Scheduled Tribes Orders, (Amendment) Act, 1976 and keeping in view the difficulty being experienced by the persons belonging to the Scheduled Caste and Scheduled Tribes in obtaining community certificates on migration from their States of origin to another for the purpose of employment, education etc., The revised caste|tribe form of certificate is enclosed herewith. It is requested that a copy of the revised form of certificate may please be brought to the notice of all the competent authorities who have been empowered to issue such certificates. The list of competent authorities who have been empowered to issue the Scheduled Caste|Scheduled Tribe Certificates circulated by the Department of Personnel and Administrative Reforms in their letter No. 13|74-Est. (SCT) dated the 5-8-1975 has also been incorporated in the enclosed revised form.

2. The instructions issued in this Ministry's letter of even number dated the 18-11-1982 will continue. It is however, clarified that the Scheduled Caste|Scheduled Tribe person on migration from the State of his origin to another State will not lose his status as Scheduled Caste|Scheduled Tribes but he will be entitled to the concessions benefits admissible to the Scheduled Caste|Scheduled Tribes from the State of his origin and not from the State where he has migrated. All competent authorities may be advised under intimation to this Ministry to issue the Scheduled Caste|Scheduled Tribe certificates on the revised form of certificate henceforth after satisfying themselves of correctness of the certificate after proper verification

based on the revenue records|through reliable enquiries. The list of the competent authorities empowered and incorporated in the form may please be followed strictly. No other authority may be authorised to issue the Scheduled Caste|Scheduled Tribe certificates.

Yours faithfully,

(B. K. SARKAR)

Joint Secretary to Government of India.

No. BC-16014|1|82-SC&BCD-I dated the 6th August, 1984 copy to:—

1. Secretary, Union Public Service Commission, Dholpur House, New Delhi (with 15 Sps.).
2. Secretary, Staff Selection Commission, CGO Complex, Block No. 12, Lodi Road, New Delhi (with 15 spare copies).
3. All Ministries/Departments of the Government of India.
4. Secretary, Commission for Scheduled Castes|Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
5. Commissioner for Scheduled Castes and Scheduled Tribes, R. K. Puram New Delhi.
6. All Directors/Deputy Directors for Scheduled Caste and Scheduled Tribes.
7. Comptroller and Auditor General of India.
8. Election Commission of India.
9. Lok Sabha Secretariat (SC|ST Branch) with spare copies).
10. Lok Sabha Secretariat (Administration Branch).
11. Ministry of Defence (D-FS).
12. Bureau of Public Enterprises (Management Divn).
13. Ministry of Home Affairs (Planning Cell) for taking necessary action so far as Union Territories are concerned.
14. Department of personnel and Administrative Reforms Estt. SCT, Administration I, II, AIS (I), (II), (IV), CS (I), (II), (III), Estt. (B), (C), (D), IES, ISS, AVD (II), CD (IV), EO (MM), and Welfare Sections,
15. All attached and subordinate offices of the Department of Personnel and A.Rs.
16. All Section in SC&BCD, Division|T.D. Division, Administration I(A), (B), II Sections in the Ministry of Home Affairs.
17. One copy to be retained in F.No. BC-12025|2|76-SCT.I.

(B. K. SARKAR)

Joint Secy, to the Govt. of India.

Form of certificate to be produced by a candidate belonging to a Scheduled Caste or Scheduled Tribes in support of his claim

FORM OF CASTE CERTIFICATE

This is to certify that Shri/Shrimati/Kumari* of village / town* of the State/Union Territory* belongs to the *Caste/Tribe* which is recognised as Scheduled Caste/Scheduled Tribe* son/daughter* of... in district/Division*...

Under :

- @ The Constitution (Scheduled Castes) Order, 1950.
@ The Constitution (Scheduled Tribes) Order, 1950.
@ The Constitution (Scheduled Caste) (Union Territories) Order, 1951.
@ The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.

as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 the Bombay Reorganisation Act 1960, the Punjab reorganisation Act, 1956, the State of Himachal Pradesh Act, 1970, the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

- @ The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
@ The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.
@ The Constitution (Daman and Diu) Scheduled Castes Order, 1962.
@ The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.
@ The Constitution (Pondichery) Scheduled Castes Order, 1964.
@ The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.
@ The Constitution (Goa, Daman & Diu) Scheduled Castes, Order, 1968.
@ The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968.
@ The Constitution (Nagaland) Scheduled Tribes Order, 1970.
@ The Constitution (Sikkim) Scheduled Castes Order, 1973.
@ The Constitution (Sikkim) Scheduled Tribes Order, 1973.

2. Application in the case of Scheduled Caste/Scheduled Tribes persons who have migrated from one State/Union Territory Administration :

This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribes certificate issued to Shri/Shrimati* of village / town* of the State/Union Territory* who belongs to the *caste/tribe* which is recognised as a Scheduled Caste/Scheduled Tribe

in the State/Union Territory* issued by the (name of prescribed authority) vide their No. dated

% J. Shri*/Shrimati*/Kumari* and/or his/her* Family ordinarily reside (s) in village / town* of District / Division of the State/Union Territory of.

Signature
Designation (with seal of Office)
State
Union Territory

Place
Date

- Please delete the words which are not applicable.
@ Please quote specific Presidential Order.
% Delete the paragraph which is not applicable.

NOTE :*—The term "Ordinarily reside (s) used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

* * List of authorities empowered to issue Scheduled Caste/Scheduled Tribe certificates:—

1. District Magistrate / Additional District Magistrate/Collector /Deputy Commissioner/Additional Deputy Commissioner/ District Collector/1st Class Stipendary Magistrate/City Magistrate Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Assistant Commissioner.
(not below the rank of 1st class Stipendary Magistrate).
2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
3. Revenue Officers not below the rank of Tahsildar.
4. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
5. Administrator/Secretary to Administrator/Development Officer (Lakshadweep Islands).

T/A
@ table nba.
02/7

**OFFICE OF THE
PRINCIPAL SECRETARY TO GOVT.
SOCIAL WELFARE DEPARTMENT**

NO. 12084/CV.1/99

Dated: 19.7 1999



Subject: SOCIAL WELFARE DEPARTMENT – Issue of Caste, Nativity and Date of Birth Certificates to Scheduled Castes / Scheduled Tribes / Backward Classes – certain Instructions – Issued – Reiterated – Regarding.

Ref: Circular Memo No. 10956/CV1/97-2, dated. 16.2.1998.

The attention of all the District Collectors is invited to the reference cited (copy enclosed). They are informed that Government have issued instructions in the above Circular Memo regarding issue of caste certificates in respect of certain specific cases as mentioned below.

- 5/10/99
- I. Where a person claims to belong to SC or a ST by birth
 - II. Neo Budhists
 - III. Children of inter-caste marriages
 - IV. Status of the off-spring of a couple where both the spouses are member of SC/ST but each belongs to a different sub-caste/ sub-tribe.
 - V. Status of the off-spring of a couple where one of the spouses is a member of a SC and the other that of a ST
 - VI. Adoption
 - VII. Claims "through marriage"
 - VIII. Cases of conversion to christianity and reconversion.

10083
2-6/7/99

The instructions issued in the Circular Memo cited are re-iterated. The District Collectors are requested to follow these instructions scrupulously and bring them to the notice of all the competent authorities in the Districts.

Attention is specifically drawn to the instructions regarding conversion to christianity, under para VIII, sub-section (iv) of the Circular Memo dated. 16.2.98 cited above. The Mandal Revenue Officers and Revenue Divisional Officers must be instructed very clearly that only a personal enquiry in the village in the presence of the villagers will establish the correct status as to whether a person is a christian or not. The pastor of the local church may also be requested to volunteer information. Records of the church should also be verified regarding baptism / marriage.



PRINCIPAL SECRETARY (SW)

All the District Collectors (w.o)
Chief Commissioner of Land Administration, A.P.Hyderabad.
Secretary to Government, Revenue Department
Commissioner of Social Welfare, A.P.Hyderabad
Commissioner of Tribal Welfare, A.P.Hyderabad.

GOVERNMENT OF ANDHRA PRADESH
SOCIAL WELFARE (CV) DEPARTMENT

CIRCULAR MEMO.NO.10956/CV.I/97-2. DATED 16TH FEBRUARY, 1998.

Sub:- SOCIAL WELFARE DEPARTMENT - Issue of Caste, Nativity and Date of Birth Certificates to Scheduled Castes/Scheduled Tribes/Backward Classes - Certain instructions - Regarding.

- Ref:-
1. G.O.Ms No.371, Employment & S.W. (B2) Deptt., dated 13-04-1976.
 2. G.O.Ms No.185, S.W.(B2) Deptt., dt. 4-12-1979.
 3. Govt.Memo.No.23143/J1/90-1, S.W. (J1) Deptt., dated 18-08-1990.
 4. G.O.Ms No.57, S.W.(J2) Deptt., dt. 8-05-1997.
 5. G.O.Ms No.58, S.W.(J2) Deptt., dt.12-05-1997.
 6. Nicret Message No.8638/J1/97-1, S.W. (J1) Deptt. dated 09-06-1997.

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In the references fourth and fifth cited, the Act and the Rules thereon regarding the issue of the Community, Nativity and Date of Birth Certificates was sent to all the District Collectors for immediate necessary action.

2. In the Rules notified in G.O.Ms.No.58, Social Welfare (J2) Department, dated 12-05-1997, at page 11, Rule-20, it is mentioned that all the Government orders/executive instructions issued before the commencement of the Rules stand annulled. Therefore, instructions regarding certain specific cases, where frequent doubts have been raised and clarifications requested by the Collectors in the past, are issued as follows:-

I. General instructions:- (Applicable in all cases).

Where a person claims to belong to Scheduled Caste or a Scheduled Tribe by birth it should be verified:-

- i) that the person and the parents actually belong to the community claimed;
- ii) that this community is included in the Constitution (Scheduled Castes) and (Scheduled Tribes) Order, 1950 as amended in 1976, which specified the Scheduled Castes and Scheduled Tribes in relation to the State of Andhra Pradesh;
- iii) that the person belongs to the State of Andhra Pradesh and to the area within the State in respect of which the community has been Scheduled

- iv) in case of migration where a person migrates from the portion of the State of Andhra Pradesh, in respect of which his community is scheduled to another part of the Andhra Pradesh in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be, in the State of Andhra Pradesh. But, where a person migrates from another State to the State of Andhra Pradesh, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State of Andhra Pradesh to which he has migrated, if that caste/tribe is not included in the Constitution (Scheduled Castes) and (Scheduled Tribes) Order, 1950 as amended in 1976, for the State of Andhra Pradesh.

II. Neo Buddhists:-

The Constitution (Scheduled Castes) Order, 1950 as amended in 1976 issued by the President under Article 341 of the Constitution mentions fifty nine (59) castes as Scheduled Castes in the State of Andhra Pradesh. The Constitutional Amendment, brought about in 1990, did not create a separate caste called 'Neo-Buddhists' for the Scheduled Castes. Prior to 1990, the Constitution (Scheduled Castes) Order 1950 as amended in 1976 stated "no person who professes a religion different from the Hindu or Sikh religion shall be deemed to be a member of the Scheduled Castes". But after the amendment of 1990, it was added that "no person who professes religion different from the Hindu, Sikh or Buddhist religion, shall be deemed to be a member of Scheduled Caste". Therefore, if a person belonging to any of the 59 castes of the Scheduled Castes, as per the Constitution (Scheduled Castes) as amended in 1976 professes Buddhism, he is deemed to be a Scheduled Caste. The amendment of 1990 did not create a separate sub-caste called Neo-Buddhists as the 60th caste of the Order of 1950 and Constitution (Scheduled Caste) as amended in 1976.

Thus the integrated certificate has to be issued to the person who professes Buddhism, after making necessary verifications regarding his caste, as per the procedure laid down in the Rules notified in G.O.Ms.No.58, Social Welfare (J2) Department, dated 12-06-1997. It is further reiterated that if a person claims to be a Scheduled Tribe, he may profess any religion.

III. Children of the Inter-Caste Marriages:-

The G.O.Ms.No.371, S.W.D.,dt. 13-04-1978 laid down the norms required to be followed while issuing community certificates to the children born to the inter-caste married couples. These instructions are reiterated with a modification that the off-spring of such couples cannot automatically claim the social status of the parent belonging to Scheduled Caste/Scheduled Tribe but the Competent

Authority must satisfy himself that the child has been accepted by the Scheduled Castes/Scheduled Tribes as member of their community and has been brought up in that surroundings.

As regards the marriages not registered and marriages not legally valid, it may be pointed out that registration is not mandatory for marriages under the Hindu law. Even under the Hindu Marriage Act, 1955 registration under Section 8 is optional and sub-Section (5) provides that the validity of any Hindu marriage shall, in no way, be affected by the omission to make entry in the Marriages Register maintained under this section. Section 7 provides that Hindu marriage may be solemnised in accordance with the customary rites and the ceremonies of either party thereto and, if such ceremony includes the Saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view thereof, all those marriages though not registered but which have been solemnised in accordance with the procedure mentioned in this Section, are to be treated as valid marriages and as mentioned in the para above, the same conditions will apply to the children born out of such marriages.

As regards marriages which are not legally valid, it is clear that such children are illegitimate unless invalidity of marriage is due to grant of a decree of nullity by a Court, in which case, provisions of Section 16 of the Hindu Marriage Act, 1955, will apply. Under Section 6 (b) of the Hindu Minority and Guardianship Act, 1956, the natural guardian of a Hindu minor has been stated to be -

"in case of an illegitimate boy or an illegitimate girl- the mother and after her the father".

It can be derived from this that the illegitimate children are generally brought up by the mother and in her own surroundings. Therefore, if the mother belongs to the Scheduled Caste and brings up the child within a Scheduled Caste community, the child can be taken as a member of the Scheduled Caste community. But in this case also the major factor for consideration is whether the child has been accepted by the Scheduled Caste community as a member of their community and he has been brought up as such.

The above are the general observations. However, each case has to be examined in the light of the circumstances prevalent in that case and final decision has to be taken thereof accordingly.

IV. Status of the off-spring of a couple where both the spouses are member of Scheduled Caste/Scheduled Tribe but each belongs to a different Sub-caste/Sub-Tribe:

Under the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, as amended in 1976 the residence of the member of the caste or tribe, in the localities specified in the Constitution Order is of utmost relevance. In the case of minor child the question arises whether his residence will go along with that

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of his father. Under Section 3 of the Hindu Minority and Guardianship Act, 1956, the natural guardian in the case of a minor boy or an unmarried girl is father and after him his mother. In the case of an illegitimate boy or illegitimate unmarried girl, the natural guardian will be the mother and after her, the father. In the above background it has to be seen as to which sub-caste or sub-tribe the off-spring would belong in case the parents belong to two distinct communities within the Scheduled Castes or Scheduled Tribes, as the case may be. Prima facie, it would appear that in such cases the children born of such parents could be treated as members of the sub-caste or sub-tribe of the father, in the large majority of cases, having regard to the concept of domicile mentioned earlier. Apart from this, it has to be seen whether the child has also been accepted and assimilated in the sub-caste or sub-tribe in that community. However, each case has to be examined in the light of the circumstances pertaining to it.

V. Status of the off-spring of a couple where one of the spouses is a member of a Scheduled Caste and the other that of a Scheduled Tribe.

As regards the status of the off-spring whose father is a member of Scheduled Caste and mother of a Scheduled Tribe, the prima-facie presumption is in favour of the child possessing the caste of the father, in the large majority of cases, having regard to the concept of domicile explained in para IV above. Apart from this, it may also be a relevant criterion to see whether the child has been accepted and assimilated in the Scheduled Caste community to which the father belongs. The same principle will also apply to the case of an off-spring whose mother is a member of a Scheduled Caste and father of a Scheduled Tribe. However, each case has to be examined in the light of the attendant facts and circumstances.

VI. Adoption:

Great care has to be exercised in dealing with cases where a person claims to be Scheduled Caste/Scheduled Tribe on the ground that he has been adopted by a Scheduled Caste/Scheduled Tribe person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence.

- 1) The requirements of valid adoption are given in sections 8 to 11 of the Hindu Adoptions and Maintenance Act, 1956, the actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severes all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

- i) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behavior of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
- ii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall, after making due enquiries as to the validity of the adoption and as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family, provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents, are fulfilled.
- iii) The Caste Certificates in case of adoption children by Scheduled Caste and Scheduled Tribe parents the powers are delegated to Joint Collectors. The Joint Collectors should exercise greater care in issuing of this type of certificate.
- iv) The Caste Certificates in the above cases shall be issued only for the children below 15 years of age. The adopted children should live for a minimum period of 5 years with the adopted parents for issue of Caste Certificates in the adoption cases.

VII. Claims "through marriage":

The guiding principle is that no person who was not a Scheduled Caste or Scheduled Tribe by birth, will be deemed to be member of a Scheduled Caste or Scheduled Tribe merely because he or she had married a person belonging to a Scheduled Caste or a Scheduled Tribe.

