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Revised Edition

# GIRIJAN SAMSKRITI

## **A SPECIAL ISSUE ON SCHEDULED TRIBE COMMUNITY CERTIFICATES**

(Acts, Govt. Orders, Guidelines, Court Judgments etc.)

**O.S.V.D. PRASAD, M.Sc.,  
Director**

**TRIBAL CULTURAL RESEARCH AND TRAINING INSTITUTE,  
TRIBAL WELFARE DEPARTMENT  
GOVERNMENT OF ANDHRA PRADESH  
HYDERABAD**



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ISSUANCE OF SCHEDULED TRIBE  
CERTIFICATES  
(Acts, Govt. Orders, Guidelines, Court Judgments)

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DEC, 2009

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## THE CONSTITUTION OF INDIA AND SCHEDULED TRIBES

Since the Scheduled Tribes are vulnerable for exploitation and are also socially, educationally and economically backward, the Constitution of India provides for both protection and development of these historically backward communities.

Article 342 of the Constitution of India reads as follows :

342(1) The president may with respect to any state or union territory and where it is a state after consultation with Governor thereof, by public notification, specify the tribes or tribal communities or parts or groups within tribes or tribal community 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.

(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 parts of or groups 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.

In exercise of powers conferred under Art, 342 (1), President of India made the Constitution (Scheduled Tribes) Order 1950, notifying certain tribes as Scheduled Tribes in respect of each State or Union Territory for the purpose of the Constitution. The list of the Scheduled Tribes issued under the said Order in respect of Madras State includes 40 Scheduled Tribes While 9 Scheduled Tribes are notified in respect of Hyderabad State. The Andhra region of the present day Andhra Pradesh state was a part of the then Madras state. The list of Scheduled Tribes issued in the Constitution (Scheduled Tribes) Order, 1950 has been amended during September 1956 by the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1956 wherein 23 Tribes have been notified as Scheduled Tribes Throughout the State and 3 Tribes in Agency tracts in respect of Andhra State.

In pursuance of the provisions of the State Reorganization Act, 1956, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 has been amended by the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956. Under the said orders the area restrictions have been imposed in respect of all the tribes except in respect of tribal groups viz., Chenchu and Koya in Andhra Pradesh State.

The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, has amended the Scheduled Castes and Scheduled Tribes (Modification) Order, 1956 under which 33 tribes have been notified as Scheduled Tribes in respect of the Andhra Pradesh State.

The provisions under the Fifth Schedule to the Constitution of India empowers the Governor to make any law of the Central or State Government inapplicable to any Scheduled Area or any part thereof or to make it applicable with such modifications as he may consider necessary through a notification.

Governor is also empowered to make any regulation for peace and good governance of Scheduled Areas in consultation with the Andhra Pradesh Tribes Advisory Council. These Regulations however will come into force after assent of the President of India.

Under para 6 of the Fifth Schedule to the Constitution of India, the President of India may by order declare any area as Scheduled Area.

# 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 orders can be modified subsequently only through an Act of Parliament. The above article also provides for listing of Scheduled Tribes State / Union Territory wise and not on an all India basis.

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.

## **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 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 areas 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 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 of 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, under 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 Dileep 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\*

- |  |  |   |
|--|--|---|
| <p>(1) Balmor, Kondnagol, Banal, Bilakas, Dharawaram, Appaipalli, Rasul Cheruvu, Pullechelma, Marlapaya, Burj Gundal, Agarla Penta, Pullaipalli, Dukkan Penta, Bikit Penta, Karkar Penta, Boramacheruvu, Yemlapaya, Irlapenta, Mudardi Penta, Terkaldori, Vakaramamidi Penta, Medimankal, Pandibore,</p> | <p>Sangrigudnal, Lingabore, Rampur, Appapur, Malapur, Jalal Penta, Piman Penta, Railet, Vetollapalli, Patur Bayal, Bhavi Penta, Naradi Penta, Tapasi Penta, Chandragupta, Ullukatrevu, Timmareddipalli, Sarlapalli, Tatigundal, Elpamaehena, Kollam Penta, Mannanur, Macharam, Malhamamidi</p> | <p>Venakteshwarla Bhavi, Amrabad, Tirimalapur, Upnootola, Madhavanpalli, Jangamreddi Palli, Pedra, Venkeshwaram, Chitlankunta, Lachmapur, Udmela, Mared, Ippalpalli, Maddimadag, Akkaram, Ainol, Siddapur, Bamanpalli, Ganpura and Manewarpalli Villages of <b>Achampet Taluq of Mahbubnagar District</b></p> |
| <p>(2) Malia Borgava, Ankapur, Jamul Dhari, Lokari, Vanket, Tantoli, Sitagondi, Burnoor, Navgaon, Pipal Dari, Pardi Buzurg, Yapalguda, Chinchughat, Vankoli, Kanpa, Avasoda Burki, Malkapur, Jaree, Palsi Buzurg, Arji Khurd, Nandgaon, Vaghapur, Palsikurd, Lingee, Kaphar</p>                          | <p>Deni, Ratnapur, Kosai, Umari, Madanapur, Ambugaon, Ruyadee, Sakanapur, Daigaon, Kaslapur, Dorlee, Sahaij, Sangvee, Khagdoor, Kobai, Ponala, Chaprala, Mangrol, Kopa, Argune, Soankhas, Khidki, Khasalakurd, Khasalabuzurg, Jamni, Boregaon, Sayeedpur, Khara</p>                            | <p>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 <b>Adilabad Taluq of Adilabad District</b></p>                                     |
| <p>(3) Ambari, Bodri, Chikli, Kamtala, Ghoti, Mandwa, Maregaon, Malborgaon, Patoda, Dahigaon, Domandhari, Darsangi, Digri, Sindgi, Kanakwari, Kopra, Malakwadi, Nispur, Yenda, Pipalgaon, Bulja, Varoli, Anji, Bhimpur Sirmeti, Karla,</p>   | <p>Kothari, Gokunda, Gogarwudi, Malkapur, Dhonora, Rampur, Patri, Porodhi, Boath, Darsangi, Norgaon, Unrsi, Godi, Souarkher, Naikwadi, Sarkani, Wajhera, Mardap, Anjenkher, Gondwarsa, Palaiguda, Karalgaon, Palsi, Patoda, Javarla, Pipalgaon</p>   | <p>Kanki Singora, Dongargoan, Pipalsendha, Jurur, Minki, Tulsi, Machauder Pardhi, Murli, Takri, Parsa, Warsa, Umra, Ashta, Hingni, Timapur, Wajra, Wanola, Patsonda, Dhanora, Saku and Digri villages of <b>Kinwat taluq of Adilabad District</b></p>   |
| <p>(4) Hatnur, Wakri, Pardhi, Kartanada, Serlapalli, Neradikonda, Daligaon, Kuntala, Venkatapur, Hasanapur, Surdapur, Polmamda, Balhanpur, Dharampuri, Gokonda, Bhotai, Korsekal, Patnapur, Tejapur,</p>   | <p>Guruj, Khahdiguda, Rajurwadi, Ispur, Ghanpur, Jaterla, Khantegaon, Souri, Ichoda, Mutnur, Gadi Hatnur, Talamedee, Gerjam, Chincholi, Sirchelma, Mankapur, Narsapur, Dharmapur, Harkapur</p>   | <p>Dhampur, Nigni, Ajhar Wajhar, Chintalbori, Chintakarvia, Rampur, Gangapur and Gayatpalli, villages of <b>Boath taluk of Adilabad District</b></p>  |
| <p>(5) All villages of Utnur Taluq of Adilabad District</p>  |  |   |

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\* 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

- (6) Rajampet, Gunjala, Indhani, Samela, Tejapur, Kannargaon, Kantaguda, Shankepalli, Jamuldhari, Gundi, Charpalli, Saleguda, Wadiguda, Savati Dhaba, Chopanguda, Nimgaon, Khirdi, Metapipri, Sakra, Sangi, Devurpalli, Khotara - Ringanghat, Nishani, Kota Parandoli, Mesapur, Goigaon, Dhanora, Pardha, Surdapur, Kerimeri, Murkilonki, Devapur, Chinta, Karra, Jheri, Ara, Dasnapur, Kapri, Belgaon, Sirasgaon, Moar, Wadam, Dhomriguda, Dollanpur, Chalwardi, Jhodeghat, Balijhari, Sakamgundi, Ara, Uppal Naugaon, Anksorpur, Chirakunta, illipita Dorli, Mandrumera, Dantanpalli, Deodurg, Tunpalli, Dhagleshwar, Padibanda, Tomrin, Malangundi, Kandan Moar, Geonena, Kuteda
- (7) Gudem, Kasipet, Dandepalli, Chelompeta, Rajampet, Mutiempet, Venkatapur, Rali, Kauwal Tarapet, Devapur, Gathapalli, Rotepalli, Mandamari, Dharmaraopet, Venkatapur, Chintaguda and
- (8) Bendwi, Chincholi, Goigaon, Hirapur, Sakri, Balapur, Manoli, Antargaon, Wirur, Dongargaon, Timbervai, Serse, Badora, V.Marjeeri, Lakarkot, Ergaon, Kirdi, Sondo, Devara, Khorpana, Kanargaon, Chennai, Kairgaon Samalhira, Dhanoli, Marnagondi, Yellapur, Katalbori, Isapur, Devti Panderwani, Wansari, Perda, Wargaon Nokari, Mirapur, Pardhi, Kutoda, Parsewara, Mangalhra, Karki, Nokari, Manoli, Sonapur, Inapur
- (9) Ralapet, Kistampet, Takalapalli, Chakalpalli, Anaram, Bhepalli, Karsni Isgaon, Chintaguda, Ankora, Usurampalli, Arpalli Bopalpatnam, Balasaga, Pardhi, Tumrihati, Chintalmanopalli, Chintam, Gullatalodi, Damda, Dhorpalli, Kanki Garlapet, Gudlabori
- (10) Kannaiguda, Ankannaguda, Raghavpatnam, Medarmiola, Koetla, Parsa Nagaram, Muthapur, Motlaguda, Venglapur, Yelpak, Koneboenpalli, Medaram Kondred, Chintaguda, Kandaparthi, Yelsethipalli, Allavammarighunpur, Rampur, Malkapalli, Chettial, Bhupathipur, Gangaram, Kannaiguda, Rajannapet, Bhutaram, Akkela, Sirvapur Gangaram Bhupathipur, Pumbapur, Rampur, Ankampalli, Kamaram, Kamsttigudam, Ashnaguda, Yellapur, Allaguda, Narsapur, Puschapur, Bhattupalli, Lavnal, Vadduguda, Kothur, Pegdapalli, Srwapur, Bhussapur, Chelvai, Rangapur Govindraopet, Ballapali, Dhumpallaguda, Kelapalli, Lakhanavaram, Pasra, Gonepalli, Padgapur, Narlapur
- (11) Vebelli, Polara, Bakkachintaphad, Ganjad, Thirmelguda, Gopalpur, Khistapur, Tatinari Venpalli, Pattal Bhoopati, Chandelapur, Battalpalli, Advarampet, Satiahnagar, Dutla, Mothwada, Mangalawarpet, Karlai, Arkalkunta, Kodsapet, Gunderpalli, Kondapuram, Pogulapalli, Govindapuram, Makadapalli, Pagulapalli, Murroigudem, Yelchagudem, Tummapuram, Jangamvartigudem, Rangagudem, Peddalapalli, Yerrovaram, Kundapalli, Neelampalli, Daravarinampalli, Karnegund, Tilani, Kanepelli, Bordoum Telundi, Mougi 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 **Lakshettipet taluq or Adilabad District**
- Mangi, Uparwai, Tutta, Lakmapur, Kirdi, Injapur, Jamni, Hargaon, Chikli, Patan, Kosundi, Kotara and Sonarli villages of **Rajura taluq of Adilabad District**
- Gurmpet, Lomveli, Mogurdagar, Wirdondi and Chilpurdubor villages of **Sirpur taluq of Adilabad District**
- Kalvapalli, Uratam, Kondia, Maliat, Aclapur, Dodla, Kamaram, Tadvai, Boodiguda, Bannaji, Bandam, Selpak, Kantalpalli, Sarvai, Gangaguda, Tupalkalguda, Akulvari, Ghanpur, Shahpalli, Gagpelli, Chinna-beonpalli, Venkatapur, Narsapur, Anvaram, Lingal, Ballepalli, Bandal and Thunmapur Villages of **Mulug Taluq of Warangal District**
- Chintagudem, Nilavancha, Kongargidda, Madagudem, Dalurpet, Kothagudem, Katapalli, Durgaram, Dubagudem, Rudravaram, Narsugudem, Komatlagudem, Katervam, Semar Rajpet, Marepalli, Goarur, Radhiapur, Gazalgudem,

Masami, Battavartigudem, Mamidigudam, Pangonda, Roturai, Satreddipalli, Konapur  
Mahadevagudem, Marrigudem, Jangalpalli, Bavarguda, Oarbak, Gangaramam, Mucherla Amaroncha, Kamaroam  
Rajvepalli and Bollypalli villages of Narsampet taluk of Warangal District

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

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

(14) Visakhapatnam Agency area (i) devipet, Pachigantikothagudem, Rajupeta Agraharam and (excluding the areas comprised in the Golugondapeta, Gunupudi, Kondavatipudi Agraharam in the villages of agency Lakshnipuram, Gummudukonda, Sarabhupala patnam, Vadurupalli, Pedapatnam, Jaggampeta) (ii) (Sarabhupathi agraharam, Ramachandra Visakhapatnam district

(15) East Godawari agency area 2 (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 CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

C.0.22 - 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 or 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 there of 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. Bhottadas - Bodo Bhottada, Muria Bhottada and Sano Bhottada
4. Bhumias - Bhuri Bhumia and Bodo Bhumia
5. Chenchu
6. Gadabas - Boda Gadaba, Cerllam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Pranga Gadaba
7. Gondis - Modya Gond and Rajo Gond
8. Goudus - Bato, Bhirthya 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. Konda Reddis
22. Kondhs - Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs

23. Kota
24. Kottia - Bartika, Benth Oriya, Dhulia or Dulia, Holva Paiko, Purttiya - Sanrona and Sidho Paiko
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.

### **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 Mannervaru)
7. Koya (including Bhine Koya and Raj Koya)
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 25<sup>th</sup> 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 1 - ASSAM", insert

#### "PART I - ANDHRA"

#### Throughout the State :

1. Bagata
2. Chenchu
3. Gadabas
4. Jatapus
5. Kammara
6. Kattunayakan
7. Konda Dhoras
8. Konda Kapus
9. Konda Reddis
10. Kondhs (Kodi and Kodhu), Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs
11. Kotia - Benthoriya, Bartika, Dhulia or Dulia, Holva, Paiko, Putiya, Sanrona 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 tracts :**

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

// True Copy //

**MINISTRY OF HOME AFFAIRS  
NOTIFICATION**

**New Delhi, the 29th October, 1956**

S.R.O. 2477 A - 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)]**

Modification 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 to a district or other territorial division there of 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, Mahabubnagar, 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 - Benthoriya, 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

**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 Mannervaru)
6. Pardhan
7. Thoti

**4. In the Agency tracts :-**

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

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

**No. 108 of 1976**

18<sup>th</sup> 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 necessiated by such inclusion or 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.