Similarly, a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be,

even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

VIII. Cases of conversion and reconversion:

- i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism, and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have reverted to his original Scheduled Caste status if he is accepted by the members of that particular caste as one among them.
- ii) In the case of a descendant of a Scheduled Caste convert the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become member of that caste.
- iii) It is found that various associations/societies/sangham/samajams/sabhas etc., have been issuing certificates to prove the conversion or reconversion of Scheduled Caste person to a particular religion. In the case of Scheduled Caste converts to Christianity, it is often found that the candidates produce certificates showing reconversion into Hinduism. The Collectors are informed that the Government have not authorised any such associations/samajams/sabhas/societies/sangham etc., to issue such certificates of conversion or reconversion. The Competent Authority has to clearly establish by way of a local spot enquiry, on a case to case basis, by verifying the customs, the day to day religious practices, festivals, religious ceremonies etc., observed by the applicant, to conclude about the religion professed by the applicant and the genuineness of the conversion or reconversion.
- iv) Certain instances have been brought to the notice of the Government that often Scheduled Caste persons, even while professing the religious beliefs and practices of Christianity, are claiming the status of Scheduled Castes by stating that they have not been "Baptised" into Christianity. Though "Baptism" is a requirement for conversion to Christianity yet many a times, even without the formal initiation by way of "Baptism", the applicants do profess and practice the religious beliefs, ceremonies, festivals etc., of Christianity. Therefore, the Competent Authorities must establish clearly through local enquiries the actual religion being professed by the applicant as established by his conduct and issue a certificate as a Scheduled Caste only to those persons who profess either Hinduism,

Sikhism or Buddhism, but not Christianity. Scheduled Caste persons who are professing Christianity are not entitled to claim status on par with the Scheduled Castes, as listed out in the Constitution (Scheduled Castes) and (Scheduled Tribes) Order, 1950 as amended in 1976.

3. The District Collectors are requested to follow these instructions scrupulously and bring them to the notice of all the Competent Authorities in the district immediately.

S. RAY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
All the District Collectors.

Copy to:-

All the Revenue Divisional Officers in the State.
All the Deputy Directors (Social Welfare)/
District Tribal Welfare Officers.
The Commissioner of Tribal Welfare, A.P., Hyderabad.
The Commissioner of Social Welfare, A.P., Hyderabad.
All the Heads of the Departments.
All the Departments of the Secretariat.
The F.S. to Minister (Social Welfare).
The F.S. to Principal Secretary (Social Welfare).
SF/SCs.

// FORWARDED :: BY ORDER //


SECTION OFFICER.

msr*



ఆంధ్రప్రదేశ్ రాజ్యపత్రము

THE ANDHRA PRADESH GAZETTE
PART IV-B. EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 24] HYDERABAD, WEDNESDAY, SEPTEMBER 8, 1993.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS, Etc.**

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 28th January, 1993 for the consideration and assent of the President received the assent of the President on the 4th September, 1993 and the said assent is hereby first published on the 8th September, 1993 in the Andhra Pradesh Gazette for general information:-

ACT No. 15 OF 1993.

An Act to regulate the issue of Community Certificates relating to persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and matters connected therewith or incidental thereto.

Whereas, it has been brought to the notice of the Government that candidates who seek employment in Government Departments, Public Sector undertakings and such other organisations and candidates seeking admission into educational

Institutions, against the vacancies or, as the case may be, the seats reserved for the Scheduled Castes, Scheduled Tribes and Backward Classes, are producing false community certificates and securing employment or seats, as the case may be;

And whereas, by securing such employment or admission on the basis of false community certificates the benefits of special provisions made for the advancement of the Scheduled Castes, Scheduled Tribes and the Backward Classes in the matter of public employment and educational opportunities are not reaching such Castes, Tribes and Classes;

And whereas, the Government have decided to curb effectively the evil practice of producing false community certificates by devising a strict procedure for the issue of such certificates and prescribing deterrent punishment to those who produce false community certificates;

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-third year of the Republic of India, as follows:-

Short title, extent and commencement. 1. (1) This Act may be called the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context Definitions. otherwise requires,--

(a) 'backward classes' means any socially and educationally backward classes of citizens recognised by the Government for purposes of Clause (4) of Article 15 of the Constitution of India;

(b) 'community certificate' means, the certificate issued by the competent authority indicating therein the Scheduled Caste, the Scheduled Tribe or the Backward Class, as the case may be, to which the person belongs;

(c) 'competent authority' means, any officer or authority authorised by the Government by notification to perform the functions of the competent authority under this Act, for such area or for such purposes as may be specified in the notification;

(d) 'educational institutions' means any school, junior college, degree college, college of education, polytechnic college, industrial training institute, college of Fine Arts and Architecture, college of Music and Dance, Engineering college, Medical college, Ayurvedic college, Homeopathic college, Unani college, Dental college, college of Nursing, Nurses Training School, Health Visitors Training School, colleges under the control of Andhra Pradesh Agricultural University and various colleges under the control of any University established by an Act of the State Legislature and such other institutions imparting education as may be notified from time to time;

(e) 'government' means the State Government of Andhra Pradesh;

(f) 'local authority' means, in relation to local areas comprised within the jurisdiction of a Municipal Corporation, the concerned Municipal Corporation and in relation to any other local area in the State, the concerned Municipal Council, Zilla Praja Parishad, Mandal Praja Parishad, Gram Panchayat or township having jurisdiction over such local area;

(g) 'notification' means, a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

(h) 'prescribed' means, prescribed by rules made by the Government under this Act;

(i) 'scheduled castes and scheduled tribes' shall have the meanings respectively assigned to them in Clause (24) and Clause (25) of Article 366 of the Constitution of India.

Application of a community certificate. 3. (1) Any person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes may in order to claim the benefit of any reservation provided to such Castes, Tribes or Classes either for any public appointment or for admission into any educational institution in the State or outside the State for the students of the State or any other benefit under any special provisions made under Clause (4) of Article 15 of the Constitution of India or for the purpose of contesting for elective post in any local authority or for elective posts in the Co-operative Institutions, make an application in such form and in such manner as may be

prescribed to the competent authority for the issue of a community certificate.

(2) Any person belonging to a Scheduled Tribe may, for the purpose of claiming any benefit or protection meant for Scheduled Tribes under any notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any Act, Rule, Regulation or Order for the time being in force in the Scheduled Areas, make an application in such form and in such manner as may be prescribed to the competent authority for the issue of community certificate.

Explanation:- For the purposes of this section and section 13, 'Scheduled Areas' means the areas as defined in paragraph 6 to the Fifth Schedule to the Constitution.

4. (1) The Competent Authority may, on an application made to it under section 3, satisfy itself about the genuineness or otherwise of the claim made therein and thereafter issue a community certificate within such period and in such form as may be prescribed or reject the application for reasons to be recorded in writing. A certificate in regard to community issued by any person, officer or authority other than the competent authority shall be invalid.

(2) Before the issue or rejection of a certificate under sub-section (1), the competent authority shall follow such procedure as may be prescribed.

5. (1) Where, before or after the commencement of this Act a person of false community certificate.

belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes has obtained a false Community Certificate to the effect that either himself or his children belongs to such Castes, Tribes or Classes, the District Collector may either suo-moto or on a written complaint by any person, call for the record and enquire into the correctness of such certificate and if he is of the opinion that the certificate was obtained fraudulently, he shall, by notification, cancel the certificate after giving the person concerned an opportunity of making a representation:

Provided that where an enquiry into the genuineness of a community certificate issued prior to the commencement of this Act has commenced and is pending at such commencement, the record thereof shall be transferred by the concerned authority to the District Collector and he shall continue the enquiry and conclude the same under this sub-section.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by the Government.

Burden of Proof.

6. Where an application is made to the competent authority under section 3 for the issue of a community certificate in respect of Scheduled Castes, Scheduled Tribes, or Backward Classes or in any enquiry conducted by the competent authority or the authority empowered to cancel the community certificate or the appellate authority under this Act or in any trial or offence under this Act, the burden of proving that he belongs to such Caste, Tribe or Class shall be on the claimant.

Appeal and review.

7. (1) Any person aggrieved by an order passed under sub-section (1) of section 4 by the competent authority rejecting an application made to it under section 3, may within thirty days from the date of

receipt of such order, appeal to the District Collector and the District Collector may after giving the appellant an opportunity of being heard either confirm the order appealed against or set aside the said order and direct the competent authority to issue a community certificate.

(2) Any person aggrieved by an order passed under section 5, by the District Collector may, within thirty days from the date of publication of such order in the Andhra Pradesh Gazette, appeal to the Government and the Government may, after giving the appellant an opportunity of being heard and subject to such rules as may be prescribed, confirm or set aside the order appealed against.

(3) The Government may, on an application received from any person aggrieved by an order passed by the Government under sub-section (2) of section 5, within thirty days of the publication of that order in the Andhra Pradesh Gazette, review any such order if it was passed by them under any mistake, whether of fact or law or in ignorance of any material fact.

(4) Pending disposal of an appeal under sub-section (2) or review under sub-section (3), it shall be competent for the Government to stay the operation of the order against which an appeal or review, as the case may be, is filed.

8. (1) The Government may, at any time, Power of either suo-moto or on an application made revision by to them within the prescribed period, call Government. for and examine the record, relating to any decision made or order passed by any person, officer or authority subordinate to them for the purpose of satisfying themselves as to the legality, regularity or propriety of such decision or order and if, in any case it appears to the Government that any such decision or order

should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

Competent authority to exercise the powers of the Civil Court, Central Act V of 1908.

9. The competent authority shall, while holding an enquiry under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any Court or Office; and

(e) issuing commissions for the examination of witnesses or documents.

Penalties: 10. Whoever obtains a community certificate by,-

(a) furnishing false information; or

(b) filing a false statement; or

(c) any other fraudulent means;

shall, on conviction, be punishable with rigorous imprisonment for a term

which shall, not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

11. (1) Whoever not being a person Benefits belonging to any of the Scheduled Castes, secured on Scheduled Tribes or Backward Classes secures the basis of admission in any educational institution false community certificate to be against a seat reserved for such Castes, Tribes or Classes or secures any appointment in the Government, local authority or in any other company or corporation owned or controlled by the Government or in any aided institution against a post reserved for such Castes, Tribes or Classes or enjoys any other benefit intended exclusively for such Castes, Tribes or Classes, by producing a false Community Certificate shall, on cancellation of the false Community Certificate, be liable to be debarred from the concerned educational institution or as the case may be, discharged from the said service forthwith and any other benefit enjoyed by him as aforesaid shall be withdrawn forthwith.

(2) Any amount paid to such person by the Government or any other agency by way of scholarship, grant, allowance or other financial benefit shall be recovered as an arrear of land revenue.

(3) Any degree, diploma or any other educational qualification acquired by such person after securing admission in any educational institution on the basis of a false community certificate shall also stand cancelled on cancellation of the community certificate obtained by him.

(4) Whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures any benefit reserved for Scheduled Castes, Scheduled Tribes or Backward Classes other than those mentioned in section 12 by producing a false community certificate shall on conviction be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees.

Provided that the court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

Penalty for securing an appointment of election to political offices etc. on the basis of false community certificates

12. (1) Whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures an appointment in Government or other institutions referred to in section 11 against the posts reserved for the Scheduled Castes, Scheduled Tribes or Backward Classes or is elected to any of the elective offices of any local authority or co-operative society against the offices reserved for such Castes, Tribes or Classes on the basis of a false community certificate, shall on conviction be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

(2) Whoever not being a person belonging to a Scheduled Tribe secures any

benefit or protection intended for a member of a Scheduled Tribe under a notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any other law in force in the Scheduled Areas on the basis of a false community certificate shall, on conviction be punishable with rigorous imprisonment for a term which shall not be six months but which may extend upto two years and with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees.

13. (1) Any person or authority performing the functions of competent authority under this Act, who intentionally issues a false community certificate, shall on conviction, be punishable with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years and also with fine which shall not be less than one thousand rupees but which may extend upto five thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the Judgement, impose a sentence of imprisonment for a lesser term or fine.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government.

14. Whoever abets any offence punishable under this Act shall be punished with the punishment provided for in this Act for such offence. Penalty for abettors.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under sections 10, 11 and 12 of this Act may be tried summarily by a Magistrate of the first class. Offences to be tried summarily. Central Act II of 1974.

Offences under the Act to be cognizable. 16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act, shall be cognizable and non-bailable.

Central Act II of 1974.

Bar of Jurisdiction of Civil Courts.

17. No Civil Court shall have jurisdiction in respect of any order passed by any officer or authority under this Act and no stay or injunction shall be granted by a court in respect of any action taken or to be taken by such officer or authority under this Act in pursuance of any power conferred by or under this Act.

Protection of acts done in good faith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

Act to override other laws.

19. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

20. (1) The Government may by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified,

have effect only in such modified form or shall stand annulled, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. A community certificate issued by any authority competent to issue the same under the relevant rules or orders before the commencement of this Act shall, unless it is cancelled under the provision of this Act, be valid and shall be deemed to have been issued under the provisions of this Act. Transi-
tional
Provision.

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

Register No. HSE/49

Price: 0.15 Paise.



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RULES SUPPLEMENT TO PART I

EXTRAORDINARY

OF

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

No. 33. HYDERABAD, SATURDAY, SEPTEMBER 6, 1997

NOTIFICATIONS BY GOVERNMENT

SOCIAL WELFARE DEPARTMENT

(J2)

AMENDMENT TO A.P. SCHEDULED CASTES, SCHEDULED TRIBES &
BACKWARD CLASSES - ISSUE OF COMMUNITY, NATIVITY &
DATE OF BIRTH CERTIFICATES RULES, 1997

[G.O.Ms.No.122, Social Welfare-(J2)
1st September, 1997.]

Read the following:

1. G.O.Ms.No.58, S.W.(J2) Department, dated 12-5-1997.
2. From CTW., A.P., Hyderabad D.O.Rc.No.1089/97/ TRI/VC-8, dated 28-6-1997 and 11-7-1997.
3. Govt.D.O.Lr.No.17247/J2/95, dated 10-7-1997.
4. From the CTW., A.P., Hyderabad D.O.Rc.No.1089/ TRI/VC-8, dated 22-7-1997.

In the G.O. 1st read above Rules were issued prescribing certain procedures etc., for the issuing of Community, Nativity and Date of Birth Certificates to the Scheduled Castes, Scheduled Tribes and Backward

(1)

G. 365

Classes. The Commissioner of Tribal Welfare in his references 2nd and 4th read above, requested the Government to modify the Rules to the extent of designating Mandal Revenue Officers as the Competent Authorities to issue Community Certificates to the 12 (twelve) tribes, as mentioned in Annexure-1 Page 4 of the Rules, for which the Revenue Divisional Officers have been notified under the Rules as the Competent Authorities for the following reasons:-

- (1) The Mandal Revenue Officers are more familiar with the customs and the traditions of the tribes;
- (2) The tribals living in interior areas are facing more hardship to approach the Revenue Divisional Officers Office for obtaining the certificates;

The Commissioner of Tribal Welfare has also reported that more bogus claims are received from non-Agency areas because in Agency areas, the authorities can easily identify the tribals and various associations of the tribals existing in Agency areas are also quick to react to any fraudulent certificates obtained by non-Scheduled Tribes. But it is in the non-Agency areas that the false certificates remain mostly undetected. Therefore, Commissioner, Tribal Welfare requested the Government to modify the Rules accordingly by designating Mandal Revenue Officers as the Competent Authorities to issue community certificates to the twelve tribes in Agency areas and the Revenue Divisional Officers in non-Agency areas.

The Government after careful consideration of the proposals of the Commissioner, Tribal Welfare, hereby order the following amendment to be issued to G.O.Ms. No.58, Social Welfare (J2) Department, dated 12-5-1997

published in Rules Supplement to Part-I Extraordinary of the A.P.Gazettee No.16, Hyderabad Friday, May 16, 1997:

A M E N D M E N T

ANNEXURE I PAGE-14 OF G.O.Ms.No.58, SOCIAL WELFARE (J2) DEPARTMENT, DATED 12-5-1997.

- | FOR | READ AS |
|--|---|
| <p>(1) Column 2 "All Revenue Officers not below the rank of R.D.O./Sub-Collector/Asst. Collector in the State".</p> | <p>(1) (a) All Mandal Revenue Officers not below the rank of the Dy.Tahsildar in the Scheduled areas of the State.</p> <p>(b) All Revenue Officers not below the rank of R.D.O./Sub-Collector/Asst. Collector in the non-Scheduled areas of the State.</p> |
| <p>(2) Column 3 "Territorial Jurisdiction of a Revenue Division held by R.D.O./Sub-Collector/Assistant Collector".</p> | <p>(2) (a) Territorial jurisdiction of a Revenue Mandal held by the M.R.O. in the Scheduled areas of the State.</p> <p>(b) Territorial jurisdiction of a Revenue Division held by R.D.O./Sub-Collector/Assistant Collector in non-Scheduled areas of the State.</p> |

All the District Collectors are requested to take necessary action in the matter accordingly and bring these instructions to the notice of all the Competent Authorities in their jurisdiction immediately.

S. RAY,
Principal Secretary to
Government.



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RULES SUPPLEMENT TO PART I
EXTRAORDINARY
OF

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

No. 16]

HYDERABAD, FRIDAY, MAY 16, 1997.

NOTIFICATIONS BY GOVERNMENT

SOCIAL WELFARE DEPARTMENT

(J 2)

BRINGING INTO FORCE OF ANDHRA PRADESH SCHEDULED CASTES SCHEDULED TRIBES
AND BACKWARD CLASSES - ISSUE OF COMMUNITY, NATIVITY AND DATE OF BIRTH
CERTIFICATES RULES, 1997.

[G.O.Ms.No. 58, Social Welfare (J), 12th May, 1997.]

In exercise of the powers conferred by sub-section (1) of section 20 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), the Governor of Andhra Pradesh hereby appoints 16-5-1997 as the date on which the provisions of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, shall come into force in all the areas of the State of Andhra Pradesh.

Rules:**1 Short title and commencement of Rules:**

These rules may be called the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997.

2 Definitions

In these rules, unless the context otherwise requires:-

(a) "Form" means a form appended to these rules.

(b) "Act" means the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. (Act No.16 of 1993).

(c) "Competent Authority" means the authority specified under column (2) of Annexure-I appended to these rules, for issue of certificates to the communities specified in column (1) within the territorial jurisdiction as specified in column (3) thereof.

(d) "Traditional Habitat" of a tribe means the area in which a tribe or part or group of that tribe is found inhabiting traditionally, on the date of notification of that tribe or part or group of that tribe as a Scheduled Tribe for the first time in the State of Andhra Pradesh.

3. Community, Nativity and Date of Birth Certificates:

The form for issue of Community, Nativity and Date of Birth Certificates is as specified in Form III appended to these Rules.

4. Procedure for Application :

(a) Every applicant /parent /guardian who belongs to a Scheduled Caste, Scheduled Tribe, Backward Class, desirous of declaring his social status as that of a Scheduled Caste, Scheduled Tribe or a Backward Class, shall submit an application in the prescribed Form I/II to the Competent Authority, well in advance i.e., six months, as far as possible, particularly when seeking admission to the educational institutions or appointment to a post.

(b) If the applicant is a minor, the parent/guardian shall submit the application form as mentioned in clause (a) above.

5. Procedure for Verification :

(a) On receipt of the application, the Competent Authority or any officer authorised by him in this regard shall ensure that the applicant has furnished complete information in all the columns of Form I/II and, shall then give the acknowledgement slip as appended to Form I/II, in token of having received the application. The Competent Authority shall then verify the information/documents/evidence furnished by the applicant/parent/guardian in Form I/II. If the Competent Authority is satisfied with the correctness of the information/documents/evidence furnished by the applicant/parent/guardian, he shall issue the Community, Nativity and Date of Birth Certificates in Form III within 30 (thirty) days of the receipt of the application in Form I/II. The Competent Authority shall specify in Form III the sub-caste of the ST claimant and the sub-tribe / sub-group of the ST claimant as listed out in Annexure-I appended to these Rules.

(b) If the Competent Authority feels that further enquiry is necessary, he shall then examine the school records, birth registration certificate, if any, and also examine the parent/guardian or applicant, in relation to his/her/their community. He may also examine any other person who has the knowledge of the social status of the applicant/parent/guardian, as the case may be. He shall take into account, in the case of Scheduled Tribes, their anthropological and ethnological traits, deity, customs, mode of marriage, death ceremonies /method of burial of dead etc., before issuing the Community, Nativity and Date of Birth Certificates. The Competent Authority shall have power to call for further information and/or such evidence/document and also conduct such enquiry as specified in Form IV, if deemed necessary. Notice in Form IV should be issued to the applicant/parent/guardian, in case the applicant is a minor, to appear before the Competent

Authority as specified in Form IV should give clear 15 (fifteen) days, from the date of receipt of the notice by the parent/applicant/guardian, to attend the enquiry. The enquiry should be completed, not more than 30 (thirty) days from the date of the receipt of the notice, if deemed necessary.

- (d) Where the person on whom a notice in Form IV is served by the Competent Authority fails to respond on the date mentioned therein, the Competent Authority may reject or confirm the claim of the person based on the document/evidence available with the Competent Authority (furnished while applying in Form III). He may also take into account any other material/evidence/documents gathered by him in that particular case. The Competent Authority shall cause enquiry, following due process of law, to verify the genuineness or otherwise of the information/evidence/documents furnished or recorded, from such persons as called for the enquiry specified in Form IV. He may also cause to collect any other documentary or related evidence about the genuineness or otherwise of the information furnished by the persons called for in the enquiry.
- (e) The Competent Authority should give reasonable opportunity to the applicant/parent/guardian to produce evidence in support of their claim. A public notice by the beat of drum or any other convenient mode may be published in the village or locality to which the applicant/parent/guardian belongs. If any person or association opposes such a claim, opportunity to produce the evidence in person before the Competent Authority may be given to him or her. After giving such an opportunity to that person or association the Competent Authority may make such enquiry as it deems expedient and consider claims of the applicant/guardian/parent vis-a-vis the objections raised by his/her/their opponent.
- (f) The Competent Authority shall requisition the services of Mandal Revenue Inspector, Village Development Officer, Village Administrative Officer or such other persons deemed necessary, to assist him in the enquiry to verify the veracity or otherwise of the community claims made by the applicant/parent/guardian. However the responsibility for issue or rejection of the claim shall rest on the Competent Authority only.
- (g) In respect of the tribal communities who are not "traditional inhabitants" of the area of territorial jurisdiction of the "Competent Authority", as specified in column 3 of Annexure-I appended to these Rules, the Competent Authority shall make a reference to the District Tribal Welfare Officer concerned to provide such professional assistance as available with him or with the Tribal Cultural Research Institute, Hyderabad, to confirm or reject the claim of the applicant.
- (h) The Competent Authority shall confirm or reject the claim for the Community, Nativity and Date of Birth Certificate, after conducting the enquiry as mentioned in the paras above, within a period not exceeding 60 (sixty) days from the date of receipt of the application by him in Form III.
- (i) The Competent Authority, in the cases of doubtful claims, shall refer the matter to the Chairman of the Scrutiny Committee formed at the District level under Rule 8 i.e. Joint Collector of the District, for the recommendations of the Committee, with regard to the issue of the Community, Nativity and Date of Birth Certificate as applied for by the applicants. On receipt of the recommendations of the Scrutiny Committee, the Competent Authority shall accordingly confirm or reject the claims of the applicants.

6. Burden of Proof:

It is the responsibility of the applicant to produce necessary evidence/documents while applying in Form I/II to the Competent Authority and also as called for by the Competent Authority/Scrutiny and Review Committee at the State level/ District Collector/Scrutiny Committees at the District level / Government, from time to time, while enquiring into the claims for the issue of Community, Nativity and Date of Birth Certificate.

7. Scrutiny and Review Committee (State level):

A Scrutiny and Review Committee shall be constituted at the State Level with the following officers:

- (a)(1) Principal Secretary to Government, Social Welfare Department -- **Chairman**
- (2) Commissioner, Social Welfare -- **Member**
- (3) Commissioner, Tribal Welfare -- **Member**
- (4) Commissioner, Welfare of Backward Classes. -- **Member**
- (5) Inspector General of Police, C.B.C.I.D (P.C.R. & Vigilance Cell). -- **Member**
- (6) Additional Secretary/Joint Secretary/ Deputy Secretary to Government, Social Welfare Department -- **Member(Convenor)**
- (b) This Scrutiny and Review Committee shall meet once in three months or as often, depending on the necessity.
- (c) Presence of three members will form the required quorum for the meeting of the Committee.
- (d) This Committee shall review and monitor the functioning of the Scrutiny Committees at the District level constituted under Rule 3. It shall render necessary advice to the Government on various policy decisions to be taken for streamlining the procedure in on any other issues related to the issuing of Community Certificates as per Act .
- (e) The Committee may also render necessary guidance and advice to the Government on cases referred to it, where divergent and conflicting enquiry reports are received by the Government, in respect of the community claims.

8. SCRUTINY COMMITTEE (District Level):

(a). In every District, a Scrutiny Committee shall be constituted with the following officers:-

- | | | |
|---|----|-------------------|
| (1) Joint Collector | -- | Chairman |
| (2) District Revenue Officer | -- | Member (Convenor) |
| (3) Deputy Director
(Social Welfare) | -- | Member |
| Deputy Director
(Tribal Welfare)/District Tribal
Welfare Officer | -- | Member |
| Deputy Director
(Backward Classes Welfare) /
District Backward Classes
Welfare Officer | -- | Member |
| (4) Officer of the Research
organisation in the
Commissionerate of SW / TW
nominated by the concerned
Heads of the Departments. | -- | Member |
| (5) Officer representing the PCR /
Vigilance Cell in the District. | -- | Member |

(b). The Scrutiny Committee shall meet at least once in a month or as often, depending on the cases referred to it.

(c). Presence of three members will form the required quorum for the meetings of the Committee.

(d)(1) The Scrutiny Committee, on receipt of the cases referred to it by the Competent Authority under Rule 5 (i), shall conduct enquiry regarding the doubtful claims, by giving notice in Form V to the applicant, within the period specified in the notice. This period should not be less than 15 (fifteen) days from the date of service of the notice on the applicant and in no case, on request, more than 30 (thirty) days should be allowed. This notice shall be served on the applicant through the Competent Authority who referred the case to the Committee.

(2) The notice referred to in Form -V shall be served on the parent/guardian in case the applicant is a minor.

(3). Where the person on whom a notice in Form-V is served by the Scrutiny Committee fails to respond on the date mentioned in the notice, the Scrutiny Committee may finalise its recommendations based on the material/documents/evidence made available to the Committee by the Competent Authority.

(4) The Scrutiny Committee shall cause enquiry, following the due process of law, to verify the genuineness or otherwise of the information furnished or recorded from such persons as called in the enquiry as per Form V. It shall also cause to collect documentary evidence, or any other related evidence about the correctness or otherwise of the information furnished or objections raised by any person during the enquiry.

(5) The Scrutiny Committee shall examine the school records, birth registration certificates, if any, furnished by the persons during the enquiry. It may also examine any other person who may have knowledge of the community of the applicant. With reference to the claims of Scheduled Tribes, it may examine the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies / method of burial of dead bodies etc., of that particular tribe, to finalise its recommendations to the Competent Authority.

(6). The Scrutiny Committee should give reasonable opportunity to the applicant to produce evidence in support of their claim. A public notice by the beat of drum or any other convenient mode, may be published in the village or locality of the applicant and if any person or association, opposes such a claim, opportunity to produce evidence in person before the Committee may be given to him or her. After giving such an opportunity to that person, the Committee may make such enquiry as it deems expedient and finalise its recommendations, with brief reasons in support thereof, to the Competent Authority.

(7). The Scrutiny Committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the Competent Authority. It may also obtain expert opinion from the Commissionerate of Social Welfare/Tribal Welfare through the officers of the Research organisations of these Commissionerates who are the members of the Scrutiny Committee, if deemed necessary. These enquiry reports may be compared and then recommendations of the Scrutiny Committee may be finalised as to whether the community claim of that applicant is found to be false or genuine.

(e). The Chairman of the Scrutiny Committee i.e., Joint Collector of the District, shall send the recommendations of the Committee to the Competent Authority stating clearly whether the community claim of the person in question or his or her children, is genuine or false with reasons thereof, within 45 days from the date of the receipt of the case referred to it by the Competent Authority.

9. Fraudulent claims:

(1). Where the District Collector receives a written complaint from any person or has otherwise reason to believe that a person not belonging to a Scheduled Caste or Scheduled Tribe or Backward Class has obtained a false Community, Nativity and Date of Birth Certificate to the effect that either himself / herself or his / her children belong

to such a Scheduled Caste / Scheduled Tribe / Backward Class, the District Collector shall refer the case to the Chairman, Scrutiny Committee i.e. Joint Collector of the District (formed under rule - 8), to enquire into such cases and send its findings to the District Collector.

(2) The Scrutiny Committee on receipt of such cases referred to it by the District Collector, shall follow the procedure as listed in Rule - 8(d), (1) to (7) except that it shall serve the notice in Form VI on the person involved in the case.

(3) The Scrutiny Committee shall in such cases cause enquiry, by the Protection of Civil Rights /Vigilance Cell also i.e., through the officer representing the Protection of Civil Rights /Vigilance cell as the member of the Committee. The Protection of Civil Rights /Vigilance cell should investigate the social status claimed by the person by sending the Inspector of Police to the local place of residence of that person and where he/she usually resides or in case of migration, to the town or city from which he/she originally hailed from. The Inspector should personally verify and collect all the facts about the community claim of the person or the guardian or the parent, as the case may be.

(4) Where the person on whom a notice served in Form - VI fails to respond to the notice within the period specified in the notice, the Scrutiny Committee may finalise its findings based on the material made available by the District Collector i.e., enquiry report of the Revenue Department, enquiry report of the Protection of Civil Rights / Vigilance cell and the reports of the expert / officer of the Research Organisation of the Commissionerate of Social Welfare/Tribal Welfare.

(5) The Scrutiny Committee shall compare the enquiry reports of the Revenue Department furnished by the District Collector, the reports of the Protection of Civil Rights /Vigilance Cell and the reports of the expert or officer of the Research Organisation of the Commissionerate of Social Welfare/Tribal Welfare and then finalise its findings whether the Community, Nativity and Date of Birth Certificate given to the person or his / her children is genuine or otherwise.

(6) The Scrutiny Committee shall furnish its findings to the District Collector within 60 days from the date of the receipt of the reference from the District Collector.

(7) The District Collector shall then decide whether the certificate holder is genuine or fraudulent and in case of his having obtained a Community, Nativity and Date of Birth Certificate fraudulently, the District Collector shall pass an order cancelling the certificate issued, within one month from the date of receipt of the findings of the Scrutiny Committee and shall issue notification to that effect, to be published in the District Gazette. The District Collector shall also take necessary steps to initiate action against the Competent Authority who issued the Community, Nativity and Date of Birth Certificate to the wrong person, besides taking other specified in Rule 15. He shall communicate the cancellation of the certificate to the educational institution / employer /appointing authority as the case may be.

(8) In respect of the Bariki SC Community, such written complaints if received by the Collector shall be referred by him to the Government, for necessary enquiry and final action to cancel the certificate, since the District Collector is the Competent

Authority to issue the Community, Nativity and Date of Birth Certificate for this community.

(9) The Collector or Government, either suo-moto, or on a written complaint by any person, or on request by an employer/educational institution/appointing authority, shall enquire into the correctness of any Community, Nativity and Date of Birth Certificate already issued and if it is found that the certificate is obtained fraudulently, then the District Collector or the Government, as the case may be, shall cancel the certificate as per section 5 of the Act.

10. Appeals:

An appeal shall lie to the District Collector within thirty (30) days from the date of receipt of rejection orders on the application for Community, Nativity and Date of Birth Certificate passed by the Competent Authority. The appellate authority shall examine the grounds on which the appeal is filed and also receive or call for further evidence/documents, if considered necessary, and pass such orders as the appellate authority considers fit and proper in the matter. In case of Bariki caste, the appeal shall lie to the Government against the orders of the District Collector.

11. Review:

(1) The Government may, on an application filed by any person aggrieved by an order passed by the District Collector under sub-section (1) of section 5 of the Act, within 30 (thirty) days of receipt of that order, review such orders if it was passed by the District Collector under any mistake, whether of fact or law or in ignorance of any material fact.

(2) Pending disposal of an appeal under rule 10 or a review under rule 11 (1) above, it shall be competent for the Government to stay the operation of the order against which an appeal or review, as the case may be, is filed.

12. Revision:

(1) The Government either suo-moto, or on an application filed by any person aggrieved by the orders issued by the authority authorised under these rules, shall entertain such application as a revision petition, within sixty (60) days of the communication of the order passed under these Rules and pass appropriate orders in accordance with the provisions contained in section 8 of the Act, 16 of 1993.

13. Bar of Jurisdiction of Civil Courts:-

No civil court shall have jurisdiction in respect of any order passed by any officer or authority under the Act and no stay or injunction shall be granted by a court, in respect of any action taken or to be taken by such officer or authority under the Act, in pursuance of any power conferred by or under the Act, as provided in section 17 of the Act.

14. Exercising of Powers of Civil Courts:

The Competent Authority/the Appellate Authority / the Scrutiny and Review Committee at the State level / Scrutiny Committees at the District level / Government shall exercise the powers of Civil Courts under the Code of Civil procedure, 1908 in summoning the witnesses as defined in section (9) of the Act in addition to

- (a) Receiving evidence on affidavit;
- (b) Summoning and examining any person or documents;
- (c) Making local enquiry and inspections.

15. Action on false certificates: (penalties)

(a) Any person, who obtains a false Community, Nativity and Date of Birth Certificate as belonging to a community to which he does not in fact belong, shall be dealt with as per the provisions under section 10, 11, 12 of the Act.

(b) Action under sub-rule (a) above against a person shall be referred to the court of competent jurisdiction and will be initiated by the District Collector under whose jurisdiction the person obtained the false Community, Nativity and Date of Birth Certificate.

(c) The District Collector shall initiate action under section 13 of the Act against an officer who issued the false Community, Nativity and Date of Birth Certificate to any person contrary to the provisions of the Act.

16. Validity of Community, Nativity and Date of Birth Certificate:

The Community, Nativity and Date of Birth Certificate, issued by the Competent Authority in accordance with these provisions, shall be a permanent one.

17. Procedure for issuing of duplicate Community, Nativity and Date of Birth Certificate:

When the holder of the Community Certificate loses the certificate, he/she shall immediately report this to the Competent Authority. He/she shall submit an application to the Competent Authority, furnishing the particulars of the original Community Certificate held by him/her. On receipt of such application, the Competent Authority shall verify his records and issue duplicate Community, Nativity and Date of Birth Certificates within fifteen (15) days of the receipt of the application by him/her. An affidavit on Rs.10/- stamp paper stating the circumstances in which he/she lost the original certificate must be filed alongwith the application for the issue of the duplicate certificate.

18. Complaints:

Whenever complaints are received regarding the community claim of any employee / prospective employee / student claiming to belong to a Scheduled Caste/ Scheduled Tribe or Backward Class, the appointing authority / employer / educational institution must refer the case only to the District Collector of the District from where

Competent Authority had issued the certificate. The District Collector shall in turn verify it by the Scrutiny Committee constituted at the District level as per Rule - 8. The District Collector would inform the final action to the appointing authority / employer / educational institution within a period of 90 (ninety) days, from the date of the receipt of the complaint by him/her from the appointing authority / employer / educational institution.