**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
12. Kolam, Mannervarlu
13. Konda Dhoras
14. Konda Kapus

15. Konda Reddis
16. Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs
17. Kotia, Benth Oriya, 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
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 ||

**GOVERNMENT OF INDIA**

**MINISTRY OF LAW**

New Delhi, dated the 07-01-2003

The following Act of parliament received the assent of the Parliament on 07-01-2003 and is hereby published for general information.

**THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS  
(AMENDMENT) ACT, 2002**

**Act No. 10 of 2003**

**AN ACT**

to provide for the inclusion in the lists of Scheduled Tribes, of certain tribes or tribal communities or parts of or groups within tribes or tribal communities equivalent names or synonyms of such tribes or communities, removal of area restrictions and bifurcation and clubbing of entries; imposition of area restriction in respect of certain castes in the lists of Scheduled Castes, and the exclusion of certain castes and tribes from the lists of Scheduled Castes and Scheduled Tribes, in relation to the States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Orissa, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows :-

1. This Act may be called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.
2. In this Act, unless the context otherwise requires :-
  - (a) "Scheduled Castes Order" means the Constitution (Scheduled Castes) Order, 1950 made by the President under article 341 of the Constitution.
  - (b) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978 made by the President under article 342 of the Constitution.
3. The Scheduled Castes Order is hereby amended in the manner and to the extent specified in the First Schedule.
4. The Scheduled Tribes Orders are hereby amended in the manner and to the extent specified in the Second Schedule.

Contd...

## THE SECOND SCHEDULE

(See Section 4)

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

(a) in PART I - Andhra Pradesh,

- (i) in entry 1, after "Andh", insert "Sadhu Andh";
- (ii) in entry 4, omit "Chenchwar";
- (iii) in entry 5, at the end, insert "Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba";
- (iv) in entry 6, at the end, insert "Koitur";
- (v) in entry 12, for "Mannevarlu", substitute "Kolawar";
- (vi) in entry 13, at the end, insert "Kubi";
- (vii) in entry 16, at the end, insert "Kuinga";
- (viii) in entry 17, omit "Dhulia, Paiko, Putiya";
- (ix) in entry 18, for "Goud", substitute "Doli Koya, Gutta Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya";
- (x) in entry 29, at the end, insert "Banjara";
- (xi) in entry 31, for "Agency tracts", substitute "Scheduled Areas of Vishakapatnam, Srikakulam, Vizianagaram, East Godavari and West Godavari Districts";
- (xii) in entry 32, at the end, insert "Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi";
- (xiii) in entry 33, at the end, insert "Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula";
- (xiv) after entry 33, insert -
  - "34. Nakkala, Kurvikaran
  35. Dhulia, Paiko, Putiya (in the districts of Vishakapatnam and Vizianagaram)."

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) ACT, 2002  
Act No. 10 of 2003 Dated 07-01-2003

(List of Scheduled Tribes in A.P. - for the guidance of certificate issuing authorities)

1. Andh, Sadhu Andh
2. Bagata
3. Bhil
4. Chenchu
5. Gadaba, Bodo Gadaba, Gutob Gadaba, Kallayi Gadaba, Parangi Gadaba, Kathera Gadaba, Kapu Gadaba
6. Gond, Naikpod, Rajgond, Koitur
- 7\*. Goudu (in agency tracts)
- 8\*. Hill Reddis
9. Jatapus
- 10\*. Kammara
11. Kattunayakan
12. Kolam, Kolawar
- 13\*. Konda Dhoras, Kubi
- 14\*. Konda Kapus
- 15\*. Kondareddis
16. Kondhs, Kodi, Kodhu, Desayakondhs, Dongriakondhs, Kuttiyakondhs, Tikiriakondhs, Yenitykondhs, Kuinga
- 17\*. Kotia, Benthoriya, Bartika, Dulia, Helva, Sanrona, Sidhopaiko
18. Koya, Doli Koya, Guttu Koya, Kammara Koya, Musara Koya, Oddi Koya, Pattidi Koya, Rajah, Rashakoya, Lingadharikoya (ordinary), Kottukoya, Bhinekoya, Rajkoya
19. Kulia
20. Malis (excluding Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal Districts)
- 21\*. Manna Dhora
22. Mukha Dhora, Nooka Dhora
- 23\*. Nayaks (in the Agency tracts)
24. Pardhan
25. Proja, Parangiperja
- 26\*. Reddi Dhoras
27. Rona, Rena
28. Savaras, Kapu Savaras, Maliya Savaras, Khutto Savaras
29. Sugalis, Lambadis, Banjara
- 30\*. Thoti (In Adilabad, Hyderabad, Karimnagar, Khammam, Mahbubnagar, Medak, Nalgonda, Nizamabad and Warangal Districts)
- 31\*. Valmiki (Scheduled Areas of Visakhapatnam, Srikakulam, Vizianagaram, East Godavari and West Godavari Districts)
32. Yenadis, Chella Yenadi, Kappala Yenadi, Manchi Yenadi, Reddi Yenadi
33. Yerukulas, Koracha, Dabba Yerukula, Kunchapuri Yerukula, Uppu Yerukula
34. Nakkala, Kurvikaran
- 35\*. Dhulia, Paiko, Putiya (in the Districts of Visakhapatnam and Vizianagaram)

(\* Certificates should be issued by R.D.O/Sub-Collector or Asst. Collector concerned in non-Scheduled areas)



**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. 16 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 there with or incidental there to.

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 organizations 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. (i) 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 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 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 in to 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 belong 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.

### **Community certificate to be issued by competent authority**

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.

### **Cancellation of false community certificate**

5. (1) Where, before or after the commencement of this Act a person not 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 there of 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 office 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.

### **Power of revision by Government**

8. (1) The Government may, at any time, either suo-moto or on an application made to them within the prescribed period, call 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, 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 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) filling 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.

**Benefits secured on the basis of false community certificate to be withdrawn**

11. (1) Whoever not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes secures admission in any educational institution 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 certificate**

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 officers 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 Tribes secures any benefit or protection intended for a member of 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 to five thousand rupees.

**Penalty for issuing a false community certificate**

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 up to 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.

**Penalty for a betters**

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

**Offences to be tried summarily Central Act II of 1974**

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

**Offences under the Act. to be cognizable. Central Act II of 1974**

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

**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 there with 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 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.

**Transitional  
Provision**

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.

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

**SECTIONS AND RULES RELEVANT TO COMPETENT AUTHORITIES**  
**UNDER THE ACT 16 OF 1993 AND RULES THERE UNDER**

The sections in the Act 16 of 1993 and rules there under relevant to the competent authorities for issuance of community certificates are furnished here under.

**Section 2 (C) :**

“Competent authority” means any officer or authority authorized 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 notifications.

Important items under this definition are (1) Area and (2) Purpose

The Mandal Revenue Officers and Revenue Divisional Officers are made competent for the purpose of issuing Community, Nativity and Date of Birth Certificates to the applicants in their prescribed area of Jurisdiction only and to those applicants claiming as belonging to those Scheduled Tribe communities as prescribed under Rule 2(c) of the Rules issued under the Act 16 of 1993 in G.O. Ms.No. 58, S.W.(J) Department Dt. 12-5-1997 as amended by G.O.Ms.No.122, S.W.(J2) Department Dt. 1-9-1997. The details are issued in the Annexure of the said Rules. In case of Scheduled Tribes, all the Mandal Revenue Officers concerned within the territorial jurisdiction of their Mandals are competent to issue Community, Nativity and Date of Birth Certificates to the applicants as belonging to the following tribal communities only :

1. Andh, 2. Bagata, 3. Bhil, 4. Chenchu, 5. Gadaba, 6. Gond, Naikpod, 7. Jatapu, 8. Kattunayakan, 9. Kolam, Mannervarlu 10. Khond with all sub groups 11. Koya with all sub-groups, 12. Mali, 13. Muka Dhora, Nuka Dhora, 14. Pardhan, 15. Porja, Perangi Porja, 16. Rona-Rena, 17. Savara with sub-groups, 18. Sugali, Lambadi, 19. Kulia, 20. Yanadi, 21. Yerukula.

For the remaining, following 12 Scheduled Tribe communities, the Mandal Revenue Officers in the territorial jurisdiction of their Mandals are competent to issue Scheduled Tribe certificates only in scheduled areas of the state and Revenue Divisional Officers/Sub-Collectors/Assistant Collectors in their territorial jurisdiction are competent only in non-scheduled areas of the state :

1. Konda Kapus
2. Konda Reddis
3. Hill Reddis
4. Goudu (in the Agency tracts)
5. Kammara
6. Kotia, Benthoriya, Bartika, Dhulia, Dulia, Holva, Paiko, Putiya, Sanrona, Sidhopaiko
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. Manna Dhora

Here the important point for consideration is, scheduled or non-scheduled area relates to the native place of the applicant. If all the Villages in a Mandal are Scheduled villages, Mandal Revenue Officers, can issue Scheduled Tribe certificates. In some Mandals there are both scheduled and non-scheduled villages. In such cases depending on the status of the native village of the applicant as scheduled or non scheduled the competency of the Mandal Revenue Officer or Revenue Divisional Officer / Sub Collector varies.

**Rule 4(1) :**

(1) The competent authority shall satisfy it self about the genuineness or otherwise of the claim and there after issue the certificate or reject the claim within the time prescribed. In case of rejection, the competent authority shall record the reasons in writing.

The Competent authorities shall follow such procedure as may be prescribed before issue or rejection of a certificate. This procedure is prescribed in Rule 5 (a) to (i) in the Rules issued under the Act.

**Section 3(1) and (2) and Rule 5 (a) :**

The competent authority or any officer authorized by him shall ensure that the applicant has furnished complete information in all the columns of form I and shall give an acknowledgement slip. If the competent authority is satisfied with the correctness of the information furnished by the applicant he/she shall issue certificate within 30 (thirty) days of the receipt of application in form I. The competent authority shall specify the sub tribe / sub-group of the Scheduled Tribe claimant as listed out in Annexure - I appended to the rules.

**Rule 5(b) :**

If it is felt further enquiry is necessary, School records and Birth registers are to be examined. In case of Scheduled Tribes, the anthropological and ethnological traits etc. of the community are to be taken into account. He can call for the documentary evidences and also call the parents or guardian or any other person to appear before him for enquiry.

**5(c) :**

Notices may be issued in form IV giving 15 days time to attend for enquiry. But not more than 30 days time is allowed for this purpose.

**5(d) :**

In case the applicant or his/her parents as called for the enquiry through the notice issued, fails to attend the enquiry, the competent authority may reject or confirm the claim based on the material available.

**5(e) :**

The applicant / parent / guardian shall be given reasonable opportunity to produce evidence in support of their claim.

**5(f) :**

The competent authority can use services of MRI, VDO and VAO etc for assisting him in the enquiry but responsibility of issuing or rejecting the certificates lie with the competent authority.

Thus, the competent authority has to enquire with the assistance of officers mentioned above but not entrust the enquiry independently to them and base his/her opinion on the enquiry conducted by such officers.

**5(g) :**

If the community of the applicants who are not the "traditional inhabitants" of the territorial jurisdiction of the competent authority, he/she shall refer the case to District Tribal Welfare Officer or Tribal Cultural Research and Training Institute for professional assistance to confirm or reject the claim of the applicants.

The competent authority shall refer to district tribal welfare officer concerned or tribal cultural research and training institute, hyderabad for clarification in case the applicant claim as belonging to a tribal community whose traditional area of habitation does not fall under the jurisdiction of the competent authority. In this connection, the competent authority may refer the G.O.Ms.No. 245, S.W.(E) Department Dt. 30-6-1977 for guidance.

**5(h) :**

The competent authority shall confirm or reject the claim after conducting enquiry within 60 (sixty) days from the date of receipt of application.

**5(i) :**

The competent authority, in the cases of doubtful claim, shall refer the matter to the chairman. district level scrutiny committee. The intention of this rule is that if the competent authority is doubtful on the claims even after conducting enquiry, then only refer to district level scrutiny and review committee but not each and every doubtful cases without exhausting detailed enquiry.

**Section (6) & Rule (6) : Burden of Proof :**

The burden of proof lies on the applicant to provide necessary evidence while applying and during the enquiry into his claim to obtain community certificate.

**Section (9) & Rule (14) :**

The competent authority shall, while holding an enquiry, exercise the powers of Civil Courts under the Code of Civil Procedure, 1908 (Central Act V of 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) Receiving any public record or copy there of from any court or office and
- e) Issuing commissions for the examination of witnesses or documents

**Rule (16) :**

The community, nativity and date of birth certificate issued by the competent authority in accordance with the provisions under the Act 16 of 1993, shall be a permanent one.

**Rule (17) :**

Deals with procedure for issuing the duplicate certificates. An application shall be filed along with an affidavit on Rs. 10/- stamp paper.

Therefore the provisions envisaged under the Act 16 of 1993 and the Rules there under provide the competent authority ample scope to examine the claims in detail and issue the community certificates to the genuine Scheduled Tribe applicants and also to reject the fraudulent claims which would in turn protect the interests of genuine Scheduled Tribes in accruing the constitutional benefits.



## PROCEDURE FOR ISSUANCE OF SCHEDULED TRIBE COMMUNITY CERTIFICATES

In addition to the procedure prescribed under the Act 16 of 1993 and Rules of 1997 issued there under, the important points to be kept in view before issuance of Scheduled Tribe community certificates in different types of claims are given hereunder.

### **It is to be verified**

- 1) That the Scheduled Tribe community claimed is included in the list of Scheduled Tribes notified in the Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950 as amended in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.
- 2) That the person and his parents actually belong to the community claimed.
- 3) Even in case of claims as belonging to the synonyms or subdivisions of Scheduled Tribes as given in Government of India, Ministry of Home Affairs circular No. BC. 12016/37/76-SCTV dated October 1979 and G.O. Ms.No. 245, S.W.(E) Department dated 30-6-1977 read with G.O. Ms. No. 44, S.W.(E) Department dated 23-2-1979 only the related Scheduled Tribe Community that is in the Scheduled Tribe list notified in the presidential order is to be mentioned in the community certificate.
- 4) In case of Scheduled Tribes where there are different subgroups of a tribe given in the Scheduled Tribes list (Presidential order) such subgroups / sub tribe is to be mentioned in the community certificate.
- 5) The person claiming Scheduled Tribe status and his parents shall belong to the State of Andhra Pradesh and to the area within the State in respect of which the community has been scheduled.
- 6) The person claiming Scheduled Tribe status may profess any religion.
- 7) **Scheduled Tribe claims through migration :**
  - (i) Where a person migrates from one portion of the State in respect of which his community is scheduled, to another part of the same State in respect of which the community is not scheduled, he will continue to be deemed to be a member of scheduled tribe in relation to that State provided the certificate seeker produces evidence to the effect that he or his family belongs to the area in which his community is notified as a Scheduled Tribe.
  - (ii) The competent 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. However, if the competent authority has any doubt on the veracity of such claims, he has to refer the case to the prescribed authority of such State of origin to conduct detailed enquiry. The certificate will be issued irrespective of whether the tribe in question is Scheduled or not in relation to the State to which the person has migrated. However, they would not be entitled to the Scheduled Tribe benefits in the state they have migrated to.