19. Provisional admission/appointment:

If the last date for admission to an educational institution/ appointment to an office/post is getting expired, and there is delay in finalising the enquiry and issuing of Community, Nativity and Date of Birth Certificate by the Competent Authority, then the Competent Authority may inform the Principal of that educational institution/appointing authority/employer or such other authority competent in this behalf, to admit / appoint the candidate, on the basis of the declaration given by the candidate/parent/guardian before the Competent Authority, while applying in Form III as per Rule - 5, for the issuance of the Community, Nativity and Date of Birth Certificate. Such admission or appointment shall only be provisional and valid for three months from the date of the communication by the Competent Authority to the Principal/ employer / appointing authority as the case may be, and shall cease to be valid after the issuance of the Community, Nativity and Date of Birth Certificate by the Competent Authority, based on the conclusion of the enquiry.

20. Itenent:

All the executive instructions, Government orders, Government Memoranda issued and are in force before the commencement of these Rules, shall stand annulled, without prejudice to the validity of anything previously done under those Government orders / Memoranda or executive instructions.

21. Savings:

The Community Certificate issued by the Competent Authority prior to the commencement of these Rules should be treated as a valid certificate.

S. RAY,
Principal Secretary to Government,

ANNEXURE-I

Government hereby notify that the authorities mentioned below in column (2) of the table within their territorial jurisdiction as "Competent Authorities" for issue of Community, Nativity and Date of Birth Certificate declaring the persons as belonging either to Scheduled Caste/Scheduled Tribes as per notification of the Government of India and to Backward Classes in accordance with the notification of the Government of Andhra Pradesh, issued from time to time.

	Column 1	Column 2	Column 3
	Specified Community	Competent Authorities	Jurisdiction
1	1. BC Group- A/B/C/D. All communities referred by the Govt., of Andhra Pradesh belonging to Backward Class, A/B/C/D Groups	All M.R.Os in the State not below the rank of a Dy. Tahsildar.	Within the territorial jurisdiction of a Mandal.
2	Scheduled Caste 1. Adi Andhra 2. Adi Dravida 3. Arundhatiya ✓ 4. Dom, Dombara, Paidi, Pano. 5. Madiga 6. Mala 7. Mala Dasari 8. Mala Dasu 9. Mala Sate, Netkani 10. Maune 11. Parichanna, Parial 12. Relli	All M.R.Os in the State not below the rank of Dy. Tahsildar.	Within the territorial jurisdiction of a Mandal.
3	Scheduled Caste : 1. Anamuk 2. Aray Mala 3. Arwa Mala 4. Davuri 5. Bedajangam, Budga Jangam 6. Bindla 7. Bjugara 8. Chachati 9. Chalavadi 10. Chanvar, Mochi, Muchi. 11. Chandlaxer 12. Chandala. 13. Dakkal, Dokkalwar. 14. Dandasi 15. Dhor, 16. Ellamalawar, Yellamalawandu 17. Ghasi, Haldi, Relli Chachandi.	All Revenue Officials not below the rank of a R.D.O/Sub-Collector/ or Asst. Collector in the State.	Territorial jurisdiction of a Revenue Division held by R.D.O./ Sub-Collector/ Assistant Collector

	18. Godagali		
	19. Godari.		
	20. Gosangi		
	21. Holeya.		
	22. Holeya Dasari.		
	23. Jaggali		
	24. Jambuvulu.		
	25. Kolupulvandlu		
	26. Madasi Kuruva, Madari Kuruva.		
	27. Madiga Dasu, Mashteen.		
	28. Mahār.		
	29. Mala Humai		
	30. Mala Jangam		
	31. Mala Masti		
	32. Mala Sanyasi		
	33. Mung.		
	34. Mung Urodi		
	35. Masliti.		
	36. Matangi.		
	37. Mehtar.		
	38. Miha Ayyulvar.		
	39. Mundala.		
	40. Paky, Moti, Thoti		
	41. Pambada, Pambanda.		
	42. Pamidi.		
	43. Samagara		
	44. Samban.		
	45. Sapru		
	46. Sindhollu, Chindollu.		
4.	Scheduled Caste Bariki	District Collector	Within the territorial jurisdiction of a District.

Scheduled Tribe Community:

1. Andh	All M.R.Os in the state not below the rank of Dy. Tahsildar.	With in the territorial jurisdiction of a Mandal.
2. Bagata		
3. Dhil		
4. Chenchu, Chenchuwar.		
5. Gadabas.		
6. Gond, Naikpod, Rajgond		

7. Jatapus
8. Kattunayakan
9. Kalam, Mannervarla
10. Kondhs, Kodi, Kodlu, Desaya
Kondhs, Dongria Kondhs,
Kuttiya Kondhs, Tikiria Kondhs,
Yeniy Kondhs.
11. Koya, Goud, Rajah, Raslia Koya,
Lingadhari Koya (ordinary)
Kottu Koya, Uline Koya,
Rajkoya
12. Malis (excluding Adilabad,
Hyderabad, Karimnagar, Medak,
Khammam, Mahabubnagar,
Nalgonda, Nizamabad and
Warangal Districts)
13. Mukha Dhora, Nooka Dhora
14. Pardhan
15. Pooja, Parangiperja
16. Rona, Rena
17. Savaras, Kapu Savaras,
Maliya Savaras, Klutto Savaras,
18. Sugalis, Lambadis
19. Kulia
20. Yenadis
21. Yerukulas

Scheduled Tribe Community

- | | | |
|---|----------------------------|---------------------|
| 1. Konda Kapus | All Revenue | Territorial |
| 2. Konda Reddis | Officers not below | jurisdiction of a |
| 3. Hill Reddis | the rank of a | Revenue division |
| 4. Goudu (in the Agency tracts) | R.D./Sub- | held by RDO/Sub- |
| 5. Kammaru | Collector or Asst. | Collector / |
| 6. Kotia, Benthoriya, Bartika,
Dhulia, Dulfe, Holva, Pnko, Putiya,
Sanrona, Sidlopaiko | Collector in the
State. | Assistant Collector |
| 7. Reddi Dhoras | | |
| 8. Konda Dhoras | | |
| 9. Thoti (in Adilabad,
Hyderabad, Karimnagar, Medak,
Khammam, Mahabubnagar,
Nalgonda, Nizamabad and
Warangal Districts) | | |
| 10. Nayaks (in the Agency tracts) | | |
| 11. Valmiki (in the Agency tracts) | | |
| 12. Manu Dhora | | |

ANNEXURE-II**Details of Forms:**

- Form I : Application for Issue of Community, Nativity and Date of Birth Certificate for Scheduled Tribes
- Form II : Application for issue of Community, Nativity and Date of Birth Certificate to Scheduled Castes and Backward Classes.
- Form III : Form for Community, Nativity and Date of Birth Certificate.
- Form IV : Notices to the applicant for verification issued by the Competent Authority
- Form V : Notices to the applicant for verification issued by the District Level Scrutiny Committee (Doubtful claims)
- Form VI : Notices to the applicant for verification issued by the District Level Scrutiny Committee (Fraudulent claims)

FORM-1

(Rule 5)

Form of Application for Issue of Community, Nativity and
Date of Birth Certificate relating to Scheduled Tribe
under Section 3 (1) and 3 (2) of the Act 16 of 1993

(Information to be furnished by the applicant himself supported by the documentary evidence)

To

The Mandal Revenue Officer /
Revenue Divisional Officer /
Sub-Collector/Asst. Collector

.....Mandal/Division

.....District

Sir,

I am in need of a Scheduled Tribe community certificate for me / for my son /
daughter for which the details are given below:

1. Name of the applicant in full (in block letters) ::
2. Sex of the applicant ::
- 3 a) Father's name ::
b) Mother's name
- 4 Present postal address ::
- 5 Place of permanent residence of the certificate
seeker / his father / paternal grand father, as on the
date of the first notification declaring the
community as a Scheduled Tribe, to which the
certificate seeker claims to belong. ::
6. Age, date of birth and place of birth (If date is not
known approximate year of birth). ::
- 7 Place of ordinary residence (documents relating
to house/land or other immovable property or
birth registration certificate or ration card or
school records may be furnished)
- 8 If the applicant has been issued a community
certificate in the past by any authority, a copy of
such certificate should be furnished
- 9 Community for which certificate is claimed
(including sub-tribe or sub-group)
- 10 a) Community of the father
(including sub-tribe or sub group)
b) Community of the mother
(including sub-tribe or sub group)
- 11 Whether the applicant is
a) a natural born son or daughter of his/her parents
OR
b) adopted son/daughter of his/her parents

DECLARATION

I/We declare that the information furnished by me/us in the application is true and correct, and the documents appended thereto are genuine and the contents of the documents are true and correct and that if these are found to be untrue and incorrect, I/We will be liable for prosecution for furnishing false and incorrect information / documents under Section 10 of the Act No.16 of 1993.

STATION:

Signature of the applicant

DATED :

Signature of the Parent/Guardian

ACKNOWLEDGEMENT SLIP

Received an application for issue of Community, Nativity and Date of Birth Certificates relating to Scheduled Tribe in Form I, from _____ (name of the applicant/ parent / guardian) belonging to _____ village/town _____ mandal, _____ District on _____ (date).

Name of the Office
Date:

Signature of the Officer authorised
by the Competent Authority
(Name in capital letters)
and designation: (affix seal)

FORM II

**FORM OF APPLICATION FOR ISSUE OF COMMUNITY, NATIVITY AND DATE OF BIRTH
CERTIFICATES RELATING TO SCHEDULED CASTE / BACKWARD CLASS UNDER
SECTION 3 (I) OF ACT 16 OF 1993**

(Information to be furnished by the applicant himself supported by documentary evidence)

To
The Mandal Revenue Officer/
Revenue Divisional Officer/
Sub-Collector/Assistant Collector /
District Collector

_____ Mandal/Division,

_____ District.

Sir,

I am in need of a Scheduled Caste / Backward Class community certificate for me / for my son / daughter for which the details are given below:

- 1 Name of the applicant in full (in block letters)
- 2 Sex of the applicant
- 3 a) Father's name
b) Mother's name
- 4 Present postal address
- 5 Permanent place of residence
- 6 Age, date of birth and place of birth (If date is not known, approximate year of birth.)
- 7 Place of ordinary residence (documents relating to house/land or other immovable property or birth registration certificate or ration card or school records may be furnished)
- 8 If the applicant has been issued a community certificate in the past by any authority, a copy of such certificate should be furnished
- 9 Community for which certificate is claimed (including the sub-caste)
- 10 a) Caste (including sub-caste) of the father
b) Caste (including sub-caste) of the mother
- 11 Religion professed by the applicant
- 12 a) Religion professed by the father of the applicant
b) Religion professed by the mother of the applicant
- 13 Whether the applicant is
a) a natural born son or daughter of his/her parents
(OR)
b) adopted son/daughter of his/her parents

DECLARATION

I/We declare that the information furnished by me/us in the application is true and correct, and the documents appended thereto are genuine and the contents of the documents are true and correct and that if these are found to be untrue and incorrect; I/We will be liable for prosecution for furnishing false and incorrect information/documents under Section 10 of the Act No.16 of 1993.

STATION:

Signature of the applicant

DATED :

Signature of the Parent/Guardian

ACKNOWLEDGEMENT SLIP

Received an application for issue of Community, Nativity and Date of Birth Certificate relating to Scheduled Caste / Backward Class in Form II from _____ (name of the applicant / parent / guardian) belonging to _____ village/town _____ mandal, _____ District on _____ (date.)

Name of the Office
Date:Signature of the Officer authorised
by the Competent Authority
(Name in capital letters)
and designation. (nr. & seal)

FORM III

Serial No.

S.C.

District Code:

S.T.

Emblem

Mandal Code:

B.C.

Village Code:

Certificate No:

COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATE

1) This is to certify that Sri/Smt/Kum _____
 Son / daughter of Sri _____ of
 Village / Town _____ Mandal _____ District _____
 of the State of Andhra Pradesh
 belongs to _____ Community which is recognised as
 S.C/S.T./B.C under:

The Constitution (Scheduled Castes) Order, 1950

The Constitution (Schedule Tribes) Order, 1950

G.O.Ms.No.1793, Education, dated 25-9-1970 as amended from time to time
 (B.Cs) S.Cs, S.Ts. list (Modification) Order, 1956, S.Cs and S.T.s. (Amendment)
 Act, 1976.

2) It is certified that Sri/Smt./Kum _____
 is a native of _____ Village/Town _____ Mandal _____
 District of Andhra Pradesh.

3) It is certified that the place of birth of Sri/Smt./Kum _____
 is _____ Village/Town _____ Mandal _____
 District of Andhra Pradesh.

4) It is certified that the date of birth of Sri/Smt./Kum _____ is
 Day _____ Month _____ Year _____ (in words) _____ as
 per the declaration given by his/ her father/mother/ guardian and as entered in the school
 records where he/she studied.

Signature:

Date:

Name in Capital Letters:

Designation:

(Seal)

Explanatory Note: While mentioning the community, the Competent Authority must
 mention the sub-caste (in case of Scheduled Castes) and sub-tribe or
 sub-group (in case of Scheduled Tribes) as listed out in the S.Cs,
 and S.Ts., (Amendment) Act, 1976.

FORM - IV**NOTICE TO THE APPLICANT**

To

Sri/Smt/Kum _____ village _____ Mandal _____
 _____ District, whereas an application has been made by
 _____ (name of the certificate seeker) S/o, D/o, W/O
 _____ (name of the father/husband) for the issue of
 Community, Nativity and Date of Birth Certificate under Section 3(1)/ Sec.3(2) of the
 AP(Scheduled Castes, Scheduled Tribes and BCs) Regulation of Issue of Community
 Certificates Act, 1993. Notice is hereby given that an enquiry will be made about the
 community claim of the above mentioned applicant by the undersigned at _____
 (time) on _____ (date) of _____ (month) 19__ (year) at
 _____ (place). He/She shall appear without fail at the said place on the said date
 and said time to substantiate his or her community claim, with oral and documentary
 evidence, failing which the Competent Authority will confirm or reject the community
 claim of the applicant based on the documents/evidence furnished by the applicant in
 Form I/II to the Competent Authority and the material/evidence gathered by the
 Competent Authority in this case. He/She may bring his/her parents to assist him/her in
 the enquiry.

Place:

Signature and designation of
Competent Authority.

Date:

(seal)

FORM V

To

Sri/Smt./Kum. _____ village _____ mandal _____ District,

Whereas a reference has been received by the Scrutiny Committee from the Competent Authority (specify the authority) regarding doubts about your community claim that you belong to SC/ST/O.C. community. The Committee now therefore directs you to attend the enquiry regarding your community claim on _____ (date) at _____ (time) at _____ (place) without fail. You are required to furnish all the documentary evidence in support of your community claim on the said date failing which the Scrutiny Committee will finalise its recommendations based on the material/documents/evidence made available to the Committee by the Competent Authority. You may bring your parents/guardian to assist you in the enquiry.

Date:

Place:

Chairman of the Scrutiny Committee
(Joint Collector)
(seal)

FORM - VI

Re:

Smt./Kum. _____ village _____ mandal _____ District, Whereas a complaint has been received by this office alleging that you have obtained ST/SC/BC Community, Nativity and Date of Birth Certificate from _____ (specify the authority who issued it) fraudulently, and whereas I have reason to believe that you obtained S.T./S.C./B.C. certificate for yourself/for your son/daughter fraudulently even though in reality you do not belong to any Scheduled Tribe/SC/BC

Now therefore, you are hereby directed to attend enquiry regarding your community claim on _____ (date) at _____ (time) at _____ (place) without fail. You are required to furnish all the documentary evidence in support of your community claim on the said date failing which the Scrutiny Committee will finalise its recommendations based on the material/documents/evidence made available to the committee by the District Collector. You may bring your parents/guardian to assist you in the enquiry.

Date:

Place:

Chairman of the Scrutiny Committee
(Joint Collector)

(seal)

S. RAY,
Principal Secretary to Government.

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Amendment of rule 9 of the A.P. SCs, STs & BCs Issuing Community, Nativity and Date of Birth Certificates Rule 1997 – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 79

Dated: 24-7-2002
Read the following:

- 1.G.O.Ms.No.58, S.W.(J) Department, dated 12.5.97
- 2.From the CTW., Lr.Rc.No.5609/2001/TRI/VC 8, dated 18.12.2001.

ORDER:

The following notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 20 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes, and Backward Classes) Regulation of Issue of Community Certificate Act, 1993, (Act 16 of 1993) the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 issued with G.O.Ms.No.58, Social Welfare (J) Department, dated the 12th May, 1997 and published in Part I Extraordinary Issue of the Andhra Pradesh Gazette dated 16.5.1997.

AMENDMENT

In the said rules, after sub-rule (9) of rule 9 the following sub-rule shall be added, namely:-

“(10) In respect of Tribals, the Commissioner of Tribal Welfare, either suo-motto or on a written complaint by any person or on request made by an employer/educational institution/appointing authority, shall enquire into the correctness of any community, nativity and date of birth certificate already issued and if it is found that the said certificate is obtained fraudulently, shall refer the case to concerned Collector or the Government for its cancellation as per the procedure laid down Section 5 of the Act”.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,
SECRETARY TO GOVERNMENT

To
The Commissioner, printing Stationery
And Stores Purchase, Chenchuluguda, Hyd.
(with a request to publish in the extra- ordinary A.P.Gazette)
The Commissioner, I&PR Department
All District Collectors in the State.
All RDO's/ All MRO's(through District Collector concerned.)
The Commissioner of Tribal Welfare, Hyd

All the Superintendents of Polices
All Departments of Secretariat
(with a request to communicate these orders
to the HOD's under their control.)

The Director, TCR & II, Hyderabad ✓

The Registrar, A.P.H.C., Hyderabad.

The Registrar, A.P.A.T., Hyderabad.

The Addl. Director General of Police,

PCR Cell, Hyderabad.

The Registrar, Andhra University, VSP.

The Registrar, Omania University, Hyd.

The Registrar, Nagarjuna University, Guntur

The Registrar, Sri Venkateswara University,
Tirupathi.

The Registrar, Mahila University, Tirupathi

The Registrar, Jawaharlal Nehru

Techonological University, Hyderabad

The Registrar, Agricultural University, Hyd.

The Registrar, Kakitaya University,
Warangal.

The Registrar, Krishnadevaraya University,
Ananthapur

The Registrar, University of Health
Services, Vijayawada.

Copy to:

The Scrutiny Cell of Law Department

The PS to M(TW)

The PS to Minister for Revenue

The Joint Secretary to Chief Minister

The PS to Prl. Secretary, S.W. Dept.

The PS to Secretary (Tribal Welfare)

The PA to Addl. Secy. (TW)

Sf/Scs.

//Forwarded::By Order//


SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Issue of caste and Community certificates - Officers competent to issue such certificates - Certain guidelines - Issued.

-x-

SOCIAL WELFARE (E) DEPARTMENT

G. O. Ms. No. 245

Dated: 30th June, 1977
Read the following:-

1. G. O. Ms. No. 147, Social Welfare, Dated: 27.4.1977.
2. From the Director of Tribal Welfare, Lr. Rc. No. 15726/76/H3, dated: 6.6.1977.

ORDER:

In the G.O. read above, orders were issued to the effect that the Caste/Community certificates in respect of Scheduled Tribes mentioned therein should be issued by Revenue Officer not below the rank of Tashildar or Revenue Divisional Officer/Assistant Collector/Sub-Collector of the Taluk/Division/District in respect of which the particular Scheduled Tribe candidate claims nativity.

2. In continuation of the orders issued in G.O. first read above, Government hereby approve the guidelines appended to this order authorising the officers and others to identify tribal candidates for issue of caste/community certificates for the purposes of availing scholarships and educational concession etc., to the students belonging to Scheduled Tribes.

3. All the certifying authorities in the State are requested to act upon and scrupulously follow these guidelines while issuing caste/community certificates to the students belonging to Scheduled Tribes.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. R. Sankaran,
Secretary to Government.

To
The Director of Tribal Welfare, Hyderabad
All Collectors
Copy to the Director, Tribal Cultural Research and
Training Institute, Hyderabad
Copy to D and F sections
Copy to stock file

//true copy//

RESEARCH OFFICER.

Guidelines for officials and others to identify tribal candidates for purposes of issue of community certificates.

2. This letter is prepared with the sole purpose of appraising the Administration to take necessary precautions in issue of community certificates to tribal candidates. A few important factors which should be ascertained prior to issue of certificates are discussed hereunder. A separate questionnaire for ascertaining the genuineness of the candidate is appended and a chart indicating briefly the characteristics of each tribal group is also appended for guidance.

3. Every year numerous applications are received from spurious candidates claiming concessions, protections and privileges exclusively provided to Scheduled Tribe candidates with the help of false certificates resulting in not only dilution but also denial of benefits to genuine Scheduled Tribe candidates. The number of these spurious applications is assuming alarming proportions with the passage of time as the wide publicity given to concessions available to Scheduled Tribes is sometimes prompting certain selfish non-scheduled communities to take advantage of the fact that either in the constitution or in the presidential Order (1950) the phrase "Scheduled Tribes" is neither clearly defined nor criteria evolved for declaring certain groups as Scheduled. While the word "Tribe" has so far eluded a definition of universal application from anthropologists the adding of the prefix 'Scheduled' by administrators and policy makers further complicated the concept however genuine may be the intentions of these authorities in affording protection to certain weaker sections of the society.

4. The vagueness of the concept of the Scheduled Tribe can be grasped from the definition given in the constitution. According to the constitution, Scheduled Tribes are such tribes or tribal communities or parts thereof or groups within such tribes or tribal communities which are deemed under Article 342 to be Scheduled Tribes for the purposes of the constitution. The same vagueness haunts the article 342 which runs as follows:

1. "The President may with respect to any State (or Union Territory) and where it is a state after consultation with the Governor by Public Notification specify the tribes or tribal communities which shall for the purposes of this constitution be deemed to be Scheduled Tribes in relation to that state (or Union Territory as case may be)".

2. "Parliament may by law include in or exclude from the list of Scheduled Tribes specified in notification issued under clause (1) any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification".

5. Even the Joint Parliamentary Committee which was constituted to probe into the question of including certain fresh tribal communities or excluding detribalised groups in or from Scheduled Tribes list could not come with criteria or Universal application for declaring any community as a Scheduled Tribes. The Committee followed the following five criteria as the determinants of Scheduled Tribes: (1) Primitive Tribes, (2) Distinct Culture (3) Extreme Backwardness (4) Geographical Isolation and (5) Shyness of contact. If these five criteria are strictly adhered to all the Plains living Scheduled Tribes like Yanadis and Yerukula will have to be automatically dropped from the list of Scheduled Tribes as they do not satisfy the last two criteria eventhough they are as much backward and possess primitive traits and distinct cultures as the tribals living in remote areas. Even certain Scheduled Tribes inhabiting the hilly and forest areas are to be de-scheduled in view of the achievements in providing communication and transport facilities to the higher to inaccessible areas during the past two decades of planned development breaking their age old isolation and bringing them into close contact with advanced brethren of the plains. The existence of synonymous community names and common occupational groups among scheduled tribes and non-scheduled groups further complicated the process of identification of genuine Scheduled Tribes from the fictitious one.

6. Taking advantage of this fluid situation several non-scheduled tribe candidates are producing false community certificates as Scheduled Tribes and deriving the benefits of reservations at the cost of genuine Scheduled Tribes candidates. For example, much confusion prevails in the issue of community certificates restricted to genuine Konda Reddy, Konda Kapu, Kammara and Thoti scheduled tribe candidates as the Non-scheduled tribes Plains living advanced caste groups like Reddy, Kapu, Kammara etc., are taking advantage of possessing common generic caste names without any ethnic or cultural homogeneity with the respective Sch. Tribes.

7. The Konda Kapu and the Konda Reddy are distinct groups entirely different from the plains living Kapus and Reddis without any similarities in their habitational, cultural commensal social and economic patterns. The Konda Kapus inhabit the forest and mountainous tracts and subsist on shifting cultivation and gathering Minor Forest Produce. The Konda Kapus also call themselves as Konda Koras assuming that they are lords of hills. The tribe is divided into a number of exogamous totemic clans such as Korra (Sun) Kimudi (Bear), Ventalu (Snake) etc., which are further divided into a number of septs or surnames. Among the Kapus of the plains, either the clans or the surnames of the Konda Kapus are not found in their social system. The plains kapus are also known as Telagas, Naidus, Munnur Kapu, Balija etc., in different parts of the State and all these are only synonymous terms indicating the same group i.e., Kapu. Konda Kapus follow the levirate type of marriage, by which the younger brother inherits the widow of his deceased elder brother. Marriage by capture and marriage by mutual love and elopment and marriage by service are socially accepted ways of acquiring mates

among Konda Kapus. These Primitive marriage patterns are totally absent and even the vestiges of the institution could not be traced among the plains Kapu community. Divorce and widow remarriage are socially allowed among Konda Kapus whereas the plain kapus do not customarily allow divorce and widow remarriage. Another chief difference between plain Kapus and Konda Kapus is that beef eating is taboo among the former whereas the latter community takes it without social inhibitions. Similarly the Konda Reddis who are living chiefly in the Scheduled Areas of East, West Godavari and Khammam districts are quite different from the Reddis living in the plain areas of Andhra Pradesh. Among the plains Reddy Community there are a number of endogamous divisions such as Panta, Pakanati, Mudum, Podakanti, Yalanati, Murki, Desuru, Fokanati etc., and these divisions are further further-divided into exogamous septs or surnames. Among Konda Reddis all these endogamous divisions are totally absent. They regulate their matrimonial alliances on the basis of surnames. Marriage by capture, mutual love and elopment and marriage by service are socially accepted ways of acquiring mates among the Konda Reddis, whereas these ways of acquiring mates are socially prohibited in the Plains Reddis. Further, levirate type of marriage, divorce, widow marriages are also customarily practiced in the former community and the same practices are customarily tabooed in the latter community. Konda Reddis are experts in manufacturing baskets and windowing fans and most of them living on hill slopes practice shifting cultivation. All these occupational pursuits are totally absent among Reddis living in plain areas. The most significant difference is that while Konda Reddis eat pork and domesticate pigs, both eating of pork and domestication of pig is totally prohibited among Reddis of the plain areas. Prof. Haimendorf in his book 'Reddis of Bison Hills' clearly brought out the difference between Konda Reddis and Plain Reddis. "Within the Hindu Castes of Reddis there are numerous sub-sections such as Panta Reddis, Hill Reddis, Bhumanchi Reddis, Motad Reddis and Pakanat Reddis, but none of these stand in any close contact with the Konda Reddis who form a strictly endogamous and a distinct cultural unit".

8. In the same manner, ethnically and culturally the Kammaras living in the plain areas are quite different from the Kammaras living in the Scheduled Areas despite their similar traditional occupations. The former's main occupation is Blacksmithy but they never work in the agricultural fields whereas for the latter community agriculture has become the subsidiary occupation. For the Kammaras of Sch. areas their way of life and cultural practices are almost similar to that of other tribal groups. The social organisation of Kammaras of the Scheduled Areas of West Godavari, East Godavari, Visakhapatnam and Srikakulam districts is quite distinct from that of the social organisation of Kammaras living in the plain areas of Andhra Pradesh and there are neither matrimonial alliances nor any other relationship between these two groups. The former is divided into a number of clans such as 'Korra' (Sun) Bhallu (Bear) 'Bhag' (Tiger, 'Gang' (water) 'Hanuman' (Monkey) and these clan names are quite akin to the clan names of other scheduled tribes living in the Sch. Areas. But this clan organisation

* The Aboriginal Tribes of Hyderabad Vol. II Reddis of the Bison Hills, P

is not found in the social organisation of Kammaras living in the plain areas. The Kammaras of Sch. Areas practise Marriage by capture and levirate where as these types of marriages are strictly prohibited in the plains Kammaras. Divorce and widow remarriages are socially allowed in the latter whereas the former community do not customarily allow either divorce or widow remarriages. The Kammaras of plain area are mostly vegetarian and they wear sacred thread but Kammaras of Scheduled Areas are beef eaters and they do not put on sacred thread. The Kammaras who are living in Sch. Areas only are considered as Scheduled Tribes.

9. Thotis who are included in the list of Scheduled Tribes from Adilabad district are quite different from that of Thotis of Plain areas who are working as village servants or scavengers. Thoti or Thoties are predominantly found in the scheduled areas of Adilabad district. They are hereditary bards to Raj Gonds of Adilabad district. They speak Gondi dialect and claim greater association with Raj Gonds. The women folk are experts in tattooing. They worship Gods of Raj Gonds and observe the same social customs. The Thoti social organisation is also similar to the social organisation of Raj Gonds with characteristic four fold phratry organisation. Thotis who are found in Adilabad, and Karimnagar districts are quite different from the Thotis of Andhra areas. Generally each village will have one Thoti (Village servant). He attends to digging of graves, cremation of dead bodies, cleaning of choultries and other grue some duties which are assigned by village headman. They speak Telugu in Andhra Area. The term Thoti is only an occupational term given to ~~right~~ either Malas or Madigas or Rellies who work as village servants in Andhra areas. These Thoties who are working as village servants in Andhra area are quite different from the Thoti tribe predominantly found in Scheduled areas of Adilabad district. Further some of the Muslims who are working as scavengers (Methars) are also claiming as Thotis and producing false certificates as Scheduled tribes. The Muslims Metharas speak Urdu and they too are quite distinct from the Thotis found in Adilabad district. Again the Muslim Methars are Thoties of Andhra region are not at all related as they belong to district religious faiths.

10. If any community which is not declared as Scheduled Tribe bears similar community name of any of the Scheduled Tribes, and claims as scheduled tribe, the ethnic and cultural similarities have to be established in order to establish whether that particular community is a scheduled tribe or not. The similarities in the social structure, marriage patterns, marital relations, traditional customs, place of habitation, linguistic affinity, food habits and livelihood patterns of the two communities have to be analysed in order to determine whether the community under question comes under scheduled tribes or not.

11. There is also much confusion with regard to Scheduled Tribes who are converted to Christianity. In case of Sch. castes a person belonging to a scheduled caste ceases to be so if he adopts the Buddhism or any other religion except Hindu or Sikh religion. But unlike scheduled caste the rights of a person belonging to a Scheduled Tribes are independent of his/her religious faith as per the instructions of Government of India, Ministry of Home Affairs memo.No.1/2/61 SC K(i), dated:27.4.1962. Further according to these instructions a person belonging to a Scheduled Caste or a Scheduled Tribe will however continue to be deemed a member of Scheduled caste/Tribe irrespective of his/her being married to a non-Scheduled Caste/Tribe.

12. In order to establish whether a particular candidate belongs to any one of the scheduled tribe or not, his ethnic and cultural identity may have to be analysed in the light of the proceeding discussion. The following questionnaire (Annexure-I) is suggested for eliciting information ~~xxx~~ pertaining to ethnic and cultural traits of of a suspected candidate. The information thus collected should be carefully examined and compared with the ethnic and cultural traits characteristic of the particular tribe (to which the candidate claims to belong) given in the Annexure-II. If the candidates ethnic and cultural traits favourably compare with the traits given under the Scheduled tribe in the Annexure-II the officer may issue the necessary community certificate.

ANNEXURE - I

QUESTIONNAIRE

1. Full Name of the candidate :

- a) Tribe :
- b) Synonyms :
- c) Sub-Division: or Sub-Groups. :
- d) Clan (in any) :
- e) Place of Birth :
- f) Taluk :
- g) District :

2. Family particulars:

Birth Place Tribe
 Traditional Community
 Occupation.

- a) Father's name
- b) Paternal Grand
 Fathers Name

3. Give the Name of the Village where your relatives (both Affinal * and blood) live:

S1. No.	Nature of relationship	Tribe/ community	Name of village	Taluk	District
---------	------------------------	------------------	-----------------	-------	----------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

* Relatives through marriage etc., in laws etc.

4. Are the following marriage patterns in vogue in your community.

- a) Marriage by capture
- b) Marriage by mutual love and elopement.

- c) Marriage by service:
- d) Marriage by Negotiations :

5. Do you practise levirate 1 and sororate 2 - type of marriages?
Yes/No.

6. Matrimonial relations socially permitted with people of the community who bear similar Nomenclature living in the Scheduled Areas.

Yes/ No.

(in case of Plain Reddis, Kapus, Kammaras, Thotis, Gonds, Boyas, Valmiki.)

If yes, give such examples of your kinsolk.

7. a) Do you have any dialect of your own? Yes/ No
If yes, can you speak the dialect ?

b) What other tribal dialects can you speak?

8. Does your community abstain from eating beef and pork ?
Give particulars.

9. Mention your religion.

10. Who are your gods and goddesses ?
Give following particulars.

Sl. No.	Name of God or Goddess	Ceremonies observed	Month	Remarks
---------	------------------------	---------------------	-------	---------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

11. Do you worship any household deities or your clan deities ?
Yes/ No

1. The practice of requiring or permitting the younger brother to marry the widow of his elder brother.

2. A man marrying his wife's sister on either a mandatory or permissive basis before or after the wife's death.

If yes, give the following particulars.

Sl. No.	Name of household or clan deity	Rituals observed	Season/ Month	Remarks
1.				
2.				
3.				
4.				
5.				
6.				

ANNEXURE - II

Name of the tribe	Total population	Chief places of Habitation	Synonyms	Sub-groups or sub-divisions	Patrilial clans	Marriage patterns in vogue	Chief deities worshipped	Food habits	Remarks
2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Andh	1,468	Adilabad district	...	1. Andh 2. Sadhu Andh	..	..	Khandoba Jigari Bhavai Mahadeo Mari Ali Sitala	Pork eaters	..
Bhagata Rona	55,154 23	Visakhapatnam and Srikakulam districts.	Rana	..	Korra, Killo or Bagh Gollari Pangi Majji, Bandi, Onthalu or Naga, Bhallu etc.	Marriage by:- 1. Negotiations 2. Mutual love 3. Elopement 4. Capture and service rate and sororate	Nishan Jankari Sanku Ganga Nandi	Devudu Devudu Devudu	..
3. Bhil	83	Adilabad Mahabubnagar Hyderabad districts.	..	..	..	..	Mahadev Bhavani Bhairsaba Khandoba Hanuman Allimatha Sitala	..	..

2. 3. 4. 5. 6. 7. 8. 9. 10. 11.