In both these cases of Scheduled Tribe claims under migration, the residence of the candidate is the important point for examination. As per the instructions in the Circular No. BC12025/2/76-SCT-1 dated 22nd March 1977 of Government of India, Ministry of Home Affairs the residence of a particular person in a particular locality connotes the permanent residence of a person on the date of the notification of the Presidential orders scheduling his case/tribe in relation to that locality. In case of person born after the date of notification of the relevant presidential order, the place of residence for the purpose of acquiring scheduled caste or scheduled tribe status is the place of permanent abode of their parents at the time of the notification of Presidential order under which they claim to belong to such a caste/tribe.

## **8. Scheduled Tribe claims through marriage :**

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 Scheduled Tribe would continue to be a member of Scheduled tribe, even after his or her marriage with a person who does not belongs to Scheduled Tribe.

## **9. Scheduled Tribe status of children of inter caste marriages :**

In case of children of inter caste marriage between a Scheduled Tribe and non-tribal persons, Scheduled Tribe certificate may be given but the competent authority shall carefully examine and satisfy that the inter caste marriage and the children born are recognized and accepted by such Scheduled Tribe community and children are brought up as members of such Scheduled Tribe community as per the guidelines given in Government Memo No. 12084/CV.1/99 dated 19-7-1999 and G.O.Ms. No. 371, S.W. (B2) Department dated 13-4-1976.

However with regard to Para (2) of this G.O., the Hon'ble High Court in Writ Appeal No. 1188 of 1996 while quoting the orders of a single Judge of A.P. High Court in W.P. No. 14875 of 1986 wherein it was already held that this portion of the G.O. as ultra vires of the powers of the Executive as contrary to the Constitution of India, held that "the status or Caste of a person would have to be determined upon the recognition received from the members of the Community of either of the parents and the acceptance of the Caste people. There is no enquiry in the present case whether the apellant - petitioner has got such acceptance from the members of the Caste/Tribe".

## **10. Illegitimate Children :**

In case of children born out of invalid marriages, they are to be treated as illegitimate and the tribe of the mother applies to the child, if the mother is not there, then the tribe of the father applies to that child but in such cases also major factor for consideration is whether the child has been accepted by the Scheduled Tribe community as a member of their community and has been brought up as such.

## **11. Scheduled Tribe status for children of a couple where both the spouses are members of Scheduled Tribe but each belongs to different sub-tribe :**

The Sub-tribe of the father applies to the status of the child in such cases. But the condition of acceptance and recognition by such subtribe and brought up of the child in such sub-tribe is to be examined by the competent authority.

## **12. Scheduled Tribe Status of children through Adoption :**

Section 2(2) of the Hindu Adoptions and Maintenance Act, 1956 (Central Act) reads as follows : "(2) Not with standing any thing contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the official Gazette, otherwise directs".

Therefore adoption cannot be a means for claiming Scheduled Tribe status and adoption of non-tribal children by Scheduled Tribe parents is invalid for the purpose of Constitution. The Hon'ble High Court of Andhra Pradesh in W.P. No. 11914 of 1985 Bandi Srinivas Vs. Osmania University, Hyderabad also upholds this.

In spite of all the above guidelines given from time to time, it is observed, the competent authorities are issuing community certificates without proper enquiry, whatever may be the reasons.

It is observed the following are the mistakes done by the competent authorities in issuing the community certificates.

- 1) Scheduled Tribe communities mentioned in the certificates are not found in the list of Scheduled Tribes notified in the Presidential Orders.

- 2) The term ordinary residence is not being considered as per the guidelines i.e., residence means the permanent abode of the candidate at the time of notification of Presidential Order. If the candidate is born after the notification of the Presidential order, the permanent abode of his/her parents is to be taken into account.
- 3) In some cases, the competent authorities are issuing the certificates simply basing on school records like transfer certificate etc. As the caste entry in school records is done on the declaration of the parents / guardian at the time of admission, there is the possibility of misrepresentation.
- 4) In some certificates, it is being mentioned as Scheduled Tribe Group C, which is not there. Similarly in some others the serial No. of the community is being recorded which is not necessary and even in some cases wrong serial Nos are being mentioned.
- 5) Some Mandal Revenue Officers are issuing certificates on the proforma printed by some private people where the year of Presidential Orders are wrongly printed and such proforma are not the same as prescribed in G.O.Ms. No. 58 S.W. Department.
- 6) In case of claims of children of inter caste marriage couples, it is better to mention the same in the certificate about the castes of the parents.

Finally, in view of the importance of the Scheduled Tribe Community Certificates and in view of the magnitude of harm it renders to genuine Scheduled Tribes if issued in false claims, the competent authorities shall conduct proper enquiries, satisfy themselves about the genuineness of the claim, issue certificates within the prescribed period without any haste.

**SCHEDULED TRIBES COMMUNITY CERTIFICATES -  
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 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) Punishment 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.

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

Persons belonging to a Scheduled Tribe who have migrated from one state to another for the purpose of employment, education etc., experience great difficulty in obtaining tribe certificates from the States 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 relations 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.

**(d) 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 Castes & 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/U.T. 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 Ministers. 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 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 views of the State Government / U.T. 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.

**No. 35/1/72-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 Tribes 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. 35/1/72/R.U. (SCT.V) New Delhi - 110001 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, Dholpur House New Delhi - 110011
4. The Dept. 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. 35/1/72-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 State to which he has migrated.

**3. Claims through marriage**

The guiding principal 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 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.

#### **4. In the cases of conversion and reconversion**

(i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikkism and then reverts 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.

(ii) In the case of 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.

#### **5. Cases of adoption :**

Great care has to be exercised in dealing with cases where a person claims to be Scheduled Caste on the ground that he has been adopted by a Scheduled Caste 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.

(i) The requirement 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 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.

#### **Requisites of 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 along 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
- (ii) “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, 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 of all State**  
**Governments and Union Territory**  
**Administration New Delhi 110001, the 22 March**  
**1977, Chaitra, 1898**

**Subject :** Issue of Scheduled Castes and Scheduled Tribes certificates - Clarification - regarding-GOI, MHA No. 35/1/72-RU(SCT-V) Dated : 02-05-1975 and No. BC 12025/2/76-SCT. I Dt. 22-07-1977.

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 certificate. 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 certificate.

2. As required under Article 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 necessary 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

resident 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 the 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 the 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 belonging 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 Schedule 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 even Revenue Authorities issue Certificates on the basis of the certificates issued by Gazetted Officers, M.Ps. and MLAs 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., MLA, Gazetter 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.1

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 stated in the foregoing paragraphs.

2. Director, Institute of Scctt. Training and Management, West Block No.1, Wing No.6, Ramakrishnapuram, New

Delhi 11-22 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 Ministers / Department 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 Sachivalaya

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 certificate.

(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) Ist 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.

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)

**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 Territory \* ..... belonging to the ..... Caste / Tribe \* which is recognised as Scheduled Caste \* Scheduled 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 Consitution (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 Castes\* 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 Offices)

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**

To  
The Chief Secretaries of all State  
Governments and Union Territory  
Administration, New Delhi 110001 the 21 May, 1977/  
31, Vaisaka, 1899

**Subject :** Caste status of the offsprings of intercaste married couples-GOI, MHA No. 39387/73-SCT.I Dt. 21-05-1977.

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)

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.1. Dated the 21st 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, Dholpur House, New Delhi - 110 011
4. The Subordinate Services Commission, R.K. Puram, New Delhi - 110 022

(O.R. Srinivasan)  
(Under Secretary to the Govt. of India)

## 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 Aurasas - meaning the son born of a caste Hindu wife. They were termed as Anulomaja and belonged to any 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 Girhya 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 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 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 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 brought up in that surrounding and in that community or not. The nexus between the child and community or class or caste is a real test irrespective of the fact whether the accommodating class 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 a case such a child cannot be treated as a member of the Scheduled Caste Community and cannot get any benefit as such. Similarly when the mother belonging 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 on 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 admission 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 there to 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 unregistered marriages.

5. As regards marriages which are not legally valid, it is clear that such children are illegitimate unless in validity 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 there of.



## ANNEXURE - B

### **Legal views on the status of the offspring of a couple where one of the spouses is a member of a Scheduled Tribe**

The question has arisen whether the Offspring 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 continues 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 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 ex-communicated. 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 is situation can normally happen when the husband is a member of the Scheduled Tribe. However, 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 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 Vs Masilaman Mudaliar*, reported in H.R.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 Vs 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 caste 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 list of existing facts and circumstances in such cases.

## ANNEXURE - C

### **Legal views on the status of the offspring of a couple where both the spouses are member of a Scheduled Caste/Scheduled Tribe but each belongs to 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 illegitimate 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 Scheduled Caste 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 offspring of a couple where one of the spouses is a member of a Scheduled Caste and other that of a Scheduled Tribe**

1 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 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 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 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 names of synonyms and sub-castes/tribes of the existing Scheduled Castes and Scheduled Tribes in Andhra Pradesh State.

and to say that in the light of the Supreme Court's ruling in the case of Bhaiya Ram Munda Vs. Anirudh Pater (AIR 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 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.

Sir,

I am directed to refer to the following correspondence resting with your letter No. 25295/F2/78-1, dated 15th December, 1978 on the above subject

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, Rajgond	-- -- -- -- --	Koitur
12. Kolam, Mannervarlu	-- -- -- -- --	Kolawar
13. Konda Dhoras	-- -- -- -- --	Kubi
16. Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs	-- -- -- -- --	Kuvinga
18. Koya, Goud, Rajah, Rasha Koya, Lingadhari Koya (ordinary) Kottukoya, Bhine Koya, Rajkoya	-- -- -- -- --	Doli Koya, Gutta Koya, Kammara 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, Kunchapuri Yerukula, 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 alternation 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 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 Scheduled 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 in 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 - 110 023
2. The Commissioner for Scheduled Castes and Scheduled Tribes, West Block - 1, R.K. Puram, New Delhi - 110 023
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. 38165

**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 Union Territory 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 say to this Ministry letter of even number dated the 18-11-1982 and the Department of Personnel and Administrative reforms Letter No. 36012/6/76/EST.(SCT) dated the 29-10-1977 on the above subject and to say that the form of Scheduled Castes / Scheduled Tribes certificate enclosed with the aforesaid letters has been further revised consequent upon coming into force of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and keeping in view the difficulty being experienced by the persons belonging to the Scheduled Castes and Scheduled Tribes in obtaining community certificates on migration from their State 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. 13/2/74-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 Castes / 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 hence forth after satisfying themselves of correctness of the certificate after proper verification based on the revenue

records / through reliable enquires. 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-1 dated the 6th August, 1984 copy to :-**

1. Secretary, Union Public Service Commission, Dholpur House, New Delhi (with 15 spare copies)
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 Castes 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) (III), (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 Tribe 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 Territory\* ..... belonging to the ..... Caste / Tribe\* which is recognised as Scheduled Caste\* Scheduled Tribe under :-

- @ The Constitution (Scheduled Castes) Order, 1950
  - @ The Constitution (Scheduled Tribes) Order, 1950
  - @ The Constitution (Scheduled Castes) (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, 1966, the State of Himachal Pradesh Act, 1970 the North Eastern Areas (Reorganisation) Act, 1971 and the SC/STs 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 (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 Castes Order, 1968
  - @ The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968
  - @ The Constitution (Nagaland) Scheduled Tribes Order, 1970
  - @ The Constitution (Sikkim) Scheduled Castes Order, 1978
  - @ The Constitution (Sikkim) Scheduled Tribes Order, 1978

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

This Certificate issued on the basis of the Scheduled Castes / Scheduled Tribes certificate issued to Shri / Shrimati / Kumari ..... father / mother of Shri / Shrimati / Kumari .....\* village / town ..... in district division ..... of the State / Union Territory\* ..... who belongs to the ..... caste / tribe\* which is recognised as a Scheduled Caste / Schedule Tribe. In the State / Union Territory\* ..... issued by the ..... name of prescribed authority vide their No..... dated .....

% 3. 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)

Place .....  
 Date .....

State .....  
 Union Territory, .....

\* 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 Peoples 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 / Deputy Collector / 1st Class Stipendary Magistrate / City Magistrate Sub - Divisional Magistrate / Taluka Magistrate / Executive Magistrate / Extra 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)



**F.No. 12026/6/2006-C&I.M.I**  
**Government of India**  
**Ministry of Tribal Affairs**  
**(C&I.M. Division)**

**Shastri Bhavan, New Delhi - 1**  
**Dated the 3rd October, 2008**

To,

**The Chief Secretary**  
**Government of Andhra Pradesh**  
**Hyderabad - 500 002.**

**Subject :** Legal views on the status of the offsprings of a couple where one of the spouses is a member of a Scheduled Tribe-GOI, MTA, F.No. 12026/6/2006-C&IMI Dt. 03-10-2008.

Sir/Madam,

I am directed to say that a set of legal views on the caste status of such offsprings where one spouse is a non-Scheduled Tribe was already brought out vide the then Ministry of Home Affairs letter No. 39/37/73-SCT.I. dated 4th March, 1975 and 21st May, 1977 (copy enclosed for ready reference). The matter has, however, been further examined in view of a recent judgement of Supreme Court involving the offspring of a couple where the mother belonged to a Scheduled Tribe and the father was a non Scheduled Tribe (belonging to a forward community), in the case of titled Anjan Kumar Vs. Union of India reported in (2006) 3SCC 257 wherein the Supreme Court has after discussing earlier decisions of the Court on this issue said that in view of the catena of decisions of the Supreme Court the questions raised are no more res integra. The Court has further stated that the condition precedent for granting tribe certificate being that one must suffer disabilities where from one belongs. The offsprings of the wedlock of a tribal woman married to a non-tribal husband-Forward Class (Kayastha in the present case) cannot claim Scheduled Tribe status. The reason being such offsprings was brought up in the atmosphere of Forward Class and he is not subjected to any disability (para 14)

Furthermore, the Supreme Court has stated that the Scheduled Caste and Scheduled Tribe certificate is not a bounty to be distributed. To sustain the claim one must show that he/she suffered disabilities - socially, economically and educationally, cumulatively. The authority concerned before whom such claim is made is duty bound to satisfy itself that the applicant suffered disabilities socially, economically and educationally before such certificate is issued (para 15).

It is significant to note that Supreme Court in the said case has also remarked that the women (if she belongs to a Forward Class) cannot attain the status of tribal unless she has been accepted by the community as one of them .... (para 6) and that by no stretch of imagination, a casual visit to the relative in other village would provide the status of a permanent resident of the village or acceptance by the village community as a member of the tribal community. (para 7).

In view of the above, the caste certificate issuing authorities may ensure that each individual case is examined in the light of existing facts and circumstances of such cases keeping in mind the instructions of Ministry of Home Affairs cited above and the Supreme Court's observations in the case referred above. A copy of the Supreme Court decision in the said case of Shri Anjan Kumar Vs. Union of India and others is enclosed for ready reference.

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

Yours faithfully

**(Dr. N.K. Ghatak)**

Joint Director

Telefax No. 23383965

Copy to the Secretary, Social Welfare Department, Government of Andhra Pradesh, Hyderabad - 500 002

## IDENTIFICATION OF SCHEDULED TRIBES - SOME PROBLEMS\*

Andhra Pradesh State with 50.24 lakhs of Scheduled Tribe population has the largest tribal concentration in Southern India. Even though there are 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 Kattunayakan, 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 hills 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, Manne Dora, 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 Yerukula, 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.