Cherchu	17,609	Kurnool and Mahaboobnagar Districts	Gulla, Uttaluri, Pudi-cherla, Jalli, Nimmali, Boman, Kudumala Mandla, Desari, Harti, Vattella, Nagalla, Tokala	Marriage by: 1. Negotiations 2. Elve and elopment 3. rvice 4. Capture 5. Levirate	Garela, isamma Golusamma Ganganma Yellamma Lingamayya Veerabhadru Polaramma Pothuraju
Sadaba	21,840	Visakhapatnam and Srikalulam districts	1. Bodo or Todam or Gutub Dababai 2. Kathera clans or Samidkil 3. Parangi or Muvenu-ter-clans 3. Purikil or Kullayi Parikinin clans	Marriage by: 1. Service 2. Negotiations 3. Mutual love and elopment 4. Intrusion 5. Capture 6. Levirate	Jakari Disamavaru Ratal Polamma
Gond	1,43,780	Adilabad and Karimnagar districts	Raj Gond, Dhurwe Gond Koitur Kodam Sarven, Sagar, Atram, Cadamu, Tumram, Katle Pandor Kucumetha Seevensaga Kunra, Ada	Marriage by: 1. Negotiation 2. Capture 3. Mutual love and elopment 4. Intrusion and service 5. Levirate and Sororate	Persapen, Akipen, Bhim Deo, Jangu Bai Sathubai, Hanuman Avibeyye Dantharimata

Kenaka, Jugunaka
Araka
Nalwen Saga
Sedamaki, Sidam
Parchaki, Kochada

7. Goud (in Agency Tracts)	3,392	Agency Tract; of Visakha- patnam district.	1. Apoto Goud 2. Be- era Goud 3. Belodia 4. Dongayato 5. Dumalo 6. Goppuria 7. Sallokha- naya 8. Dudhkonriya 9. Barthika 10. Chitti 11. Mudha 12. Konda 13. Gopika 14. Kosilla 15. Jaria 16. Lachiya 17. Krishna	1. Korra 2. Pangi 3. Kollo 4. Vanthala 5. Collari or Hanuman 6. Samardi 7. Swabi 8. Karthari	Marriage by: 1. Elopement 2. Service 3. Capture 4. Negotiations Levirate marriage is also vogue	Banku Devata Nishani Devata Jakara Devata Nandi Devata Takurani Baradoumi Sorumangala
8. Konda Dhoras	86,911 + 29,823	Srikakulam Konda Visakhapat- nam and East God- avari Dist. Porja	1. Chinna Kondalu 2. Pedda Kondalu.	Korra, Killo, Swabi, Ontalu, Kimudu, Pangi, Paralek, Mandelek, Bidakar, Somelunger.	Marriage by: 1. Capture 2. Elopement 3. Negotiations 4. Service 5. Levirate marriages are also in vogue	Bodo Devata Beef Sanku Devata and Nisani Devata Pork Jakara Devata eaters.

3. 4. 5. 6. 7. 8. 9. 10. 11.

- 4. Musara Koya
- 5. Gampa Koya
- 6. Oddi Koya
- 7. Pattidi Koya
- 8. Doli Koya
- 9. Kaka Koya
- 10. Matwa Koya
- 11. Linga Koya
- 12. Putta Koya

9. Kammara	24,629	Sch. areas of Srika- kulam visakhapatnam East Godavari West Godavari	Kabaddi Voju Konda- kammara	Korra Killo Bhag Gaaga Bhallu Hanuman Surabi Pangi Madavi Athram Kumram Tekam	Marriage by Nishani 1. Capture Devata 2. Mutual Love & Bodo Devata elopment Jakiri Devata 3. Levirate & Ganganamma Sororate	Beaf & port eaters
10. Kolam	16,731	Adilabad	Kolawar Mannerwar		Marriage by 1. Negotiations 2. Mutual Love & elopment 3. Capture 4. Service 5. Intrusion 6. Levirate & Sororate	Beef & Pork eaters.

11. Kattunayakan
Chittoor

Kadu Nayakan

Marriage by
1. Negotiations
2. Mutual Love &
elopment
3. Capture
4. Service

Bairava

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
12. Konda Reddi	35,439 + 3,894	West Godavari and Khammam districts	Hill Reddi PanGava Reddy	..	Surrek Goolorigune Oljukula	Marriage by 1. Service 2. Negotiations 3. Capture 4. Elopment Levirate and Sororate	Muthyalamma Pork Bhumi Devi eaters Ganganamma Pandavulu Devara Guntamma and Saralamma			
13. Kotia	11,008	Visakhapatnam and Srikakulam districts	..	1. Bodo Kotiya 2. Sonokotiya Boga Kotiya 1. Kotia Benthu 2. Barthika 3. Dhulla kotiya 4. Sarronakotia 5. Sona Kotia 6. Holva paiko 7. Putia paiko 8. Munja paiko 9. Siddanti paiko	1. Killo 2. Korra 3. Bhallu 4. Onthalu or Neg, 5. Pangl 6. Gollari, 7. Matya 8. Rambi	Marriage by 1. Mutual love Elopment 2. Capture 3. Service 4. Negotiations 5. Levirate marriage	Nandi Devata Bodo Devata Jakara Devata or Nishani Devata			
14. Koya	2,20,146	East & West Godavari Khammam and Warangal dists.	Dorala Sattam Koitur	1. Gutta Koya or Kutta Koya or Korra Rajulu or Racha Koya or Konda Rajulu 2. Gommu Koya 3. Kammara Koya	Mudava Gatta or Perumu boyudu Nalugava Gatta Aravagatta Yedavagatta	Marriage by 1. Mutual love Elopment 2. Capture 3. Negotiations 4. Service 5. Levirate Sororate	Mamili Kommalamma Katurudu Korra Raju Mutyalamma Kudiaveara	Beef & Pork eaters.		

15. Kullia	85	Visakhapatnam district	Mullia	..	Sathi or Marriage by Surjo 1. Negotiations Nega 2. Capture Matya 3. Elopment Killo 4. Service Hanuman or 5. Sororate & Golleri Levirate are Pangi permitted	Nishan, Bhairav Pedda Demudu Bheema, Jankiri Ganga Devudu Nandi Devudu Mukama
16. Mali	1,443	Srikakulam & Visakhapatnam districts	Mahali Malli	I. <u>BODOMALI</u> Khandya Mali Pondra Mali Kosalaya ,, Thagoor ,, II. <u>SANO MALI</u> Pannavi Mali Sonkuval ,, Donguriya,,	Killo or Marriage by 1. Capture 2. Negotiations 3. Service 4. Elopment	Bod Devata Jakara Devata
17. Manne Dora	8,476	Visakhapatnam Srikakulam East Godavari districts	Manne Rejulu	..	Killo Marriage by Puli Capture Matyo or Service Chepa Elopment Gollori or Negoti- Hanumanthu ations & Rambi Levirate Korra Sororate Pangi marriages Naga	Jankiri Devata Beef & Ganga Demudu Pork Sankudevudu eaters Ballia Nandi Bodo Devata

2.	3.	4.	5.	6.	7.	8.	9.	10. #1
Mukha Dora	9,965	Visakhapatnam Srikakulam districts.	1. Nooka Dora 2. Mooga Dora 3. Reddi Dora 4. Racha Reddi 5. Muka Raja 6. Sobarlu	Korra, Gamella, Kakara, Sugra Kinchoyi, Yamalivaru, Chikudu, Manidi, Nag Killi, Tangula	Marriage by 1. Love & elopment 2. Service 3. Negotiations 4. Capture 5. Levirate type of marriages	Bods Devata Jakara Devata Sanku Devata Nishan Devata Gangadevata.		
Naikpud	2,902	Adilabad Karimnagar Warangal Khammam, West Godavari, East Godavari dists.	Nayak Pencava Nayakulu Paama Nayakulu		Marriage by 1. Capture 2. Elopment 3. Service 4. Exchange & Levirate marriages	Lakshmi devata Bhudevi Gangamma Mutyalamma Maisamma, Sannakka, Saralamma Poligadu Pedamma, Vandevata Pandavulu.		
Parathan	5,701	Adilabad dist.		Similar to similar to similar to Gonds	Similar to Gonds	Similar to Gonds.		
Porja	9,350	Vis. Khapatnam Srikakulam & East Godavari districts	Jodiya Porja Daman Jodia Parangi Porja Bongo Porja Sana Porja Tagara Porja Kur Porja Naga or Langala Porja	Killa Korra Samardi Swabi Majji Onthala Pangi Gubed	Marriage by 1. Negotiations 2. Elopment 3. Capture 4. Service	Bod Devata Sanku Devata Mishai Devata Jakara devata Nandi devata		

Jankiri devata
Ganga Ganudu
Sanku Ganudu
Durga Devata
Nandi Ganudu
Jodda devudu

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1. Negotiations
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Pangi
Killo or
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Poyya
Mugubanti
or Ballu
Korra or barya

Dorantena
and
Racha Reddi

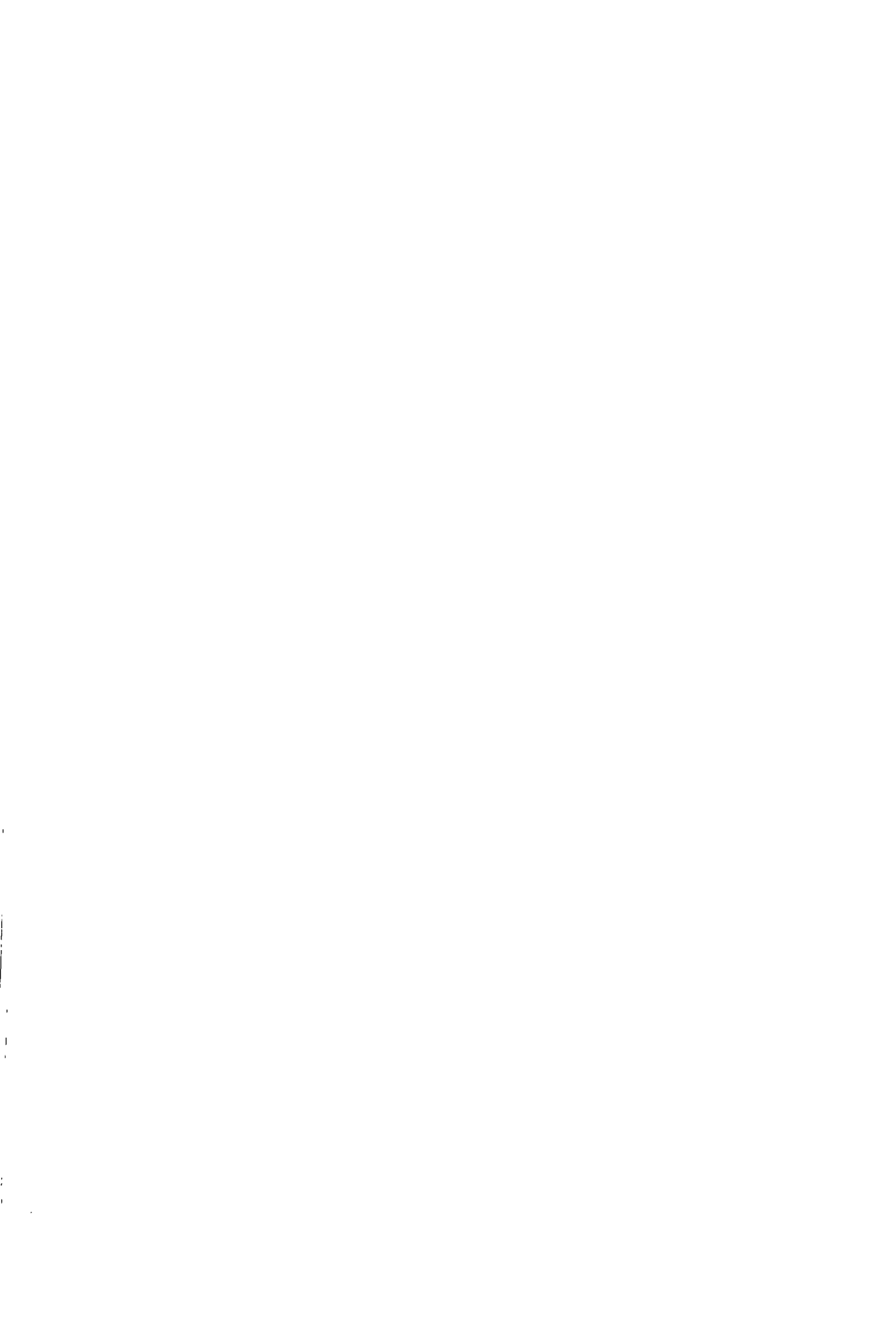
42. Reddi 5,132 VI
DoIT

23. Savara 68,185 Srikakulam
1. Arsid Savara
 2. Bhina "
 3. Dongiya "
 4. Jadu "
 5. Jati "
 6. Kangu "
 7. Kimsed "
 8. Kamrir "
 9. Luang or Luara
 10. Mara "
 11. Muli "
 12. Saroa Savara
 13. Tekkali "
 14. Besid or Besang Savara
 15. Bobbili Savara
 16. Guntara "
 17. Jaro "
 18. Jurai "
 19. Kindal "
 20. Kudumba "
 21. Lambalenjie "
 22. Mala "
 23. Moni "
 24. Rutte "
 25. Sudor "
 26. K... "

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11

| | | | | | | |
|-----------------------|----------------------------|------------------------------------|---|--|--|-------------------|
| 28. Yerukula 1,23,C24 | All over
Andhra Pradesh | Koraven
or
Korcha
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Yeethapullala
Yerukula
Kunchapuri
Yerukula
Uppu Yerukula
Yeddu
Karvepaku,,
Kavali
Voora
Pariga
Muggulal
Nara
Kothula
Koot
Bhejantari
Peddeti Gollalu | Sathupathi
Kavadi
Menpati
Mendraguthi | Marriage by
1. Mutual love
and plopmnt
2. Purchase
3. Negotiations | .. Pork
eaters |
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//True copy//



Copy of:-

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Extention of the benefits available for Scheduled Castes,
Scheduled Tribes and Backward Classes to the Children of inter-
caste marriages Orders - Issued.

EMPLOYMENT & SOCIAL WEL ARE (B2) DEPARTMENT.

G. O. Ms. No. 371.

Dated the 13th April, 1976.

READ the following:

1. G. O. Ms. No. 546, E & SW. dated 15th July 1974.
2. G. O. Ms. No. 583, E & SW. dated 24th July, 1974.
3. G. O. Ms. No. 632, E & SW. dated 19th August, 1974.
4. G. O. Ms. No. 496, E & SW. dated 21st June 1975.

--:O:--

ORDER:

The Government have issued orders in the G. Os. read above sanctioning certain incentives and non-statutory educational concessions like scholarships, hostel facilities, fee concessions etc., to the children born of inter-caste marriages on the basis of the caste of either parent. The question whether statutory concessions like reservations in services and educational institutions may be extended to the children of the inter-caste married couples has been examined by the Government. No statutory concessions can be given to the children of the inter-caste married couples as such. But where either parent belongs to Scheduled Castes, Scheduled Tribes or Backward Classes and if the child can be declared as belonging to the caste of either parent they will be eligible for the concessions allowed to the persons of that caste. The guidelines for determining the caste of the child of inter-caste married couples are laid down by the Govt. of India in their letter No. 39/37/73-SCT, I Ministry of Home Affairs, dated 4th March 1975, a copy of which is appended. It is necessary to examine each case with reference to these guidelines, and where a child of inter-caste marriage can be treated as belonging to Scheduled Caste, Scheduled Tribe or Backward Class in accordance with those guidelines, the child is eligible for reservations in services etc. allowed for that caste.

2. For the purpose of admissions into educational institutions and professional colleges, however, the Government direct the lower caste of either parent in the inter-caste marriage shall be deemed to be the caste of the child and it shall be eligible for the reservation of the seats made for that caste.

3. All Heads of Departments and Collectors are requested to bring the above instruction to the notice of all concerned.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DILSUKHRAM,

Secretary to Government.

To
The Director of Harijan Welfare Hyd.
The Director of School Edu., Hyd.,
The Director of Higher Edu., A.P., Hyd
The Regist., S.V. University, Tirupathi, A.U. Waltair, O.U. Hyd.,
J.N.T.U., Hyd., A.P. Agri. U. Hyd.

Copy to all Head of Dept./Copy to all Collectors.

APPENDIX

Copy of Lr.No. 39/37/1973-SCT.I, dated 4th March, 1975 from the Government of India, Ministry of Home Affairs, New Delhi addressed to All State Governments.

Sub: Status of the children belonging to the couple one of whom belongs to Scheduled Castes/Scheduled Tribes.

Sir,

I am directed to say that the question of the status of the children belonging to parents one of whom is a member of the Scheduled Caste or Scheduled Tribe community has been examined by this Ministry. Two notes (Annexures I and II) explaining the legal position in this regard are sent herewith for information and guidance of the State Government/UTD.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of India.

// true copy //

ANNEXURE-I.

Legal views on the status of the children belonging to the parents one of whom is a member of Scheduled Caste:

The general position of law as to that effect of marriage between parties who are Hindus and one of whom belongs to the Scheduled Castes is the Under the ancient Hindu law, generally, intercaste marriage was looked down upon by the propounders and commentators. Some of the authorities, however reluctantly permitted marriage between a male caste Hindu with a Shudra female and included it in the list of Anuloma marriages although it was stated that in the wedding with a Shudra Wife, the ceremony should be performed without Mantras. The children born out of a marriage by a caste Hindu with a woman of an inferior caste had neither the caste of the father nor the status of his Savarn Aurasas-meaning the son born of a caste Hindu wife. They were termed as Anulomaja and belonged to an intermediate caste higher than that of their mother and lower than that of their father. Yajnavalkya omits the son of Brahmin by a Shudra wife from the list of sons mentioned by Manu. Pratiloma marriages, i.e., marriages between women of a superior caste with a man of an inferior caste, were altogether forbidden and no rites were prescribed for them in Grihya Sutra and persons entering into such marriages were degraded from the caste.

2. After the passing of the various statutory enactments relating to the Hindu law, such as, the Hindu Marriages Act, 1955 the Hindu Succession Act, 1956 and the Hindu Minority and Guardianship Act, 1956, customary ban on inter-caste marriages in either way, has been lifted by the statutory enactments. Under the Hindu Marriage Act, any two Hindus of different sex, irrespective of their caste may enter into a valid marriage unless such marriage is prohibited by the Statute itself. According to the above three

Statutes, all children either legitimate, or illegitimate, one of whose parents is a Hindu-Buddhist, Jain or a Sikh by religion and who are brought up as members of the tribe, community, group of family to which their parents belong or belonged, are to be treated as Hindus. In view of the above, the off-springs of marriage between the caste Hindu and a member of the Scheduled Caste community, are Hindus and like the off-springs of marriage in the same caste, are entitled to succeed to the properties of their parents. But the question arises as to whether such a child will acquire the status of his or her parent belonging to the higher caste or to that of the parent belonging to the higher caste or to that of the parent belonging to the Scheduled Caste. On this point, we have not come across any direct case law. But we feel that the ratio of the decision in *Wilson Read Vs. C.S. Boat* reported in AIR 1958 Assam, 128, would apply to such cases. It is stated at page 132.

"The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he was treated by the community and the practice amongst the tribal people in the matter of dealing with persons whose mother was a Khasi and father was a European".

Similarly, in the case of *Muthusamy Mudaliar Vs. Masilmam Mudaliar*, reported in ILR 33 Madras, 342, the Court held---

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or caste. The process of adoption into the Hindu hierarchy through caste is common both in the North and in the South India. As we have already pointed out in the past there have been cases where people who judge from the purity of blood could not be Khasis, were taken into their fold or the orthodoxy did not stand in the way of their assimilation into the Khasi community".

3: The Supreme Court in *V.V. Giri Vs. D.S. Dora*, reported in AIR 1959 SC 1318(1327) held---..... "The caste-status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry. There is no evidence on this point at all. Besides the evidence produced by the appellant merely show some acts by respondent which no doubt were intended to assert higher status; but unilateral acts of this character cannot be easily taken to prove that the claim for the higher status which the said acts purport to make is established. That is the view which the High Court has taken and in our opinion the High Court is absolutely right".

In view of the above observations by Superior Courts, it can safely be concluded that the crucial test to determine is whether a child born out of such a wedlock has been accepted by the Scheduled Caste community as a member of their community and has been brought up in that surrounding and in that community or not. The nexus between the child and the community or class or caste is a real test irrespective of the fact whether the accommodating class or caste or community is Scheduled Caste community

or a caste Hindu community. Even if the mother of the child is a member of the Scheduled Caste community, it is possible that the child is accepted by the community of his father and brought up in the surroundings of his father's relations. In that case, such a child cannot be treated as a member of the Scheduled caste community and cannot get any benefits as such. Similarly when the mother belongs to a higher caste and the father is a Scheduled Caste, the father may remain away from the Scheduled Caste community and the child may be brought up in a different surrounding under the influence of his mother's relations and her community members. In such cases, also, the child cannot be said to be a member of the Scheduled Caste community. In the alternative, where the child irrespective of the fact whether the father or the mother is a member of Scheduled Caste community, is brought up in the Scheduled Caste community as a member of such community, then he has to be treated as a member of the Scheduled Caste community and would be entitled to receive benefits as such.

4. As regards the marriages not registered and marriages not legally valid, it may be pointed out that registration is not mandatory for marriages under the Hindu law. Even under the Hindu Marriages Act, 1955, registration under Section 8 is optional and sub-section (5) provides that the validity of any Hindu marriages shall, in no way, be affected by the omission to make entry in the Marriages Register maintained under this Section. Section 7 provides that Hindu marriage may be solemnised in accordance with the customary rites and the ceremonies of either party thereto and, if such ceremony includes the Saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view thereof, all those marriages though not registered but which have been solemnised in accordance with the procedure mentioned in this section are to be treated as valid marriages and our opinion mentioned in para 3 above will apply to the children born out of such valid but undersigned marriages.

5. As regards marriages which are not legally valid, it is clear that such children are illegitimate unless invalidity of marriage is due to grant of a decree of nullity by a Court in which case, provision of Section 16 of the Hindu Marriage Act, 1955, will apply. Under Section 6(b) of the Hindu Minority and Guardianship Act, 1956, the natural guardian of a Hindu minor has been stated to be--

"in case of an illegitimate boy or an illegitimate girl the mother and after her the father".

6. It can be derived from this that the illegitimate children are generally brought up by the mother and in her own surroundings. Therefore, if the mother belongs to the Scheduled caste and brings up the child within a Scheduled Caste community, the child can be taken as a member of the Scheduled Caste community. But in this case also the major factor for consideration is whether the child has been accepted by the Scheduled Caste community as a member of their community and he has been brought up as such.

7. The above are the general observations, however, each case is to be examined in the light of the circumstances prevalent in that case and final decision has to be taken thereon.

ANNEXURE - II

Legal views on the status of the off-springs born out of wedlock between a couple one of whom is a member of Scheduled Tribe community:

The question has arisen whether the off-spring born out of wedlock between a couple one of whom is a member of Scheduled Tribe and other is not, should be treated as a Scheduled Tribe or not.

2. It may be stated at the outset that unlike members of Scheduled Castes the members of Scheduled Tribes continue as such even after their conversion to other religion. This is because while constitution (Scheduled Castes) Order, 1950 provides in clause 3 that only a member of Hindu or Sikh religion shall be deemed to a member of Scheduled Caste, the constitution (Scheduled Tribes Order, 1950) does not provide any such condition. This view has been upheld by the Supreme Court in the case reported in AIR 1964 SC at p. 201.

3. It may be stated that unlike members of Scheduled Castes members of Scheduled Tribes remain in homogenous groups and quite distinct from any other group of Scheduled Tribes. Each Tribe live in a compact group under the care and supervision of the elders of the Society whose word is obeyed in all social matters. A member committing breach of any prescribed conduct is liable is to be excommunicated. The social custom has a greater binding force in their day to day life.

4. In the case of marriage between a tribal with a non-tribal the main factor or consideration is whether the couple were accepted by the tribal society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the Society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribe. However, a circumstances may be there when a Scheduled Tribe woman may have children from marriage with a non-Scheduled Tribe man. In that event the children may be treated as Scheduled Tribes only if the members of the Scheduled Tribe community accept them and treat them as members of their own community. This view has been held by the Assam High Court in Wilson Read vs. C. S. Booth, reported in AIR 1958 Assam at p. 128 where it has been held---

"The test which will determine the membership of the individual will not be the purity of blood but his own conduct in following the customs and the way of life of the tribe; the way in which he has treated by the community and the practice amongst the tribal people in the matter of dealing with persons whose mother was a Khasi and father was a European".

Similarly, in the case of Muthusamy Mudaliar v. Masilman Mudaliar, reported in I-LR 33, Madras, 342 the Court held--

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or caste".

Similarly in V.V. Giri V.D.S. Dora, reported in AIR 1959 S.C. 1318 (1327) the Court held--

"The caste status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the case into which he seeks an entry."

5. As mentioned above, it is the recognition and acceptance by the society of the children born out of a marriage between a member of Scheduled Tribe with an outsider, which is the main determining factor irrespective of whether the Tribe is matriarchal or patriarchal. The final result will always depend on whether the child was accepted as member of the Scheduled Tribe or not.

6. The general position of law has been stated above. However each individual case will have to be examined in the light of existing facts and circumstances in such cases.

Copy of

IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH :: AT HYDERABAD
FRIDAY THE NINETEENTH DAY OF APRIL ONE THOUSAND NINE
HUNDRED AND EIGHTY FIVE

PRESENT:

THE HONOURABLE MR. JUSTICE: JEEVAN REDDY

AND

THE HONOURABLE MR. JUSTICE: SARDAR ALI KHAN

WRIT APPEAL NO. 439 OF 1980

(Writ Appeal under Clause 15 of the Letters Patent against the Order of High Court dated 13-1-80 in W.P.No.5194/79 on the file of the High Court)

BETWEEN:

1. Govt. of Andhra Pradesh, rep. by the Secretary to Government Social Welfare Department, Hyderabad.
2. Agent to the Government, West Godavari, Eluru (Dist. Collector)
3. Agency Divisional Officer, Kovvur .. APPELLANTS (Respondents)

AND

1. Smt. Dasari Subbayamma
2. Vadisala Ramanna .. RESPONDENTS

FOR THE APPELLANTS : Govt. Pleader for Industries

FOR THE RESPONDENTS : Mr. A. Rangacharyulu, Advocate

The Court delivered the following Judgment:-

(Judgment of the Bench was delivered by Jeevan Reddy, J.)

The short but important question in this Writ Appeal is, whether the 1st respondent, Smt. Dasari Subbayamma, belonging to Gowda caste (a backward class notified by the Government of Andhra Pradesh) becomes a member of a scheduled-tribe "Goudu" (notified as a Scheduled Tribe under Art. 342 of the Constitution) by virtue of residing in an agency tract. If she is a member of scheduled tribe as held by the learned single Judge, this appeal by the Government must be dismissed, if she is not, it must succeed. The matter arises under the Andhra Pradesh Scheduled Areas Land Transfer Regulations, 1959. The facts are clearly and elaborately stated in the order of the learned single Judge, and we shall state them only in so far as they are relevant for the question at issue.

A. The 1st respondent (writ-petitioner) is a resident of L.N.D. Peta village in Polavaram Taluk, in West Godavari District. The village is situated in an Agency Tract. She purchased a land from a member of the scheduled tribe and she is trying to save the said purchase on the ground that she too is a member of scheduled tribe, "Goudu". (If she is not a member of a scheduled tribe, it is not in dispute, the sale in her favour is illegal and she has to be evicted therefrom). In proof of her assertion, she produced a certificate dated 20-7-1979 issued by the Tahsildar, Polavaram, It reads:-

(Contd...)

"This is to certify that Dasari Subbayamma wife of Rama Rao, is a native of L.N.D.Peta Village, Polavaram Taluk, West Godavari District. She belongs to Kalali (Gowda) caste which is included in the list of Backward Classes.

sd/-
Tahsildar, Polavaram
20/7/79

The learned Single Judge has upheld the 1st respondent's contention that though she belongs to a backward class called 'Gowda (Kalalee)', she must be deemed to have become a member of a scheduled tribe 'G' 'Goudu' in as much as she resides within an agency tract. It would be appropriate to refer to the approach and reasoning of the learned single Judge. He first referred to the certificate produced by the 1st respondent, and then posed the question:

"It remains now to be seen whether she belongs to a scheduled tribe".

He answered it in the following words:-

"In the Regulation No.1 of 1959 'Scheduled Tribe (is defined as to mean any tribe or ~~tribe~~ tribal community or part of or group within any tribe or tribal community, or part of or group within any tribe or resident in the Agency Tracts and specified as such by a public notification by the President under clause (1) of art.342 of the Constitution. The Constitution (Scheduled Tribes) Order was promulgated by the President in the year 1950. In the Schedule we find certain communities as having been declared Scheduled Tribes. In 1956 there was a modification of the Order and category No.4 reads as under:-

"4. In the Agency Tracts:

1. Goudu (Goud)
2. Nayaks
3. Valmiki".

The petitioner claims that she belongs to 'Goudu' community. The learned Government Pleader contends that here caste is described in the sale deed as 'Kalalee'. In the list of backward classes mentioned in G.O.Ms.No. 1793 dated 23rd September, 1970, we find in Group B Gouda (Gamalla-Kalalee) as belonging to Backward Classes. This, coupled with the certificate of the Tahsildar, makes it clear that 'Kalalee' also belongs to 'Gouda' community. Persons belonging to 'Gouda' residing in agency tracts by virtue of the Constitution (Scheduled Tribes) Order, as amended in 1956 have become members of a scheduled tribe. From the above discussion it is clear that the petitioner belongs to 'Gowda' community and resides in an agency tract, viz., Lakshminarayanadevipet and therefore she is a member of a scheduled tribe. Consequently, the transfer made by the 4th respondent, who is a tribal, is in favour of a tribal and not in favour of a non-tribal and therefore, it is not null and void.....".

The correctness of this reasoning is called in question in this writ appeal preferred by the Government.

(Contd....)

B. Art. 342 of the Constitution empowers the President to specify tribes or tribal communities, which shall be deemed to be scheduled tribes for the purpose of the Constitution. It would be appropriate to read the article here:

"42. Scheduled Tribes:

- (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 tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be. (emphasis added)
- (2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification".

Accordingly, the President of India has issued the Constitution (Scheduled Tribes) Order, 1950. The Order, as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, being Central Act No.108 of 1976, reads as follows:-

"In exercise of the powers conferred by Clause (1) of Article 342 of the Constitution of India, the President after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:

- 1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.
- 2. The Tribal or tribal communities or parts of or groups within tribes or tribal communities, specified in Parts I to XII of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as members thereof resident in the localities specified in relation to them respectively, in those parts of that Schedule.
- 3. Any reference in this Order, to a State or to a district or other territorial division thereof shall be construed as reference to the State, district or other territorial division as constituted on the 1st May of 1976....." (emphasis supplied)

Then follows the Schedule, Part-I whereof pertains to Andhra Pradesh it is necessary to refer to certain entries in this Schedule.

Part-I. They are:-

- " xxx xxx xxx
- 7) Goudu (in the Agency tracts)
xxx xxx xxx
- 18) Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya
(ordinary), Kottu Koya, Bahi Koya, Rajkoya
xxx xxx xxx

(Contd.....)

The Presidential Order made under Art. 342 of the Constitution is imported into the Scheduled Areas Land Transfer Regulation, 1959 by virtue of the definition of "Scheduled Tribe" contained in clause (f) of Section 2, which reads:

"(f) 'Scheduled Tribe' means any tribe or tribal community or part of or group within any tribe or tribal community and specified as such in relation to the State of Andhra Pradesh by a public notification ~~made~~ by the President under Clause (1) of Art. 342 of the Constitution.

Article 15(4) of the Constitution permits the State to make special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Similarly, Art. 16(4) permits the State to make a provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the service under the State. Accordingly, the Government of Andhra Pradesh has issued G.O.Ms.No.1793 dated 23-9-1970 reserving 25% of the seats in certain professional Colleges, and 25% of the posts in the State and subordinate services of the Government of Andhra Pradesh, in favour of backward classes. The backward classes are sub divided into four groups, called Groups 'A', 'B', 'C' and 'D'. A list of backward classes, group-wise, is appended to the G.O. In Group-B, item 4 reads thus:-

"4. Ediga, Gowda (Gammala, Kalalee), Goundla, Sottibaliya of Visakhapatnam, East Godavari, West Godavari and Krishna Dist."

C. It would immediately be seen that there is a tribe called "Goundu" found only in the Agency tracts of this State, and that there is also a caste called "Gowda (Kalalee)" (also called Goundla) found throughout the State. Both are not same; One is a tribe, unpolluted by, and outside the Hindu caste system, while the other is a caste (Shudras) within the blighted caste system. They cannot be interchanged or mixed up. A tribal society is a homogeneous group in their way of life, whereas the caste group in their way of life, whereas the caste groups are heterogeneous culturally. Tribal societies are more segmentary in nature; they view their societies merely as component auto-nomous groups, similar in function and status, whereas the caste societies are more organic in that each caste is a part of an organic whole; its member provide necessary specialised functions for the whole. Again, while the tribesmen consider their society held together by kinship bonds and do not insist on heirarchical ordering, a caste ('Jati') society maintains non-kinship relations with other castes in the society, the relations within which are arranged in an order of dominance and dependence; (see David G. Mandelbaum: Society in India - Vol.I, pp. 578-579).

D. It would be evident from a reading of Art. 342 of the Constitution that, the President is empowered only to "specify the tribes or tribal communities or parts of or groups within tribes or tribal communities" which shall be deemed to be scheduled tribes for the purpose of the Constitution in relation to that state or Union Territory, as the case may be. It follows that only a tribe or tribal community, or a group therein, can be so specified. The Presidential Order issued thereunder does not purport to do more. It only specified certain tribes, tribal communities, or groups within tribes, as scheduled tribes in

(Contd.....)

CHECK LIST FOR ISSUE OF SCHEDULED TRIBE COMMUNITY
CERTIFICATE FOR PERSONS CLAIMING BELONGING TO KOYA OR
LINGADHARI KOYA (ORDINARY) TRIBE.

- I. Verified that the family of the applicant ordinarily resides in the village/twon/city which comes under the jurisdiction of competent authority.
- a) On the strength of village Assistant/Village Officer certificate (enclose certificate).
- b) Land record particulars survey No.
Location Patta No. Location.
- c) House particulars: Own House/Rented House
H.No. /Door No.
- d) Ration Card No.
- II. Verified the community claim of the applicant in the light of the guidelines issued on Koya or Lingadhari Koya Tribe.
- III. Satisfied that the Koya/Lingadhari Koya Community which the applicant claims to belong exists in the jurisdiction of the competent authority.
- a) On the basis of Census records.
- b) Information from Tribal Welfare Department.
- IV. Verified and satisfied that the applicant really belongs to the Koya/Lingadhari Koya (Ordinary) community to which he claims to belong.

V. GOVINDARAJAN,
SECRETARY TO GOVERNMENT.

:: True Copy ::

DESK OFFICER.

The Koya Prefix their clan name to their name invariably, clan is a vital Kinship and social institution which governs the marital relationship among Koyas. The phratribes and clans are exogamous. Marriage between the members of the same phratry is considered as incest. Therefore a member of phratry has necessarily to marry a woman outside phratry. Lingadhari Koya being a sub-tribe of Koya tribe possesses the same institutions and characteristics mentioned above. The only main difference that the Lingadahari Koyas once followed Saivisam and therefore they used to wear Siva Lingas around their neck. Hence the name Lingadhari Koya.