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 an "Kirata and Nishadas". Further "Aitareya Brahmana", "Ramayana", "Mahabharata" are replete with reference 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 carving 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 recognised 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 Visakhapatnam Act, 1836 which marked beginning of separate policy for the hill and forest groups. The Act of 1836 was replaced by the Ganjam and Visakhapatnam Act, 1839. Under this Act the hill and forest living groups in the then Ganjam and Visakhapatnam 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

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\* (1) Dr. K. Mohan Rao, Director (Rtd.), (2) Sri D.R. Raju, Director, FAC (Rtd.) (3) Sri A. Sree Ramulu, Dy. Director, TCR&TI, Tribal Welfare Department, Andhra Pradesh, Hyderabad.

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 'Girijana' (Hill people) 'Vanavasis' (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 extraordinary 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\*, 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\*\* defines the tribe as a social group having definite area, dialect, cultural homogeneity and unifying social organisation.

Encyclopaedia of Britannica\*\*\* 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.

In the International Encyclopaedia of the Social Sciences\*\*\*\* 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	Traditional Habitat
1.	Andh	The Tribal Areas of Adilabad District
2.	Bagata	The Tribal Areas and adjoining villages of Visakhapatnam Dist.
3.	Chenchu	The Nallamalai Forest of Mahaboobnagar, Prakasam, Kurnool, Guntur, Nalgonda & R.R. Districts
4.	Gadaba	The Tribal areas and their adjoining villages of Visakhapatnam,

\* Dictionary of Anthropology, Charles Winick, Peter Owen Ltd., London PP 546  
 \*\* Dictionary of Anthropology, S.N. Madan, Anmol Publications, New Delhi - 1989, PP 316  
 \*\*\* Encyclopaedia of Britannica, A New Survey of Universal Knowledge Volume - 22, PP 465-466  
 \*\*\*\* International Encyclopaedia of the Social Science, Volume 15, PP 146-150

		Vizianagaram and Srikakulam Dists.
5.	Gond	The Tribal areas of Adilabad and a few villages in Karimnagar District
6.	Hill Reddi, Konda Reddi	The Tribal areas of West Godavari, East Godavari and Khammam Districts
7.	Jatapu and Khond	The Tribal areas and the adjoining villages of Visakhapatnam, Vizianagaram and Srikakulam Dists.
8.	Kammara	The Tribal areas of East Godavari, West Godavari and Visakhapatnam Districts
9.	Kolam (Mannervarlu)	The Tribal areas of Adilabad District
10.	Konda Dora, Konda Kapu	The Tribal areas and adjoining villages of Vizianagaram, Visakhapatnam, East Godavari and Srikakulam Districts
11.	Kotia	The Tribal areas of Visakhapatnam, District
12.	Koya	The Tribal areas and adjoining villages of Warangal, Khammam, East Godavari, West Godavari, Karimnagar and Adilabad Districts.
13.	Mali	The Tribal areas of Visakhapatnam District
14.	Manne Dora	The Tribal areas of Visakhapatnam, Vizianagaram and East Godavari Districts
15.	Mooka Dora	The Tribal areas of Visakhapatnam and Vizianagaram Districts
16.	Nayak	The Scheduled / Agency areas of West Godavari and Khammam Districts
17.	Pardhan	The Tribal areas of Adilabad District
18.	Porja	The Tribal areas of Visakhapatnam District
19.	Reddi Dora	The Tribal areas of Visakhapatnam District
20.	Savara	The Tribal areas of adjoining villages of Srikakulam and Vizianagaram Districts
21.	Thoti	The Tribal areas of Adilabad District only
22.	Valmiki	The Scheduled / Agency areas of East Godavari and Visakhapatnam Districts

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 example, Visakhapatnam Agency and Gondwana area.

**Act No. 108 of 1976 and its repercussions :**

Wider publicity was given through mass media to inform the general public about the salient changes effected in the list of scheduled tribes by the 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 organizations which received new fillip, organized themselves with renewed vigour to give wide publicity to the mis-information and made their members stake claim for ST status. The result is sudden spurt in the number of wrong claimants for ST certificates. The persons belonging to various non-tribal groups like Gouda, Kammarra, Valmiki (Boya), Mannevar, Bagata (Fisherman community) etc., who were considering themselves as non-scheduled tribes either to (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 organizations. Some gullible certifying officers granted ST certificates to these claimants on the basis of this misinformation. 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 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 Kammarra, 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 tribes 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 compounded 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 Yerukulas are notified as Scheduled Tribe.

In Rayalaseema region of the State, the Medaras are obtaining Scheduled Tribe certificates masquerading as Yerukulas 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 dubious methods. In such cases the non-tribals 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 lightening speed. The adoption deed is written and duly registered at 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 of the 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 adoption 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 neighboring 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 Reddi, Konda Kapu, Mannervarlu etc., Several cases have come to the notice that Kapus and Reddis in Tamilnadu, who have relatives in neighboring 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 neighboring 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 Organizations. 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 neighboring states to check this menace. A concerted action among the neighboring 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 to 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. that most families belonging to a particular caste whose name bears resemblance to one of the listed Scheduled Tribes change their caste name enmasse 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 sub-division 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 Scheduled Caste in A.P. Lingadhari Koya in the one of the Sub Tribes of Koya Tribe which is notified Scheduled Tribe in A.P. 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 enquiries 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 organisations. In the event of enquiries against the persons who secured employment under the Scheduled Tribe quota, the associations lend support to them by issuing certificates 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, Yerukula and Yanadi come under this category. Mali and Goud in the neighboring Orissa State are not notified as Scheduled Tribes. Similarly the Lambadas in the neighboring Maharashtra and Karnataka States and Yerukulas 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 order 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 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.



## **SCHEDULED TRIBES AND THEIR CULTURE - ASPECTS FOR IDENTIFICATION OF GENUINE TRIBALS**

### **Importance of Community Certificates :**

A Scheduled Tribe community certificate entails a person or provide a constitutional status to a person and his progeny to avail various constitutional safe-guards and reservations meant for Scheduled Tribes such as admission into educational institutions, scholarships and concessions, appointments, promotions, benefits under various developmental activities, eligibility for contesting elections under Scheduled Tribe reservation from Ward Member of a Grampanchayat to Member of Loksabha. The Scheduled Tribe certificate holder is also afforded protection from exploitation.

The Revenue Officials, who are the competent authorities for issuance of community certificates, generally in view of their multifarious activities, may feel this function of issuing community certificates is of less importance and may not devote much attention and act in a routine manner. In view of the above mentioned constitutional benefits that will accrue to the Scheduled Tribe certificate holders and their progeny and the magnitude of loss of benefits to the genuine Scheduled Tribes in the case false Scheduled Tribes certificates are issued to ineligible non-tribals, the competent authorities shall devote much attention and importance to this subject.

### **Who are 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 notification 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 for availing the safeguards provided for in the Constitution to these communities in their respective State/Union Territory.

Clause (2) of the said 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 orders can be modified subsequently only through an act of Parliament. The above Article also provides for issue of lists of Scheduled Tribes in respect of each State/Union Territory.

The criteria followed for specification of a community as a Scheduled Tribe are

- a. Indication 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 List (Lokur Committee) 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967, (Chanda Committee) 1969. Thus for all practical purposes

Scheduled Tribes are those communities notified as such in the Presidential notification, the latest order being the SCs and STs Orders (Amendment) Act, 1976.

The cultural characteristics of Scheduled Tribes of Andhra Pradesh including their traditional areas of habitation in relation to the purpose of their identification and issuance of Scheduled Tribe community certificates to only genuine persons are furnished hereunder, only for the guidance of competent authorities.

1. Traditional areas of habitation
2. Synonyms and sub divisions
3. Social organization of the tribe
4. Language
5. Religious pantheon
6. Festivals
7. Social control mechanism

Though in the list of Scheduled Tribes, area restriction has been imposed in case of Goudu, Nayak and Valmiki as agency tracts, in case of Mali (except Telangana region) and Thoti (in Telangana region) and rest of the tribes are to be treated as Scheduled Tribes through out the State, traditional areas of habitation of a tribe throw certain light on to the genuineness of a claim. For example, if there is a claim in Adilabad district as belonging to Savara or Gadaba tribe naturally the competent authority has to have a doubt about its genuineness.

Majority of the Scheduled Tribes in Andhra Pradesh have various sub-divisions and some have synonyms, knowledge of which helps in identification of genuineness of such tribal communities.

Similarly the knowledge on social organization of Scheduled Tribes i.e. division of a tribe into phratries, clans, surnames which may be specific to individual tribes or may be similar in certain tribes of a region, also gives an idea in identification of genuineness of claims of such tribes. For example, among Gonds, Koyas and Lambadas each of the tribe is divided into phratries, which in turn are divided into clans or surnames. Majority of the Scheduled Tribes are divided into totemic clans.

Majority of the tribes have specific Gods or Goddesses and festivals traditionally even though they appease other Hindu deities and celebrate Hindu festivals. This feature can also be checked or examined in identification of genuine claims as Scheduled Tribes. Tribe wise details of these characteristics are given in the G.O.Ms.No. 245. S.W.(E) Department dt. 30-6-1977.

Further the following Scheduled Tribes have their own dialect.

1. Khond
2. Konda Dora
3. Savara
4. Gond
5. Kolam
6. Sugali or Lambada
7. Koya
8. Yerukula

In case of Scheduled Tribe claims under these tribes, knowledge of their dialect could be examined. But it is not necessary that every claimant must speak their dialect to have a Scheduled Tribes community certificate as the children in some cases may not be knowing their dialect due to their stay away from their families. Certain tribes inhabiting the border areas of neighboring states such as Orissa, Maharashtra may also be speaking the language of Oriya or Marathi respectively in addition to their dialect or Telugu. Further Koyas of East Godavari district speak only Telugu though their counterparts in other areas speak their own dialect called Koitur.

The Scheduled Tribes of Andhra Pradesh are having their own traditional social control mechanism through traditional kulapanchayath at village level, which consists of a body of elders with a head, assistants and advisors. The offices of these functionaries are specific in certain tribes and in some others they may be with similar names in a particular region. Main function of this Kulapanchayath is to adjudicate the cases of deviation of customary laws relating to marital relations, divorces, widow remarriages, payment of bride price, thefts, property shares and divisions, cases of adultery and such other social and criminal offences among the members of the tribe. Details are as follows :

Tribe	Name of Council/Panchayat	Title of the functionary	Function
Gond	Raisabha	Patel/Patla	Head of the Panch
Pardhan	or	Mahajan	Advisor
Thoti	Panch	Devari	Priest
		or	
		Katoda	Assistant to Katoda
		Patadi	or Devari
		Hawaldar	Messenger
		Karobari	Accountant / Recorder
		Ghatial	Cook, distributor of food & collector of fines
Naikpod	Kulapanchayath	Peddamanishi	Head
		Edlers	Advisors
		Hawaldar	Messenger
Andh	--	Mankari	Head
		or Nayak	
		Dukria or Mehtri	Advisor / Messenger
Lambada or Sugali	Naikerghar	Nayak	Head
		Karobari	Advisor
		Dappan	Messenger
Kolam	Kulapanchayath	Naikon	Headman
		Delak or	
		Deyyalak	Advisor
		Mahajan	Messenger
		Termakan	Cook of sacred food
		Gatiyal	Asst. to Termakan
Chenchu	Kulapanchayath	Raju	Headman
		or	
		Peddamanishi	
		Pradhani	

		or Mantri Kolagadu	Advisor Messenger
Koya	Poyi/Kula Panchayath (Village level)	Poyi (Kulapedda) Pinapedda	Headman Assistant to Headman
	Samuthu (for 6 to 10 villages)	Vyapari Samuthu Dora	Messenger Headman
Konda Reddy	--	Peddakapu or Chinakapu Pinna Pedda Bantrothu	Headman Assistant to Peddakapu Messenger
Khonds	---	Havantha Chalani Barika	Headman Assistant Messenger
Other Tribes of Visakhapatnam District	---	Naidu or Kulapedda or Nayak Barobai Barika or Challan	Head Man Advisor Messenger
Gadaba	---	Muddilee Chukka Murthagadu Janni	Maintains common fund Astrologer Priest
Savara	---	Gamang Buyya Desari Parja Podal Kudamboi	Headman Religious Head Priest Headman of Smaller Village -do- Priestess
Yanadi	---	Kulapedda or Pedda Yanadi	Headman
Yerukala	Kula Panchayath	Boromonosom	Headman



# 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

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### EMPLOYMENT & SOCIAL WELFARE (B2) DEPARTMENT

G.O. Ms.No. 371

Dated 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

#### 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 Castes, Scheduled Tribes or Backward Class in accordance with those guidelines, the child is eligible for reservation 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 instructions to the notice of all concerned.

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

**DILSUKHRAM,**  
SECRETARY TO GOVT.

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.1, 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 here with 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 woman 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 sects, 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-Budhist, 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 offsprings 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. 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 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. Beside the evidence produced by the appellant merely shows 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 Court, 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's and brought up in the surroundings of his fathers 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. In the alternative, 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 Scheduled Caste Community, where the child irrespective of the fact whether the father or the mother is 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 there to and, in such ceremony includes the Saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view there of, all those marriages though not registered but which have been solemnised in accordance with the procedure mentioned in this Sections 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 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.

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 the case also the major factor for consideration is either 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 take there on.



## 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 :-**

1. 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 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 circumstance 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 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”.

Similarly, in V.V. Giri Vs 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 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.

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

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

### 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 there in 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 up on 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 GOVT.

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 OFFICE

## 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 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 of 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 :

(i) "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 the case may be)"

(ii) "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 Tribe. The Committee followed the following five criteria as the determinants of Scheduled Tribes: (1) Primitive Traits, (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, Yerukula will have to be automatically dropped from the list of Scheduled Tribes as they do not satisfy the last two criteria even though they are as much backward and possess primitive traits and distinct culture 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 or 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 Reddi, 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. Tribe.

7. The Konda Kapu and the Konda Reddi are distinct groups entirely different from the plains living Kapus and Reddys 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 Doras assuming that they are lords of hills. The tribe is divided into a number of exogamous totemic clans such as Korra (Sun), Kimudu (Bear), Vanthala (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, Pokanati etc., and these divisions are 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 marriages, 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 winnowing 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 culture 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 are quite different 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 is not found in the social organisation of Kammaras of plain areas. The Kammaras of Sch. Areas practice marriage by capture and levirate whereas 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 aboriginal tribes of Hyderabad Vol. II Reddies of Bison Hills.

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 or 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 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 Urudu and they too are quite distinct from the Thotis found in Adilabad district. Again the Muslim Methars are Thotis of Andhra region are not at all related as they belong to distinct 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 tribe 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 Castes 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 to be 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 pertaining to ethnic and cultural traits of a suspected candidate. The information thus collected should be carefully examined and compared with the ethnic and cultural traits characteristics of the particular tribe (to which the candidate claims to belong) given in the Annexure - II. If the candidate's 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-Group :
- d) Clan (if 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  
Father's Name :

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

Sl.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 elopment :
- 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, Valmikis)

If Yes, give such examples of your kinsfolk.

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 the God or Goddesses	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

Sl. No.	Name of the Tribe	Total Population 1971	Chief Places of Habitation	Synonyms	Sub-groups or Sub-divisions	Patrilineal clans	Marriage patterns in vogue	Chief Deities worshipped	Food Habits	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Andh	1,468	Adilabad District	---	1. Andh 2. Sadhu Andh	---	---	Khandoba Jigari Bhavai Mahadeo Mari Ali Sitala	Pork eaters	---
2	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. Nagotiations 2. Mutual love and elopement 3. Capture and service 4. Junior Levirate and Sororate	Nishan Jakari Sanku devudu Ganga Devudu Nandi Devudu	---	---
3	Bhill	83	Adilabad Mahaboobnagar Hyderabad Districts	---	---	---	---	Mahadev Bhavani Bhairoba Khandoba Hanuman Allimatha and Sitala	---	---
4	Chenchu	17,609	Kurnool and Mahabubnagar Districts	---	---	Gulla, Uttaluri Pulicherla, Jalli Nimmala, Bomani, Kudumala Mandla	Marriage 1. Negotiations 2. Love and elopement 3. Service 4. Capture	Garela Maisamma Golusamma Yellamma, Gangamma Lingamayya Veerabhadru	---	---

Desari, Harti  
Vattella, Nagala  
Laya, Tokala

5. Levirate  
Poteramma  
Pothuraju

5	Gadaba	21,840	Visakhapatnam and Srikakulam Districts	---	1. Bodo or Gutub 2. Kathera or Ollari 3. Parangi or Kullayi	1. Todam or Dedabai clans 2. Samidkil or Muvenuter clans 3. Purikil or Parikinin clans	Marriage by 1. Service 2. Negotiations 3. Mutual Love and elopment 4. Intrusion 5. Capture 6. Levirate	Jakari Disamavaru Ratal Polamma	---
---	--------	--------	--	-----	--	--	---	---------------------------------------	-----

6	Gond	1,43,780	Adilabad and Karimnagar Districts	Koitur	Raj Gond, Dhurwe Gond	<u>Yedwen Saga</u> Mesram, Madavi Marsikolla, Purka Vedumur Pandru Kodam <u>Sarwen Saga</u> Atram, Gadam Tumram, Katle Pandor, Kudumetha <u>Seevensaga</u> Kumra, Ada Kenaka, Jugunaka Araka <u>Nalwen Saga</u> Sedamaki, Sidam Parchaki, Kochada	Marriage by 1. Negotiations 2. Capture 3. Mutual love 4. Intrusion and elopment 5. Levirate and Sororate 6. Levirate	Persapen Akipen Bhim Deo Jangu Bai Sathubai Hanuman Avibeyye Danthari Mata	---
---	------	----------	---	--------	--------------------------------	---	--	--	-----

7	Goud (in Agency Tracts)	3,392	Agency Tracts of Visakhapatnam District	1. Apoto Goud 2. Behera Goud 3. Belodia Goud 4. Dongayato Goud 5. Dumalo Goud 6. Goppuria Goud 7. Sallokanaya Goud 8. Dudhkonriya Goud 9. Barthika Goud	1. Korra 2. Pangi 3. Killo 4. Vanthala 5. Gollari or Hanuman 6. Samardi 7. Swabi 8. Karthari	Marriage by 1. Elopement 2. Service 3. Capture 4. Negotiations 5. Levirate Marriage also in vogue	Sanku Devata Nishani Devata Jakara Devata Nandi Devata Takurani Baradouni Sorumangala
---	-------------------------------	-------	---	---	--	---	---

1	2	3	4	5	6	7	8	9	10	11
8	Konda Dhoras	86,911+ 29,823	Srikakulam Visakhapatnam and East Godavari Districts	Konda Kapu Kubi Konda 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 Sanku Devata Nisani Devata Jakara Devata	Beef and pork eaters	
9	Kammara	24,629	Sch. Areas are Srikakulam, Visakhapatnam, East Godavari, West Godavari Districts	Kabaddi Voju Konda Kammara		Korra, Killo Bhag, Ganga, Bhallu, Hanuman Swabi, Pangi	Marriage by 1. Capture 2. Mutual love & Elopement 3. Levirate & Sororate Devata Ganganamma	Nishani Devata Bodo Devata Jakiri Devata	Beef & Pork eaters	
10	Kolam	16,731	Adilabad	Kolawar Mannerwar		Madavi Athram Kumram Tekam	Marriage by 1. Negotiations 2. Mutual Love elopement 3. Capture 4. Service 5. Intrusion 6. Levirate & Sororate	Ayak Lakshmi eaters	Beef & Pork eaters	
11	Kattunayakan		Chittoor	Kadu Nayakan		---	Marriage by 1. Negotiations 2. Mutual Love elopement	Bairava		

3. Capture  
4. Service

Marriage by Muthyalamma Pork  
1. Service Bhumi Devi eaters  
2. Negotiations Ganganamma  
3. Capture Pandavalu  
4. Elopment Devara  
Levirate and Guntamma and  
Sororate Saralamma

West Godavari Hill Reddi  
East Godavari Pandava  
and Khammam Reddy  
Districts

35,439+  
3894

12 Konda  
Reddi

1. Bodo Kotiya 1. Killu  
2. Sanokotiya 2. Korra  
**Boda Kotiya** 3. Bhallu  
1. Kotia Benthu 4. Onthalu  
2. Barthika or Nag  
3. Bhulia Kotiya 5. Pangi  
4. Sanronakotia 6. Gollari  
**Sano Kotia** 7. Matya  
a. Holva Paiko  
b. Putia Paiko  
c. Munja Paiko  
d. Suddo Paiko

Visakhapatnam ---  
and  
Srikakulam

11,008

13 Kotia

Marriage by Mamilu Beef and  
1. Mutual love Kommamma Pork  
& Elopment Katurudu eaters  
2. Capture Korra Raju  
3. Negotiations Mutyalamma  
4. Service Kudidevara  
5. Levirate &  
Sororate

Mudava  
Gatta  
Perum boyudu  
Nalugava  
Gatta  
Aravagatta  
Yedavagatta

1. Gutta Koya or  
Kutta Koya or  
Korra Rajulu or  
Racha Koya or  
Konda Rajulu  
2. Gommu Koya  
3. Kammara Koya  
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

Dorala  
Sattam,  
Koitur  
East & West  
Godavari  
Khammam and  
Warangal  
Dists.

2,20,146

14 Koya

1	2	3	4	5	6	7	8	9	10	11
15	Kulia	85	Visaka patnam District	Mulia*	---	Sathi or Surjo, Naga, Matya, Killo, Hanuman, Golleri, Pangi	Marriage by 1. Negotiations 2. Capture 3. Elopment 4. Service 5. Sororate & Levirate are permitted	Nishan, Bhairav Pedda Demudu Bheema, Jakiri Ganga Devudu Nandi Devudu Mukama		
16	Mali	1443	Srika kulam & Visakhapatnam Districts	Mahali Mali	<b>I. Bodomali</b> Khandya Mali Pondra Mali Kouslya Mali Thagoor Mali <b>II. Sano Mali</b> Pannavi Mali Sonkuval Mali Donguriya Mali	Killo or Onthala Gollari Korra Pangi Gemmala	Marriage by 1. Capture 2. Negotiations 3. Service 4. Elopment	Boda Devata Jakara Devata		
17	Manne Dora	8,476	Visakhapatnam Srikakulam East Godavari Districts	Manne Rajulu	---	Killo Puli Matyo or Chepa, Gollari or Hanumanthu Rambi, Korra Pangi, Naga	Marriage by Capture, Service, Elopment, Negotiations, Levirate, Sororate, Marriages	Jakiri Devata Ganga Demudu and Sankudevudu Ballia Nandi Bodo Devata	Beef eaters	
18	Mukha Dora	9965	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, Mamidi Nag, Killo Tangula	Marriage by 1. Love & elopment 2. Service 3. Negotiations 4. Capture 5. Levirate type of marriages	Boda Devata Jakara Devata Sanku Devata Nishan Devata Gangadevata		

19	Naikpod	2,902	Adilabad Karimnagar Warangal Khammam, West Godavari, East Godavari Dist.	Nayak Pandava Nayakulu Padma Nayakulu	---	---	---	Marriage by 1. Capture 2. Elopment 3. Service 4. Capture 5. Exchange & Levirate marriages	Lakshmi Devata Bhudevi, Gangamma Mutyalamma Maisamma Sammakka, Saralamma Poligada Peddamma Vanadevata Pandavulu
20	Pardhan	9,701	Adilabad District	Similar to Gonds	Similar to Gonds	Similar to Gonds	Similar to Gonds	Similar to Gonds	Similar to Gonds
21	Porja	9,350	Visakha patnam Srikakulam & East Godavari Districts	Jodiya Porja Damun Jodia Parangi Porja Bondo Porja Sana Porja Tagara Porja Kur Porja Naga or Langala Porja	Killio Korra Samardi Swabi Majji Onthala Pangi Gubed	-----	1. Negotiations 2. Elopment 3. Capture 4. Service	Marriage to Sanku Devata Nishani Devata Jakara Devata Nandi Devata	
22	Reddi Dora	5132	Visakhapatnam District	Doratanalu and Racha Reddi	---	Naga or Ontaalo Chepa or Matya Pangi Killio or Puli Poyya Elugubanti or Ballu Korra or Surya	Marriage by 1. Negotiations 2. Elopment 3. Service 4. Capture 5. Exchange	Jakiri Devata Ganga Demudu Sanku Demudu Durga Demudu Nandi Demudu Jodda Demudu	

1	2	3	4	5	6	7	8	9	10	11
23	Savara	68,185	Srikakulam	Sora Sabara Soara	1. Arsid Savara 2. Bhima Savara 3. Dondiya Savara 4. Jadu Savara 5. Jati Savara 6. Kampu Savara 7. Kimsed or Kissar Savaran 8. Kumrir Savara 9. Luang or Luara Savara 10. Mara Savara 11. Muli Savara 12. Sarda Savara 13. Tekkali Savara 14. Based or Beseng Savara 15. Bobbili Savara 16. Guntara Savara 17. Jaro Savara 18. Jurai Savara 19. Kindal Savara 20. Kudumba Savara 21. Lamba Lanjie Savara 22. Mala Savara 23. Moni Savara 24. Mutta Savara 25. Sudda Savara 26. Kapu Savara					
24	Sugali	96,174	All over Andhra Pradesh except Srikakulam, Visakhapatnam East Godavari Districts	Banjara Lambadi Lambari Lambani Brinjara Banjari Wanjari Boipari and Sukari			Marriage by Negotiations Probation Sororate and Levirate Marriages are in vogue	Bhavani Seetala Sevabhaya		
25	Thoti	546	Adilabad District	Thoti	Similar to Gonds	Similar to Gonds	Similar to Gonds	Similar to Gonds		

26	Valmiki (in agency tracts)	22,354	Agency tracts of East Godavari Visakhapatnam and Srikakulam Districts	Paidi Domb Pano	--	Naga Bonse (Snake) Matya (fish) Pangi (kite) Killo (Tiger) Vanthala (Snake) Korra (Sun) Bhallu (Bear) Pur (Flower) Chelli (Goat)	Marriage by 1. Capture 2. Elopment 3. Service 4. Negotiations 5. Levirate	---	Beef and Pork eaters
27.	Yanadi	2,05,381	All over Andhra Pradesh	Irulan or Irulu	Manchi Yanadi (Reddi Yanadi) Challa Yanadi (Kappala- Yanadi) Adavi Yanadi	--	Marriage by Elopment Negotiations	--	Pork eaters
28.	Yerukula	1,28,024	All over Andhra Pradesh	Koravan or Korcha Kaikadi	Dabba Yerukula Yeethapullala Yerukula Kunchapuri Yerukula Uppu Yerukula Yeddu Yerukula Karvepaku Yerukula Kavali Yerukula Vooru Yerukula Pariga Muggula Yerukula Nara Yerukula Kothaula Yerukula Koot Yerukula Bhajantari Yerukula Peddeti Gollalu	Sathupadi Kavadi Menpati Mendraguthi	Marriage by 1. Mutual love and elopment 2. Purchase 3. Negotiations	--	Pork eaters

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# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Tribal Welfare - Issue of Caste / Community Certificates - Officer Competent to issue such certificates - Certain Guidelines - Orders - Amendment - Issued.

### SOCIAL WELFARE (E) DEPARTMENT

G.O. Ms.No. 44

Dated 23-2-1979

Read the Following :

1. G.O.Ms.No. 147, Social Welfare, dated : 27-4-1977

Read again :

1. G.O. Ms. No. 245, S.W. Dated 30-6-1977
2. From the Director of Tribal Welfare, Lr. Rc. No. 14909/73/H3, dated 19-12-1978

ORDER :

In the circumstances stated by the Director of Tribal Welfare in his letter last read above the Government hereby issue the following amendment to G.O. Ms. No. 245, Social Welfare, Dated 30-6-1977.

AMENDMENT

In Annedure - II to G.O.Ms.No. 245, Social Welfare dated the 30th June, 1977 the word "WANJARI" occurring in column 5 against serial number 24 in column (i) thereof shall be ommitted.

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

**T.N.R. RAO**  
SECRETARY TO GOVT.

// True copy //

Enclosed RC.No. 4587/80-K2/  
Copy Communicated

Office of the Director, Tribal Welfare  
H.No. 5-8-591, Kandara Complex, Abids,  
Hyderabad - 500 001

Dated 21-7-1980

For Director of Tribal Welfare

To  
All the District Collectors  
Project Officers of Adilabad, Warangal, Khammam, West Godavari, East Godavari, Vizag  
Vizianagaram and Srikakulam and Special Officer, Chenchu Project  
All District Tribal Welfare Officers

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

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, dated 28-11-1986 - 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

### ORDER :

1. 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, Dated 28-11-1986.

### AMENDMENTS

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 schedule to the Scheduled Castes and Scheduled Tribes 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 certificates 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 ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. GOVINDARAJAN**  
SECRETARY TO GOVT.

To  
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 Head of Departments

Registrar, High Court of Andhra Pradesh, Hyderabad

The Registrar, Andhra University / Sri Venkateswara University / Osmania University / Andhra Pradesh Agricultural  
University / Jawaharlal Nehru Technological University / Open University, Andhra Pradesh

**Copy to:**

The Secretary to Government of India,  
Ministry to 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

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

- I. Verified that the family of the applicant ordinarily resides in the village / town / 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 GOVT.

// True Copy //

DESK OFFICER

## APPENDIX

### GUIDELINES FOR THE USE OF CERTIFICATE ISSUING OFFICERS TO EXAMINE CLAIMS OF CERTIFICATE SEEKERS UNDER 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 Schedule 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 *Dadaji alias Dina Vs. Sukhdev 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 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 appellent 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 - 1 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 or 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 Rampachodavaram and Yellavaram taluks on the Northern flank of East Godavari district covering enroute Mulug and Narasampet taluks in Warangal district and Manugur, Boorgampahad, Kothagudem, Aswaraopet 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 sub-tribes of Koya tribe. Each of the sub-tribes divided into five phratries 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 of 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, Kursam, Madakam Tellam, Punem	Yadama Raju, Katama Devi Muga Raju
2. Nalugo Gatta	Parsika, Soyam, Payam, Kunja	Paidigidda Raju
3. Aido Gatta	Godem, Vooike Chinthem, Poosam	Mamili
4. Aro Gatta	Podem, Savalam Komaram, Kattam, Karam	Verinella Musalayya, Darela
5. Edo Gatta	Paddam, Koram, Muchiki, Modium, Tosam	Kama Raju Mara Devi

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 phratries 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 possess the same institutions and characteristics mentioned above. The only main difference that the Lingadhari Koyas once followed Saivism 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 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 feathers 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 eventhough in reality they belong to a section of Bala Santhu. Bala Santhu is divided into a number of sub-groups on the basis of 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. Pasthan      | 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. Toku        | 24. Chaduvula   |
| 25. Barthakaya  | 26. Kallem      |
| 27. Parre       | 28. Sirsala and |
| 29. Vodurukollu |                 |

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

**V. GOVINDARAJAN**  
SECRETARY TO GOVT.

// True Copy //

DESK OFFICER

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Tribal Welfare Department - Naikpod community (ST) in Nizamabad District - Identification of - Specific Guidelines  
Authorities competent to issue community certificates - Orders - Issued.

### SOCIAL WELFARE (J) DEPARTMENT

Dated 21-1-1992

G.O. Ms.No. 11

Read the Following :

1. From the President, Naikpod community, Nizamabad dated : 10.90
2. From the Collector, Nizamabad Lr. No. D6/6508/91 dated 16.8.91
3. From the Director of Tribal Welfare Lr.Rc.No. 201/91/TRI-VC-8, Dated 4/5.9.91 & 19-12-91

\*\*\*

### ORDER :

It is brought to the notice of Government that members of Naikpod Community in Nizamabad district are experiencing difficulty in obtaining Scheduled Tribe Certificates. In order to identify the members of Naikpod tribe of Nizamabad district the guidelines as in the annexure to this order are issued, in order that the competent authorities are enabled to issue the community certificates without difficulty.

2. It has also been decided that, in respect of the members claiming Naikpod tribe in Nizamabad district, the community certificates should be issued only by the Revenue Divisional Officer / Sub-Collector of the district or Functionaries of Revenue Department in the District who are senior to him (R.D.O. / Sub-Collector).
3. These orders are confined only to Naikpod community in Nizamabad district. All certifying officers of Nizamabad district are requested to follow the guidelines appended to this order, scrupulously and ensure that community certificates are issued only to genuine members of the community.

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

**V. GOVINDARAJAN**  
SECRETARY TO GOVT.

To  
The Director of Tribal Welfare, A.P. Hyderabad  
All District Collectors  
All Heads of Departments  
All Departments of Secretariat  
Copy to  
Director, TCR & TI, AP, Hyderabad  
All sections in the Department  
S.F/S.C.

//Forwarded by Order//

DESK OFFICER



## ANNEXURE

### GUIDELINES FOR THE USE OF CERTIFYING OFFICERS TO EXAMINE THE CLAIMS OF SCHEDULED TRIBE CERTIFICATE SEEKERS UNDER THE 'NAIKPOD' TRIBE IN NIZAMABAD DISTRICT

Naikpod tribe is mainly found inhabiting the districts of Adilabad, Karimnagar, Khammam, Warangal and West Godavari. Recently it has come to the notice of Government that several people are seeking Scheduled Tribe certificates under the name Naikpod tribe from Nizamabad district. In order to know there exists any affinity between the Naikpods of Adilabad and those claiming as Naikpods in Nizamabad district a study was conducted and it is found that :

1. The name of the community of the people claiming as Naikpods from Nizamabad district is same as that of Naikpod tribe of Adilabad district and the variations in the nomenclature in Nizamabad district i.e., Nayakapuvallu, Nakepuvallu and Naikpuvallu are only phonetic variations of the same term Naikpollu which is a plural term for Naikpod. Hence people from Nizamabad district who claim as Naikpu, Nayakapu, Nyakapu or Plurally Naikpollu, Nayakapollu and Nayakapuvallu may be treated as Naikpods.

2. The Naikpollu community of Nizamabad district and Naikpod tribe of Adilabad district are divided into a number of exogamous sects called 'Intiperlu' or 'Maruperlu' which are prefixed to the names of individuals. There is no division of the community into phratries or clans. Some of the 'intiperlu' among Naikpollu of Nizamabad district are as follows :

- |                |                |                    |                  |                     |
|----------------|----------------|--------------------|------------------|---------------------|
| 1. Ailapuram   | 2. Ambali      | 3. Anugu           | 4. Abbapuram     | 5. Annam            |
| 6. Bankanti    | 7. Bontha      | 8. Bhera           | 9. Boggula       | 10. Balrakadi       |
| 11. Busini     | 12. Bondla     | 13. Battapurupu    | 14. Bhoosara     | 15. China gundreddi |
| 16. Chatiri    | 17. Chenuvola  | 18. Darmaram       | 19. Dumpala      | 20. Doddera         |
| 21. Danthi     | 22. Dasu       | 23. Gaddam         | 24. Ganta        | 25. Gamu            |
| 26. Gumpala    | 27. Ganapathi  | 28. Goori          | 29. Hamali       | 30. Itta            |
| 31. Ingu       | 32. Jallapuram | 33. Konde          | 34. Kanchu       | 35. Kosedugu        |
| 36. Kothuru    | 37. Kondepalli | 38. Kondapalli     | 39. Kalla / Kala | 40. Kondu           |
| 41. Moota      | 42. Mooda      | 43. Moothi         | 44. Mallaram     | 45. Marelli         |
| 46. Mettu      | 47. Medipalli  | 48. Moodasana      | 49. Manthena     | 50. Munugu          |
| 51. Moddu      | 52. Nimma      | 53. Neelapu        | 54. Narkalla     | 55. Guldapuram      |
| 56. Putta      | 57. Pandula    | 58. Pedagundereddi | 59. Pasala       | 60. Pothula         |
| 61. Poona      | 62. Rupala     | 63. Rajulu         | 64. Ratam        | 65. Sirikonda       |
| 66. Suram      | 67. Seesara    | 68. Siripuram      | 69. Sandula      | 70. Sonnapeta       |
| 71. Sennagolla | 72. Santhukula | 73. Sangam         | 74. Thondu       | 75. Tavudu          |
| 76. Thokala    | 77. Thummala   | 78. Yemigi         | 79. Yerram       | 80. Yedla           |
| 81. Yalaka     |                |                    |                  |                     |

These are the surnames as informed by the sample families of Nizamabad District. There may be some more surnames.

3. As per the geneological information collected from same families among the Naikpod claimants from Nizamabad District there are marital relations between them and Naikpods of Adilabad district in the following villages of Adilabad District.

VILLAGE	MANDAL
Basar	Mudhole
Veiti	
Rangasivami	
Bhainsa	
Madhapuram	Nirmal
Pa-kpatla	
Lolam	
Bappuram	
Sangem	
Siddalakunta	
Kantla	
Sakera	
Kothapeta	
Masaipeta	Khanapur
Nagaram	Lohesra
Addela	Laxmanohanda
Kanketa	
Dhone	Sarangapuram
Mallapuram	Dilwarpur
Kalva	
Parimandal	Mamda
Kappanapalli	
Dimmadurthi	

These are the villages where Naipods have marital relations with the sample families of Nizamabad District. There may be some other villages where Naikpod claimants of Nizamabad district have marital relations in Adilabad district. Some Naikpod families of Nizamabad district also have marital relations with Naikpods of Warangal and Khammam districts.

4. Practice of Bride price is in vogue both among Naikpods of Adilabad district and Naikpod claimants of Nizamabad district.

5. 'Bhemanna' is the chief deity of Naikpod claimants of Nizamabad district which is also being worshipped by Naikpods of Adilabad district as well as other tribals of Adilabad district like Kolams and Gonds.

6. There is a religious functionary cum geneologist 'Kolakadu' for all Naikpod families of Adilabad, Nizamabad, Karimnagar, Warangal and Khammam Districts who visits the Naikpod families periodically and renders traditional service and receives in turn the doles from the Naikpod families.

In view of the above, the people claiming as Naikpod from Nizamabad district, may be treated as Naikpods, if they have got similar social structure, marital relations, similar marital practices, similar pantheon (Bhimanna cult), and identical religious institutions (Kolakadu) like the Naikpods of Adilabad district.

It has also come to the notice of the Government that certain people belonging to Tenugu or Muthrasi or Mudiraj caste are claiming as Naikpods in Nizamabad district. The certifying officers are advised to exercise caution before issue of certificates to such people.

Some of the surnames or intiperlu among Tenugu or Muthrasi caste are :

- |                |                |              |           |             |             |
|----------------|----------------|--------------|-----------|-------------|-------------|
| 1. Mudigepalli | 2. Sana        | 3. Nimmala   | 4. Induru | 5. Gaddi    | 6. Gundu    |
| 7. Angurtha    | 8. Mangalapati | 9. Barrakadi | 10. Budda | 11. Neerudi | 12. Gummadi |
| 13. Tammalla   | 14. Kathe      | 15. Isthari  | 16. Itika |             |             |

There are no similarities between marital practices of Tenugollu or Muthrasis and Naikpodu. Tenugollu people do not have marital relations either with Naikpods of Nizamabad or of Adilabad. Chief deity of Tenugollu or Muthrasis is 'Yellamma' and Bhimanna does not find place in their pantheon.

***Check list for verification of the community claim of persons claiming to belong to Naikpod Tribe in Nizamabad district***

- I. Verified that the family of the applicant ordinarily resides in the Village / Town which comes under the jurisdiction of the competent authority.
  - a. On the strength of village assistants / village officer (enclosed certificate)
  - b. Land record particulars Survey Numbers, Location
  - c. House particulars, and
  - d. Ration Card No.
- II. Verified the community claim of the application
  - a. With reference to the surnames (intiperus of maruperus) listed in the guidelines issued on Naikpods of Nizamabad Districts. Yes / No
  - b. With reference to the other characteristics listed in the guidelines
- III. Verified and satisfied that the Naikpod tribe to which the applicant claims to belong to exists in the jurisdiction of the competent authority.
  - a. With reference to marital relations that the applicant's family and his relatives have with Naikpods of Adilabad District.
  - b. With reference to caste entry in the educational records of the applicant or his/her family members (enclosed copies of the educational records)

Verified and satisfied that the applicant does not belong to Mutharasi or Tenugu or any community other than Naikpod to which he/she claims to belongs.

# GOVERNMENT OF ANDHRA PRADESH

## SOCIAL WELFARE (CV) DEPARTMENT

Dated 23-07-1999

Circular Memo No. 984/CV-2/98-3.

**Sub:** W.P. No. 24699 & 1529/97 of A.P. High Court, Hyderabad filed by Kandratil Subboji and others against the Cir.Memo No. 1478/J2/96, Dt. 18-10-1996 - Revised guidelines-Issued,

**Ref:** 1. Cir, Memo No. 1478/J2/96-1, Dt. 18-10-1996,  
2. A.P. High Court order Dt. 29-12-1997 in W.P. No. 24699 & 1529/97 filed by Sri.K. Subboji and others against the Cir. Memo No. 1478/J2/96-1, Dated 18-10-1996.  
3. Govt. Memo No. 984/CV2/98-1, Dt. 15-03-1998.  
4. From Collector, Anantapur Lr. Rc. No. C5/ 2003/98 Dt. 01-05-1998.  
5. From Commissioner of Tribal Welfare, A.P., Hyd. Lr. Rc. No.9816/92/TRI TEEC, Dt. 04-07-98

The Government have issued certain guidelines in Cir. Memo No. 1478/J2/96-1, Dt. 18-10-1996 to the Certifying Officers who are competent to issue Community Certificates and to verify the genuineness of the claims of certificate seekers with regard to 'Kammara' community. In the said circular memo it is mentioned that the Kammara tribe who are living in the Scheduled Areas and adjoining sub-plan villages of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari districts only are to be considered as Scheduled Tribes and 'Kammari' or Kammara' a section of Vishwabrahmin caste or 'Kammari' or 'Kammara' caste outside the above mentioned areas can not be treated as Scheduled Tribes and can not be granted Scheduled Tribe certificates.

2. Aggrieved by this circular memo, Writ Petitions have been filed in the A.P. High Court challenging the Circular Memo. Dt. 18-10-1996 issued by the Government. The Andhra Pradesh High Court in the Judgment second cited has quashed the Government Circular Memo No.1478/J2/96-1, Dt.18-10-1996 since the area restriction can not be imposed on the Kammaras living in the plain areas because the Kammara tribe is notified as Scheduled Tribe throughout the State as per SCs, STs (Amendment) Order 1976 but not confined to certain areas as mentioned in the Government Circular Memo Dt. 18-10-1996. Therefore, the Andhra Pradesh High Court held that it has to be presumed that Kammara tribe can be identified even in other areas of the state, both in agency tracts as well as non-agency tracts. Hence, the identification of the Kammaras should be based on the enquiry in respect of their traditional customs, manners, form of worship, dress, marriage, marital relations, place of habitation, linguistic affinity, social and cultural environments, caste structure etc.

3. Government after careful consideration of the High Court Order Dt. 29-12-1997 in W.Ps. No. 24699 & 1529/97 and the revised guidelines of the Commissioner of Tribal Welfare in the reference second and fifth cited issue the following circular instructions :-

1. In view of the above directions of A.P. High Court, the certifying officers should enquire whether the certificate seekers in the name of Kammara tribe possess the following characteristics of Kammara tribe and also their social, cultural and religious way of life should also be verified to find out the genuineness of their claim.

1) Kammaras are declared as Scheduled Tribes in the State of Andhra Pradesh. Their traditional habitat is the Scheduled areas and their adjoining areas of Srikakulam, Visakhapatnam, Vizianagaram, East Godavari and West Godavari districts. They are also called "Konda Kammara", "Koya Kammara" and 'Ojulu'. The traditional occupation of Kammaras is black smith and carpentry and serve the other tribes. But most of them gave up their traditional occupation and taken to shifting cultivation as well as settled cultivation:

2) The Kammara tribe is divided into a number of totemic clans such as Korra (sun), Killō (tiger), Bhalu (bear), Samardi (flower), Pangi (kite) etc;

3) Marriage by mutual love and elopment, marriage by capture, marriage by service and marriage by negotiations are socially approved forms of acquiring mates. Both levirate and sororate types of marriages are in vogue;

4) Kammara tribe people eat pork and beef";

5) They worship : Nishan Devatha, Sanku Devatha, Jakiri Devatha and Gangamma. They perform Chaitpurab, Gangamma Panduga and first fruit/crop eating ceremonies such as Mamidi Kotha, Kandli Kotha, Chikkudu Kotha, Sama Kotha etc;

- 6) They have tribal council of their own which regulates the social life of Kammaras and settles disputes, and
  - 7) They bury the dead
- II)
- 1) There is also a caste with the similar nomenclature throughout the State i.e., Kammari or Kammara, which is declared as Backward Class in the State of Andhra Pradesh. The Kammari or Kammara caste is one of the sub-divisions among Vishwa-Brahmin caste which consists of Ausala / Kamsali, Kanchari, Vadrangi or Vadla, Kammari or Kammara and silpi occupational divisions. Members of all these occupational divisions intermarry;
  - 2) It is a Telugu caste and its traditional occupation is blacksmith. They are traditionally not agriculturists;
  - 3) The totemic clan organisation which is present in the Kammara tribe is not found in the Kammara caste;
  - 4) They do not eat pork or beef. They are mostly vegetarians and wear sacred thread. They generally suffix their names with 'Achari'. Hence, they are called 'Acharis' in Rayalaseema region of the State;
  - 5) The types of acquiring mates which are in vogue in the Kammara tribe are not socially accepted by Kammari caste (Vishwa Brahmin). Levirate is absent in Kammaris., and
  - 6) The traditional pantheon of the Kammari are different from Kammara tribe and they perform the festivals which are performed by other Telugu Hindu caste.
- 4) In view of the above distinct characteristics found among the two different communities with the same nomenclature, the certifying officers who are competent to issue community certificates have to enquire into the social, cultural and religious way of life of the Kammara Scheduled Tribe certificate seekers before issuing certificate to Kammara Tribe people. All the collectors are, therefore, requested to bring these guidelines to the notice of certificate issuing authorities in their respective Jurisdiction.

**S. RAY,**  
**PRINCIPAL SECRETARY TO GOVT.**

To  
All District Collectors in the State.  
The Commissioner of Tribal Welfare, A.P., Hyderabad.  
The Director, TCR&TI, Hyderabad.  
The Commissioner of Social Welfare, A.P., Hyderabad.

**Copy To :**

The BC Welfare Department in A.P. Secretariat.  
The P.S. to Minister (TW)  
The P.S. to Minister (SW)  
The P.S. to Minister (BCW)  
The P.S. to Principal Secretary to Govt., S.W. Department.  
The P.S. to Secretary to Govt. (TW), S.W. Department.  
The P.A. to Joint Secretary to Govt. (TW), S.W. Department.  
The P.A. to Deputy Secretary to Govt. (D), S.W. Department.  
SF/SC.

// FORWARDED : : BY ORDER //

SECTION OFFICER

**RULES SUPPLEMENT TO PART 1  
EXTRAORDINARY  
OF  
THE ANDHRA PRADESH GAZETTE  
PUBLISHED BY AUTHORITY**

No. 16

Hyderabad,

Friday, May 16, 1997

**NOTIFICATIONS BY GOVERNMENT**

\*\*\*

**SOCIAL WELFARE DEPARTMENT**

(J2)

**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.

In these rules, unless the context otherwise requires :-

**2. Definitions**

(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 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 SC 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 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, rituals, customs, mode of marriage, death ceremonies/ method of burial of dead bodies etc. before issuing the Community, Nativity and Date of Birth certificates. Competent authority shall have power to call for further information and / or collect 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 Parent/Guardian, in case the applicant is a minor, to appear before the Competent authority.
- (c) The notice 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. In such case not more than 30 (thirty) days from the date of the receipt of the notice should be allowed.
- (d) Where the person whom a notice in Form IV is served by the Competent Authority fails to respect 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 I/II). 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 in 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 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 objection 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 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 I/II.
- (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 8. It shall render necessary advice to the Government on various policy decisions to be taken for streamlining the procedure 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, 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            |
| (4) Deputy Director (Backward Classes Welfare/<br>District Backward Classes) Welfare Officer                                    | - | Member            |
| (5) Officer of the Research Organisation in the Commissionerate of<br>SW/TW Nominated by the concerned Heads of the Departments | - | Member            |
| (6) Officer representing in PCT/Vigilance Cell in the District  | - | Member            |
- (b) The Scrutiny Committee shall meet atleast 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 (1) 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, deities, 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.

(c) 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 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 of 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 materials 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 actions specified in Rule 15. He shall communicate the cancellation of the certificate to the educational institution / employer / appointing authority as the case may be forth with.

(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 Committee 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 certificate : (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 along with the application for the issue of the duplicate certificate.

**18. Compalints :**

Whenever compalints 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 the Competent Authority had issued the certificate. The District Collector shall in turn get it verified 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 I/II 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. Repeal :**

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 - 1

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 Tribe 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
<b>Specified Community</b>	<b>Competent Authorities</b>	<b>Jurisdiction</b>
<b>1. BC Group A/B/C/D.</b> 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
<b>2. Scheduled Castes :</b> 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 Sale, Netkani 10. Manne 11. Panchama, Pariah 12. Relli	All M.R.Os in the State not below the rank of a Dy. Tahsildar	Within the territorial jurisdiction of a Mandal
<b>3. Scheduled Castes :</b> 1. Anamuk 2. Aray Mala 3. Arwa Mala 4. Bavuri 5. Beda Jangam, Budga Jangam 6. Bindla 7. Byagara 8. Chanchati 9. Chalavadi 10. Chamar, Mochi, Muchi 11. Chambhar 12. Chandala 13. Dakkal, Dokkalwar 14. Damdasi 15. Dhor 16. Ellamalawar, Yellammalawandlu 17. Ghasi, Haddi, 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

Column 1	Column 2	Column 3
----------	----------	----------

**Specified Community**

**Competent Authorities**

**Jurisdiction**

18. Godagali
19. Godari
20. Gosangi
21. Holeya
22. Holeya Dasari
23. Jaggali
24. Jambuvulu
25. Kolupul vandlu
26. Madasi Kuruva, Madari  
Kurava
27. Madiga Dasu, Mashteen
28. Mahar
29. Malan Hannai
30. Mala Jangam
31. Mala Masti
32. Mala Sanyasi
33. Mang
34. Mang Garodi
35. Mashti
36. Matangi
37. Mehtar
38. Mitha Ayyalvar
39. Mundala
40. Paky, Moti, Thoti
41. Pambada, Pambanda
42. Pamidi
43. Samagara
44. Samban
45. Sapru
46. Sindhollu, Chindollu

Within the territorial jurisdiction of  
a District

**4 Scheduled Caste Bariki**

District Collector

Within the territorial jurisdiction of  
a Mandal

**Scheduled Tribe Community :**

1. Andh
2. Bagata
3. Bhil
4. Chenchu, Chenchwar
5. Gadabas
6. Gond, Naikpod, Rajgond
7. Jatapus
8. Kattunayakan
9. Kolam, Mannervarlu
10. Kondhs, Kodi, Kodhu,  
Desaya, Kondhs, Dongria  
Knodhs, Kuttiya Kondhs,

All M.R.Os. in the state not  
below the rank of  
Dy. Tahsildar

Tikiria Kondhs, Yenity Kondhs

11. Koya, Goud, Rajah, Rasha  
Koya, Lingadhari Koya  
(ordinary) Kottu Koya, Bhine  
Koya, Rajkoya
12. Malis (excluding Adilabad,  
Hyderabad, Karimnagar,  
Khammam, Mahabubnagar,  
Medak, Nalgonda,  
Nizamabad and Warangal  
Dist.)
13. Mukha Dhora, Nooka Dhora
14. Pardhan
15. Porja, Parangiperja
16. Rona, Rena
17. Savaras, Kapu Savaras,  
Maliya Savaras, Khutto  
Savaras
18. Sugalis, Lambadis
19. Kulia
20. Yenadis
21. Yerukulas

**Scheduled Tribe Community :**

1. Konda Kapus
2. Konda Reddis
3. Hill Reddis
4. Goudu (in the Agency tracts)
5. Kammara
6. Kotia, Benthoriya, Bartika,  
Dhulia, Dulia, Holva, Paiko,  
Putiya, Sanrona, Sidhopaiko
7. Redi 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. Manna Dhora

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

For Amendment please refer  
Page No. 116

## 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 - I**  
**(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 :

Date :

Signature of the applicant

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 \_\_\_\_\_ mandal \_\_\_\_\_ village / town \_\_\_\_\_ (date) \_\_\_\_\_ District on \_\_\_\_\_

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  
CERTIFICATE RELATING TO SCHEDULED CASTE, BACKWARD CLASS UNDER SECTION  
3(1) 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 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 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 :
- b) adopted son/daughter of his/her parents :

OR

- a) a natural born son or daughter of his/her parents
- 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.

Signature of the applicant

Signature of the Parent / Guardian

Station :

Date :

**ACKNOWLEDGEMENT SLIP**

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

Name of the Office

Date :

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

**FORM III**

Serial No.

S.C.

S.T.

B.C.

Certificate No.

Emblem

District Code :

Mandal Code :

Village Code :

**COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATE**

1) This is to certify that Sri/Smt./Kum \_\_\_\_\_  
Son / daughter of Sri \_\_\_\_\_  
\_\_\_\_\_ of Village / Town  
District \_\_\_\_\_ Mandal \_\_\_\_\_  
\_\_\_\_\_ 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 (Scheduled Tribes) Order, 1950

G.O. Ms.No. 1793 Education, dated 25-9-1970 as Amended from time to time (BCs)

S.Cs., S.Ts. list (Modification) Order, 1956, S.Cs and S.Ts (Amendment) Act, 1976.

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

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

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 \_\_\_\_\_ (date) of  
\_\_\_\_\_ (time) on \_\_\_\_\_ (place). He/She shall appear

\_\_\_\_\_ (month) \_\_\_\_\_ (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.

Signature and designation of

Competent Authority

(seal)

Place :

Date :

**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/BC 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 recommendation based on the material / document / evidence  
made available to the Committee by the Competent Authority. You may bring your parents / guardian to assist you in  
the enquiry.

Place :

Date :

Chairman of the Scrutiny Committee.  
(Joint Collector)

(seal)

**FORM VI**

To

Sri / 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.

Place :

Date :

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

**S.Ray**  
PRINCIPAL SECRETARY TO GOVERNMENT



**RULES SUPPLEMENT TO PART 1  
EXTRAORDINARY  
OF  
THE ANDHRA PRADESH GAZETTE  
PUBLISHED BY AUTHORITY**

**No. 33**

**Hyderabad**

**Saturday, September 6, 1997**

**NOTIFICATIONS BY GOVERNMENT**

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**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. Ist 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 Classes. The Commissioner of Tribal Welfare in his references 2<sup>nd</sup> and 4<sup>th</sup> 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 Officer's 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 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 issue 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. Gazette No. 16, Hyderabad, Friday, May 16, 1997.

**AMENDMENT**

ANNEXURE 1 PAGE - 14 OF G.O. MS. NO. 58, SOCIAL WELFARE (J2)

DEPARTMENT, DATED 12-5-1997

**FOR**

**READ AS**

(1) Column 2 "All Revenue Officers not below the rank of R.D.O./Sub-Collector/Asst. Collector in the State".

(1) (a) All Mandal Revenue Officer not below the rank of the Dy. Tahsildar in the Scheduled Areas of the State

(b) All Revenue Officers not below the rank of R.D.O./Sub-Collector / Asst. Collector in the non-Scheduled Areas of the State.

(2) Column 3  
"Territorial Jurisdiction of a Revenue Division held by R.D.O./Sub-Collector / Assistant Collector

(2) (a) Territorial Jurisdiction of a Revenue Mandal held by the M.R.O. in the Scheduled Areas of the State

(b) Territorial Jurisdiction of a Revenue Division held by R.D.O/ Sub-Collector / Assistant Collector in non-Scheduled Areas of the State

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**

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Tribal Welfare Department - Naikpod community (ST) in Nizamabad District - Incorporating additional 358 surnames of Naikpod Community - Orders - Issued.

### SOCIAL WELFARE (J2) DEPARTMENT

**G.O. Ms.No. 144**

**Dated 8-10-1997**

**Read the Following :**

1. G.O.Ms.No. 245, Social Welfare (E) Dept. Dt. 30-6-77
2. G.O.Ms.No. 11, Social Welfare (J) Department Dt. 21.1.92
3. From the Commissioner of Tribal Welfare, A.P., Hyderabad  
Lr.Rc.No. 201/91/TRI/TEEC, Dt. 7-8-96 and 21-2-97
4. G.O. Ms. No. 58, Social Welfare (J2) Department, Dt. 12-5-97

\*\*\*

#### **ORDER :**

Government in the orders issued in the reference first read above, approved certain guidelines appended therein, authorising the officers to identify tribal candidates for issue of caste / community certificates for the purposes of employment, scholarships and educational concessions etc.

2. In the G.O. Second read above, orders were issued to the effect that in respect of the members claiming to be Naikpod tribe in Nizamabad District, the Community Certificates should be issued only by the Revenue Divisional Officer / Sub-Collector of the District or functionaries of the Revenue Department in the district, who are senior to the Revenue Divisional Officer / Sub-Collectors. The Government also confined these orders only to Naikpod community in Nizamabad District and all certifying Officers in Nizamabad District were requested to follow the guidelines appended therein.

3. The Commissioner, Tribal Welfare in his reference third read above, has sent proposals to the Government to include 358 other surnames of Naikpod tribe of Nizamabad district which were identified by the research team of Tribal Cultural Research and Training Institute during the field work conducted in the year 1993 and 1994 and requested to issue orders accordingly, in continuation to the orders issued in G.O. 2nd read above.

4. Government have issued order in G.O. 4th read above designating Mandal Revenue Officers as the Competent Authority to issue Community Certificates to the Naikpod tribe in the State.

5. Government after careful consideration of the proposals of Commissioner of Tribal Welfare in the references third read above, hereby order to further add 358 surnames appended to this G.O. as Annexure - I, in addition to the 81 surnames mentioned in G.O. 2nd read above and direct that the Mandal Revenue Officers who are the Competent Authorities as per the Rules issued vide G.O. 4th read above, to issue the Community Certificates to Naikpod Tribe in Nizamabad district accordingly, while also following the guidelines issued in G.O. Ms. No. 245, dt. 30-6-77 and the guidelines mentioned in the Annexure to the G.O. Ms. No. 11, Dt. 21-1-92.

6. All the District Collectors and Commissioner of Tribal Welfare requested to take necessary action in the matter accordingly. The District Collectors should bring these instructions to the notice of all the Competent Authorities in their district, immediately.

To  
The Commissioner of Tribal Welfare, Hyderabad  
All the District Collectors

Copy to :

The Director, TCR & TI, AP, Hyderabad  
All the Projects Officers, I.T.D.A.  
All the Deputy Directors, (Social Welfare)  
All District Tribal Welfare Officers  
S.F/SCs

**S. RAY**  
**PRINCIPAL SECRETARY TO GOVT.**

//FORWARDED BY ORDER//

**ANNEXURE - 1**  
**LIST OF SURNAMES IDENTIFIED AMONG THE NAIKPODS OF  
NIZAMABAD DISTRICT**

- |                        |                                 |
|------------------------|---------------------------------|
| 1. Abbula              | 28. Bantu                       |
| 2. Aikanti             | 29. Barla                       |
| 3. Aithini/Ahithani    | 30. Barlappati                  |
| 4. Akula               | 31. Basindla                    |
| 5. Alla Konda          | 32. Bathula                     |
| 6. Alluru / Alooru     | 33. Battu                       |
| 7. Ambati              | 34. Beedila                     |
| 8. Amindla             | 35. Beerolla/ Birolla           |
| 9. Ambala              | 36. Beldar                      |
| 10. Andalapati         | 37. Belluru                     |
| 11. Annarapu / Annaram | 38. Bhogi                       |
| 12. Annela / Vannela   | 39. Bhoya                       |
| 13. Anupu              | 40. Bhoosani                    |
| 14. Ara/ Era/ Yera     | 41. Bichala                     |
| 15. Arati              | 42. Bobbera                     |
| 16. Arella             | 43. Boda                        |
| 17. Armoor / Kala      | 44. Bodepalli                   |
| 18. Asara / Asera      | 45. Bommala                     |
| 19. Asili / Asala      | 46. Bommaram/Bommasarapa        |
| 20. Baddi              | 47. Bondla/Bonda                |
| 21. Baindla            | 48. Bonkur/Bonkari              |
| 22. Bakka              | 49. Bonthu/Bhantu               |
| 23. Baku/Bhaku         | 50. Boorgula                    |
| 24. Bandameedi         | 51. Borigam                     |
| 25. Banderu / Bandari  | 52. Borra / Borolla             |
| 26. Bandi/ Bandollu    | 53. Brahmanpalli / Bhammanpalli |
| 27. Banka              | 54. Buraka                      |

- |  |                        |
|--|------------------------|
| 55. Burra                                    | 86. Desa               |
| 56. Byri                                     | 87. Desu               |
| 57. Chakuri                                  | 88. Desindla           |
| 58. Chatala                                  | 89. Doddadi / Doddedu  |
| 59. Cheeti / Sheeti                          | 90. Doddindla          |
| 60. Chepalli                                 | 91. Doni/Done          |
| 61. Chepuri / Chepur / Chepuru               | 92. Donkanti/Donnkanti |
| 62. Cherlapalli                              | 93. Donkeswar          |
| 63. Cheruvu                                  | 94. Donthula           |
| 64. Chettu Kindi                             | 95. Duggu              |
| 65. Chevula                                  | 96. Dunthala           |
| 66. Chikkula / Chikkala / Chukkala / Sukkala | 97. Durgi / Durgam     |
| 67. Chimmala / Cheemala                      | 98. Gaddala            |
| 68. Chimhula                                 | 99. Gadi               |
| 69. Chinnolla                                | 100. Gampala           |
| 70. Chintaluri                               | 101. Gamajala          |
| 71. Chintakindi                              | 102. Gandham           |
| 72. Chintakunta                              | 103. Gandla / Mogili   |
| 73. Chintha / Chinthala                      | 104. Gandolla          |
| 74. Chinthuri                                | 105. Gangasaram        |
| 75. Chittedi / Chittala                      | 106. Gangindla         |
| 76. Chittekari                               | 107. Ganupuram         |
| 77. Chunchu                                  | 108. Garikatla         |
| 78. Magamginka                               | 109. Gattu             |
| 79. Dalmalka                                 | 110. Gariji            |
| 80. Dandu                                    | 111. Gayi              |
| 81. Dante / Danthi                           | 112. Ginmanala         |
| 82. Dasari                                   | 113. Godapuram         |
| 83. Dasena                                   | 114. Gojuru            |
| 84. Daygapu / Dayyam                         | 115. Gondla            |
| 85. Degama / Degam / Dogam                   | 116. Gone              |

117. Geneti / Gonetollu
118. Gonte/Gonti
119. Goode
120. Gopa/Gopi/Gopollu/Gokula
121. Gorakam/Golaka
122. Goru/Gorollu
123. Gorum
124. Gottu
125. Govindu / Govindula
126. Gaddela
127. Gundala
128. Gundam
129. Gunde
130. Guededi/Gunnedi/Gundeti
131. Gunnam
132. Gupala
133. Gurijala
134. Gurjari
135. Guthipalli
136. Indla
137. Indraji/Endraji/Endra
138. Ippa
139. Isthri/Esthari
140. Jadu
141. Jaggula
142. Jaindla
143. Jajjela
144. Jajula
145. Jalla
146. Jambirthula
147. Jambuga

148. Jangam/Jangala
149. Janumula/Jamla
150. Jinjura
151. Jinna
152. Jitti
153. Joshi
154. Kadugu
155. Kalleda
156. Kallepuram/Siripuram
157. Kamalapuram
158. Kaminti / Kamindla
159. Kamtam
160. Kamudu
161. Kandela/Tambaku
162. Kanakapuram
163. Kandi
164. Kankumala
165. Kangutta
166. Kanukula
167. Karaku/Karaka
168. Karnala/Karnam/Karnolla
169. Karre / Karva
170. Kosam/Kesam
171. Kaothuri/Kathuri/Kathuru
172. Kattala/Kottala
173. Kattepuram
174. Kantla
175. Kenee
176. Kisti
177. Kodapa
178. Kogula

179. Kolakati/Kolakadu/Kolakallu  
180. Komati  
181. Konda  
182. Kondal  
183. Kondapuram/Kondapurapu  
184. Konduru/Kondru/Kondra  
185. Koneru  
186. Konki  
187. Koppula/Koppala  
188. Korkalu/Peddinti/Peddindla  
189. Kosedi/Kosedugu  
190. Koswa  
191. Kota  
192. Kothapalli  
193. Kachanpalli  
194. Kucheela  
195. Kodavanpur  
196. Kukkala  
197. Kummari  
198. Kummaripalli  
199. Kunala  
200. Kunapalli  
201. Kuncham  
202. Kunda  
203. Kunti  
204. Kurosala  
205. Kurima/Kurime/Kurmai  
206. Kurti  
207. Lingala  
208. Lolam/Lolapu  
209. Machala

210. Machha  
211. Maddi  
212. Maddikunta  
213. Maggidi  
214. Mallela  
215. Malli  
216. Mamiddipalli  
217. Mamili  
218. Marumai  
219. Machinppa  
220. Manda/Mandola  
221. Manga  
222. Mangarapu  
223. Manne  
224. Maskuri  
225. Maredu/Maredi  
226. Matam  
227. Matta/Mattu  
228. Medi  
229. Mekala  
230. Meenuga/Menugu/Meenugu/Meenugula  
231. Meesala/Meesalollu  
232. Minumola  
233. Movi  
234. Muchindla  
235. Mudugula/Mudukula  
236. Mulakala  
237. Mukka  
238. Musari  
239. Muthyala  
240. Madakuda/Nadikudi

- |                                |                             |
|--------------------------------|-----------------------------|
| 241. Nagam                     | 272. Poojari                |
| 242. Nagamalli                 | 273. Poosala                |
| 243. Nakkala                   | 274. Posamolla              |
| 244. Nallaposala/Nallaposhollu | 275. Pulla                  |
| 245. Malluri                   | 276. Puram                  |
| 246. Namulla                   | 277. Punindla               |
| 247. Nandanam                  | 278. Pushpari               |
| 248. Nanne/Nannepu             | 279. Pusuphru               |
| 249. Nari/Nara                 | 280. Radharapu              |
| 250. Natakapu/Natakam          | 281. Ragam                  |
| 251. Nerella                   | 282. Rajulu/Rajula          |
| 252. Neelam/Nellam/Neelapu     | 283. Ramelli/Ramalla        |
| 253. Ningollu                  | 284. Rasa                   |
| 254. Nooka                     | 285. Ratam/Ratapu           |
| 255. Padala                    | 286. Ravula                 |
| 256. Padamati                  | 287. Ragi                   |
| 257. Padagala/Padagal          | 288. Reddi                  |
| 258. Palle                     | 289. Revanboyina            |
| 259. Pandiri                   | 290. Rodda                  |
| 260. Patendla                  | 291. Routhu/Raithu          |
| 261. Pathani                   | 292. Royyala/Mallam         |
| 262. Pathuri                   | 293. Sadumulla              |
| 263. Patnam/Patnapu            | 294. Saila/Jaila            |
| 264. Peda                      | 295. Sainolla/Shainolla     |
| 265. Pedda                     | 296. Sanamolla/Sanam/Shanam |
| 266. Peddindla/Peddinti        | 297. Sanda                  |
| 267. Peerem                    | 298. Sanduru                |
| 268. Penda/Penta               | 299. Sangepu/Sangem         |
| 269. Peta/Petla                | 300. Sampati                |
| 270. Pidugu                    | 301. Sanjam                 |
| 271. Poodari                   | 302. Sathuri/Chaturu        |
|                                | 303. Seelam                 |



304. Seru/Shera  
305. Sibbela  
306. Siddi/Sidda  
307. Singam  
308. Singireddi/Singareddi  
309. Siram  
310. Siripalli  
311. Simam  
312. Sirnapalli  
313. Sune  
314. Sunkari/Nandapeta  
315. Sunketa  
316. Sungguda  
317. Sucari  
318. Sura  
319. Surala  
320. Surati  
321. Surbiralala  
322. Suresh  
323. Surundu/Surudu  
324. Tadem  
325. Tadapakal  
326. Talla/Temmala/Thambala  
327. Tappa  
328. Taredem  
329. Tela  
330. Thalla  
331. Thannuru  
332. Thavutu/Thavuda/Thavutia/Thavudagari  
333. Thenkanti/Tenkanti  
334. Thota  
335. Thorti/Torti  
336. Thumma/Thummala  
337. Thupakula  
338. Tikkila  
339. Turapu/Penkula  
340. Udumula  
341. Ullenga/Vullenga  
342. Ummeda/Ummadi  
343. Uppa  
344. Uppara/Uppari  
345. Varala/Vaarala  
346. Vaddepu/Vaddam/Vaddepu  
347. Vasam  
348. Vasara  
349. Velmala/Velmal  
350. Vempalli  
351. Yemla/Vemla  
352. Yeddandi/Addandi  
353. Yedla/Yendla  
354. Yedulla/Yedula/Edula  
355. Yella  
356. Yenugula/Yenigi  
357. Yerra/Yerram  
358. Yerrabothu

(SECTION OFFICER)

**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 (CV2) DEPARTMENT**

G.O.Ms.No. 79

Dated 24-7-2002

Read the following :

1. G.O. Ms. No. 58, S.W. (J) Department, dated 12-5-1997
2. From 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, Chanchalguda, 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 Superintendent of Polices  
All Departments of Secretariat  
(With a request to communicate these orders to the HOD's under their control)  
The Director, TCR & TI, 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, Osmania University, Hyd  
The Registrar, Nagarjuna University, Guntur  
The Registrar, Sri Venkateswara University, Tirupathi  
The Registrar, Mahila University, Tirupathi  
The Registrar, Jawaharlal Nehru Technological University, Hyderabad  
The Registrar, Agricultural University, Hyd  
The Registrar, Kakatiya University, Warangal  
The Registrar, Sri 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

## SOCIAL WELFARE DEPARTMENT

### CV Section

Dated : 08-04-2004

E-Memo No. 14355/SWD/CV/2002-2

- Subject** : TWD-CV-Community Certificates - One time issue of certificates - Instructions - Regarding
- Reference** : 1. From the Spl. CS CC & L.A., Hyderabad D.O. Lr.No. PD/CMRO/65/4/2002 dated 19-9-2002  
2. Govt. Memo No. 14355/CV.2/2002-1, dated 3-10-2002  
3. From the DTW., Hyderabad Lr.Rc.No. 624/2001/TRI/VC-7, Dated 25-2-2004

It is brought to the notice of the Govt. by various concerned Government Departments / Agencies to produce original Community, Nativity and Date of Birth Certificates on each and every occasion which forces the people to obtain such certificates from Competent Authorities repeatedly. As per Rules the Integrated Community, Nativity and Date of Birth Certificate once obtained is a permanent one.

In view of the instances for production of original Community, Nativity and Date of Birth Certificates for STs by concerned Govt. Departments / Agencies for extending benefit of reservations on different occasions, the people are being forced to approach competent authorities to issue such certificates again and again.

Therefore Government considered that all the Government departments and agencies concerned are requested to verify the original Integrated Community, Nativity and Date of Birth Certificates and return them to the concerned people by retaining the attested copies for their record purpose while making an entry accordingly on the attested copy.

Therefore all the Government Departments / Agencies concerned are requested to follow the above instructions scrupulously.

**SUNIL KUMAR GUPTA**

**ADDL. SECRETARY TO GOVERNMENT**

To  
All Departments of Secretariat, A.P. Hyderabad  
(With a request to address their HOD's under their control to adhere to the above instructions)  
All District Collectors  
The Secretary, A.P.P.S.C., A.P. Hyderabad  
All Registrars of all Universities in the State  
All Managing Directors of Publis Sector undertakings in A.P.  
The Spl. C.S. and Chief Commr. and Land Admn. Nampally Station Road, Hyderabad  
The CSW., A.P., Hyderabad  
The Commissioner of Tribal Welfare, A.P. Hyderabad  
Sf/Sc.

//FORWARDED :: BY ORDER //

SECTION OFFICER

# GOVERNMENT OF ANDHRA PRADESH

## SOCIAL WELFARE (CV.2) DEPARTMENT

**Memo No. 7617/CV.2/2004-3**

**Dated : 25-10-2004**

**Sub** : TWD-CV-Penalties and Criminal action prescribed under Act 16 of 1993 - Followup - Request -  
Regarding

**Ref** : 1. A.P. SCs, STs and BCs Regulation of Act 16 of 1993  
2. G.O.Ms. No. 58, SW (J) Dept. Dt. 12-5-1997

Certain instances have brought to the notice of Govt. that false community certificates are being cancelled without initiating criminal action on the persons who obtained them fraudulently and disciplinary action on the competent authorities who issued such certificates, even though such penalties and disciplinary action was prescribed under the Act. No. 16 of 1993 and Rules issued thereon.

All District Collectors are, therefore, requested to follow up all cases of false SC, ST and BC certificates holders till all the penalties prescribed under the Act 16 of 1993, and Rules issued in G.O. Ms. No. 58, SW(J) Department, dated 12-5-1997, are imposed on such persons and such competent authorities, to curb the menace of false community certificates effectively.

All the District Collectors are requested to acknowledge the receipt of the Memo.

**AJOYENDRA PYAL**

**PRINCIPAL SECRETARY TO GOVT.**

To  
All the District Collectors in the State  
The Commissioner of Tribal Welfare, Hyderabad  
The Commissioner of Social Welfare, Hyderabad  
The Commissioner, B.C. Welfare, Hyderabad  
Sf/Sc.

//FORWARDED :: BY ORDER //

SECTION OFFICER

# GOVERNMENT OF ANDHRA PRADESH

## SOCIAL WELFARE (CV2) DEPARTMENT

Dated 04-02-2005

Memo No. 14955/CV2/2000-26

**Sub :** TWD-Bentho Oriya Vaddi Community People residing in Srikakulam District and surrounding areas - claiming as Bentho Oriya enquiry conducted - Further Instructions - Issued - Regarding.

**Ref :** W.P. Nos. 6459/88, 11570/88, 13263/89 & 22478/95 filed by Sri G. Srinivasa Rao and others, Judgement of High Court of A.P. Dated 23-9-96

\*\*\*

While disposing Writ Petitions mentioned in the reference above, the Hon'ble High Court has given directions to the High Level Committee to consider the question whether the Writ Petitioners belong to Bentho Oriya Community or not and conduct an enquiry after issuing notices to the concerned persons and consider the question in a proper perspective manner to give quietus for the question permanently. The Hon'ble High Court has also referred to the question of whether Vaddi Community people residing in Srikakulam District and surrounding areas are Bentho Oriya Community which is a Scheduled Tribe or not. Accordingly, the State Level Scrutiny Committee constituted in G.O. Ms.No. 58, SW (J) Department, dated 12-5-97 which has superseded the High Level Committee constituted in G.O.Ms.No.3, SW (J) Department, dated 18-1-1989 has met 15 times and held detailed discussions on the subject. In this process, several opportunities were given to the petitioners covered by the Writ Petitioner as well as the President and General Secretary to A.P. Bentho Oriya Samkshema Sangham. As the question whether Vaddi Community and Bentho Oriya are one and the same requires detailed ethnographic studies and collection of authentic records from various offices in Andhra Pradesh, Tamil Nadu, Orissa and West Bengal, the Tribal Cultural Research & Training Institute (Tribal