It has come to the notice of the Government that several people from outside the traditional habitat of the Koya tribe are claiming to be Lingadhari Koya in some cases as Koya and they are applying for issue of scheduled tribe certificates as Lingadhari Koya or Koya. The certifying officers are advised to exercise caution before issue of community certificates to such people from outside the traditional habitat of Koya tribe and carefully examine their claim before issue of community certificates. In this connection they are informed that there is a section of Balasanthu community which is called Bahurupi or Pagativeshagallu. They are traditional entertainers and caricaturists to the masses. They attire themselves like various mythological characters like Arthanariswara, Ramalakshman, Hanuman etc., They even started donning themselves as mendicants, fortune tellers etc. One of such 'Veshams' (guises) is that of Koya. They dress up as mendicants with hair knotted at the top and wearing coloured cloth as head band and sometimes wearing a peacock feather or some other feather and wearing a sacred thread across shoulder either with or without a linga and coloured beads. They have been canvassing that they are Koyas or Lingadhari Koyas even though in reality they belong to a section of Bala Santhu. Bala is divided into number of sub-groups on the basis of / Santhu their specialization. Each of the sections of Bala Santhu is divided into a number of exogamous septs or intiperus. Some of the prominent intiperus or exogamous septs of this community are as follows:-

- | | |
|----------------|-------------------------------------|
| 1. Chithari | 2. Vibhuti |
| 3. Rudraksha | 4. Varanasi or Vanarasi or Anarasi. |
| 5. Pastham | 6. Dokka |
| 7. Aswa | 8. Doopam |
| 9. Sirigiri | 10. Bayalupati |
| 11. Billagolla | 12. Sankula |
| 13. Peloori | 14. Siriwati |
| 15. Mavella | 16. Thurpati |
| 17. Bhutham | 18. Sankuru |
| 19. Deepak | 20. Nune |
| 21. Kappera | 22. Mathe |

23.

- | | |
|------------------|-----------------|
| 23. Toku | 24. Chaduvula |
| 25. Barthakaya | 26. Kallem |
| 27. Parre | 28. Sirsala and |
| 29. Vodurukollu. | |

The persons belonging to each of the surnames (Iatiperus) prefix their names with their respective intiperus. Therefore the community of the people claiming to belong to Lingadhoru Koya or Koya can be identified with the help of their surnames.

V. GOVINDARAJAN,
SECRETARY TO GOVERNMENT.

// TRUE COPY //

DESK OFFICER.

A P P E N D I X

GUIDELINES FOR THE USE OF CERTIFICATE OFFICERS TO EXAMINE CLAIMS OF CERTIFICATE SEEKERS ORDER THE NAME LINGADHARI KOYA (ORDINARY) OR KOYA TRIBE.

In the list of Scheduled Tribes issued under Constitution (Scheduled Tribes) Order, 1950 as amended from time to time under the Acts of Parliament, Koya tribe is listed as Scheduled Tribe along with its sub-tribes at serial Number 18 for the State of Andhra Pradesh. The entry No.18 in the Part - I- Andhra Pradesh of the Second Scheduled to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 read as follows:

18. Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya (Ordinary), Kotta Koya, Bhine Koya, Raj Koya.

It is clear from the above that Lingadhari Koya is not listed as scheduled tribe separately. The Supreme Court in Dedaji alias Dina Vs. Sukhdey Babu (AIR, 1980 SC 150) after referring to the statement of objects and reasons of the Amendment Act 108 of 1976 and also the report of Joint Committee of Parliament held as follows:

"The reading of the Scheduled to the order also shows that where there are two communities with the same name one having the affinity with a tribe and the other not having any thing to do with such tribe and both are treated as Scheduled Tribes, the community which has affinity with another tribe is shown along with it in the same group against the single entry and the other is shown against the different entry. This is illustrated by the inclusion of Koya community having affinity with the Gonds in the entry No.18 and the Koya community having no such affinity in the entry No.35 of Part IX of the Scheduled to the Order. If the Parliament intended to treat the appellant community as a Scheduled Tribe it would have shown "Mana" community under separate entry. No such entry is found in the Schedule".

It is further held that:-

"In certain entries only one community is mentioned and in certain others, two or more communities are mentioned. It is obvious that certain communities have been grouped together under a single entry in the light of Article 342 of the Constitution which requires parts or groups within a tribal community also to be specified in the order issued there under. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them".

It is clear from the above that names listed at an entry in the list of scheduled tribes issued under second schedule to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 must be considered as the names of the sub-tribes or synonymous groups of

the tribe first listed of the same entry. "Lingadhari Koya" is listed along with Koya tribe at Sl.No. 18 in the list of Scheduled Tribes for the State of Andhra Pradesh given in Part-I of the Second Schedule to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. Lingadhari Koya listed along with Koya Tribe in the above list is therefore a Sub-tribe of Koya tribe. Koya tribe is one of the largest tribes of Andhra Pradesh inhabiting the forest tracts flanking the river Godavari and its tributaries. Its traditional habitat extends in the Godavari valley from Mahadevpur taluk in Karimnagar district on the Southern flank of river Godavari and Singur taluk in Adilabad district on the northern flank of river Godavari to Polavaram taluk in West Godavari district on the Southern flank of river Godavari and Rampachodavaram and Yellavaram taluks on the northern flank East Godavari district covering en-route Mulug and Narasampet taluks in Warangal district and Manugur, Boorgamphad, Kothagudem, Aswarapet taluks in Khammam district on the southern flank and Bhadrachalam on the northern flank of river Godavari. Koya tribe calls itself 'Koitur' in their dialect. In the districts of Khammam and Warangal they are called 'Dora Sattam' while they are called 'Koya Doras' in East Godavari district. The Koya tribe is divided into a number of sub-tribes on the basis of their traditional occupation and the places of their habitation. Lingadhari Koya is one of the subtribes of Koya tribe. Each of the sub-tribes is divided into five phratribes viz.

1. Mudo Gatta.
2. Nalugo Gatta.
3. Aido Gatta.
4. Aro Gatta.
5. Edo Gatta.

Each of these gattas is divided into a number of exogamous clans. The important clans on each phratry of the Koya tribe are as follows.

| Name of the Phratry. | Name of the clans. | Name of the deities. |
|----------------------|--|-------------------------------------|
| 1. Mudo gatta | Korsa, Kursan, Madakam, Tellam, Punem. | Yadama Raju, Katama Devi, Muga Paju |
| 2. Nalugu gatta | Persika, Soyam, Payam, Kunja. | Paidigidda Raju. |
| 3. Aido gatta | Godem, Voelike, Chinthem, Poosam. | Mamilli. |
| 4. Aro gatta | Podium, Savalam, Komaram, Kattam, Karam. | Verinella Musalayya Darela |
| 5. Edo gatta | Paddam, Koram, Muchiki, Modium, Tosam. | Kama Raju Mara Devi |

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department - Caste/Community
Certificate - Procedure in regard to issue of certificate
in respect of Lingadhari Koya (Ordinary)/Koya Tribe -
Instructions Issued - Amendment to G.O.Ms.No.289,S.W.
Department, dt: 28.11.86 - Issued.

SOCIAL WELFARE (J) DEPARTMENT

G. O. Ms. No. 138.

Dated: 29.5.1991.

Read the following:-

1. G. O. Ms. No. 289. S. W. Dept., dt: 28.11.1986.
2. Govt. Memo. No. 19410/S2/90-1, dt: 26.2.1991.

-: O: -

ORDER:-

Comprehensive instructions were issued in the
G.O. first cited as to the procedure to be followed in
regard to issue of community certificates to the members
of Scheduled Castes/Scheduled Tribes/Backward Classes.

2. Subsequently, orders were issued in the reference
second cited in respect of Lingadhari Koya (Ordinary)/
Koya community prescribing the procedure to be followed
for issue of community certificates to the members of
the said tribe.

3. The following amendment is therefore, issued to
the orders issued in G. O. Ms. No. 289. S. W. Department,
dt: 28.11.1986.

A M E N D M E N T

In the said Government Order under the sub-heading
'Authority competent to issue certificates' after item
(IV), the following item shall be added; namely:-

(V). In respect of Lingadhari Koya (Ordinary)/Koya
community against Sl.No.18 of the list of Scheduled
Tribe issued under second scheduled to the Scheduled
Caste and Scheduled Tribe Orders (Amendment) Act, 1976,
only the officers not below the rank of Revenue Divisional
Officer or Sub-Collector of the Division/Collector of
the District in whose jurisdiction the community certificate
seekers claim nativity, are empowered to issue community
certificates duly examining the claim of certificate
seekers with reference to the check-list and guidelines
appended herewith.

(BY ORDERS AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. GOVINDARAJAN,
SECRETARY TO GOVERNMENT.

The Commissioner of Social Welfare,
Andhra Pradesh, Hyderabad.

The Director of Tribal Welfare,
Andhra Pradesh, Hyderabad.

The Commissioner of Backward Classes Welfare,
Andhra Pradesh, Hyderabad.

All Heads of Departments,

Registrar, High Court of Andhra Pradesh, Hyderabad,

The Registrar, Andhra University/ Sri Venkateswara
University/ Osmania University/ Andhra Pradesh
Agriculture University/ Jawaharlal Neharu
Technical University/ Open University, Andhra
Pradesh.

Copy to:

The Secretary to Government of India,
Ministry of Welfare, New Delhi.

The Director for SCs & STs, Government of India,
Madhuranagar, Hyderabad.

All Departments of Secretariat.

G.A. (Pol.B.) Department,

P.S. to Ministers (SW)/ (TW).

P.S. to Secretary (SW).

P.S. to Chief Minister

SF/SC.

// FORWARDED BY ORDER //

DESK OFFICER,

Parliament will be defeated if the parties are permitted to adduce evidence to show that unenumerated communities are also included in the list. We think that the judgment of the learned single judge mixes up the two distinct concepts and entitles, viz., "tribe" and "caste" - 'Goudus' and 'Gowdas' - and treats them as interchangeable which, in our opinion, is not correct.

F. We are also of the opinion that the view taken in the judgment under appeal opens up a broad vista for mischief. Since the Presidential notification does not say that the residence within the Agency tracts should be with reference to a particular date or year, it would be open to all or any of the members of Gowda/Goundla/Kalali community all over the State to set up a small residence, or purchase a small piece of land anywhere in the Agency tract and then claim that they are all members of 'Goudu' scheduled tribe. It would give rise to several anomalous situations. Of the two brothers, one would be a member of the scheduled tribe if he resides in an Agency tract, and the other ~~would~~ not be a member of scheduled tribe (but a member of backward class) because he resides outside an Agency tract. We are sure, the President when he issued the notification, or the Parliament when it amended the notification, could never have contemplated permitting such an eventuality, it is well known that members of 'Gowda' caste are spread all over the State; that, their main occupation is toddy tapping; that, they have got 'toddy tappers' societies spread all over the State and that, some of them are very rich and big contractors, taking contracts worth millions of rupees. It would be curious if such persons are converted into scheduled tribes overnight by simply setting up a residence anywhere in the Agency Tracts in the State.

G. For the above reasons, we are of the opinion that the 1st respondent who, according to her own certificate, belongs to Gowda caste (which is enumerated as one of the backward classes by the Government of Andhra Pradesh) is not, and cannot become, nor can she be treated as a member of the scheduled tribe 'Goudu', though she is a resident of a village ~~in~~ within an Agency tract.

The writ appeal is, accordingly allowed and the judgment of the learned single judge is set aside. There shall be no order as to costs. Advocate's fee: Rs.250/-.

Sd/- T.G. Krishnamachary,
Addl. Dy. Registrar

// True copy //

P. P. Gouda
Section Officer.

certain localities or States, as the case may be, for the purpose of the Constitution. Before any group, community, or tribe is specified in the schedule, it must be a tribe, tribal community, or a group within the tribe or tribal community, as the case may be. The power conferred by ~~Article~~ Art. 342 of the Constitution does not extend to converting the non-tribals into tribals even for the purpose of the Constitution. The power is merely to specify not to create or convert. In other words, a person or a member of a backward class who does not belong to a tribe, tribal community or a group within the tribe or tribal community, cannot be specified by the President as a member of a scheduled tribe for the purpose of the Constitution, nor does the President purport to do so.

4. Applying the above principles to the facts of this case, it must be held that the 1st respondent who, according to the certificate produced by her self, "belongs to Kalali (Gowds) caste which is included in the list of Backward Classes" cannot be come or be treated as, or be transformed into a member of a scheduled tribe called "Goudu". Till 1950 - or for that matter, till 1956 she was admittedly not a member of scheduled tribe, called "Goudu" she was only a member of a backward caste called "Gowda (Kalalee)" if so, even thereafter, she continues to be a Gowda. The Kalali ~~ifxxxxxxxtheafterxxxxxxx~~ (Gowda) caste to which she belongs, is entirely different and distinct from the Goudu tribe found in the Agency Tracts of this State. We are unable to agree with the learned single Judge that all the members of Kalali (Gowda) caste, who belong to the 'Shudra (caste in the Hindu caste-system, automatically go out of their caste and the caste system altogether, and become members of a scheduled tribe merely by virtue of ~~their~~ their residence in an Agency Tract. Suppose, tomorrow, the 1st respondent shifts her residence to a place outside the Agency tracts, whether she would continue to be a member of a scheduled tribe, or will she revert back to her original caste and the caste system? Belonging to a tribe is a matter of birth; not of choice - nor a matter of law. The Presidential Order does not purport to do all this, and there are no reasons to attribute such a meaning or intent to it. Indeed, placing such a construction upon the Presidential Order would make it ultravires the powers of the President under Art. 342. We are of the opinion that the learned single Judge was not right in treating the Gowda caste mentioned in the list of backward classes, and the ~~Goudu~~ Goudu tribe in Agency tracts, as one and the same. Not only there are Goudus in the Agency tracts, mentioned under item 7 of the Presidential Order, but there is also a separate tribal group, called 'Goud', mentioned under item 18 of the Presidential Order. Both of them are tribes, and not castes. In this context, it is well to remember that the Hindu Caste system has, fortunately, not percolated into these tribes or tribal communities. These tribes are entirely outside the caste system, even distinct and apart from the scheduled castes which too are outside the four-tiered caste system.

We shall now briefly refer to certain characteristics, customs and practices which mark off the Goudus (tribesmen) from Gowdas, who are plains people. The material set out hereinafter is mainly drawn from the celebrated treatises "Castes and Tribes of Southern India" by E. Thurston, Vol. II (pp. 253 (Gmala); 269 (Gouda), and 273 (Goudo), and "The Castes and Tribes of H.E.H. The Nizam's Dominions" by syed Sirajul Hasan, Following

characteristics, customs and practices of the Goudu Tribe, and Gowda Caste;

Gouds are mainly pastoral tribe found in scheduled areas of Srikakulam, Vizianagarām and Visakhapatnam districts. (According to 1971 census, their population is 6,256). They are also found in the adjoining parts of Orissa State; their main occupation is breeding of cattle; they are conspicuous by their primitive traits, distinct culture, geographical isolation, extreme backwardness, and shyness of contact. Besides rearing cattle, they collect tubers and roots and thus partly subsist by flora and fauna of the nature; they acquire their mates by capture, an institution which was prevalent in ancient times. They speak a corrupt form of Oriya; they are divided into totemic clans; they worship 'Sanku Devudu', 'Jakari Devata', 'Nishani Devata', etc. They live in forests, isolated from the main stream of the society. They are extremely backward, surviving at a mere subsistence level; besides breeding cattle, they also undertake slash and burn cultivation on hill slopes; men wear traditional style; the percentage of literacy among them is very low; they are very shy of contacting others, and whenever non-tribals approach them, they recede into forests.

As against the above, the Goudas (a caste included in the backward classes who are also known as 'Gammala', 'Gamandla', 'Goundla', 'Kalalee', and 'Ediga') are mainly toddy-tappers and vendors of arrack, found throughout the former State of Hyderabad, and throughout the State of Andhra Pradesh. They are included as backward classes under Group 'B', at serial No. 4 in the approved list of socially and educationally backward classes notified by the Government of Andhra Pradesh in G.O.Ms.No. 1793, dated 23-9-1970.

There are no matrimonial or commensal relations between the Goudus living in the Agency tracts, and the Gowdas/Goundlas/Kalalis living in the plains throughout the State. They are two distinct groups with diversity of culture and way of living.

A Judgment of another learned single Judge of this Court in G.Venkateswara Rao Vs. District Collector, Khammam (1) AIR 1985, andhra Pradesh, 15 is brought to our notice, where the learned judge hold that G.O.Ms.No. 447 dated 10-7-1979 is beyond the powers of the Government. The learned Judge was of the opinion that "It is not permissible to draw the distinction that the Gouda community whose occupation is toddy-tapping or the tribes who are cattle breeders should come within the particular enumerated item, or not the petitioner who belongs to the Goud community in respect of agency tracts is entitled to a certificate showing his community as a scheduled tribe within the meaning of item 7 of the second schedule to Act 108 of 1976; (amendment to the Presidential Order).....". The learned judge purported to follow the Bench decision of this Court in PRINCIPAL, GUNTUR MEDICAL COLIEGE VS. PANDURANGA RAO (2) AIR 1983, andhra Pradesh, 339; but, we find that the said Bench decision merely stated that it is not permissible for the Court to embark upon an enquiry about the possible sub-tribes and synonyms of a tribe not mentioned in the Presidential Order, in as much as the main object of the Presidential Order and the subsequent notification of the lists by the

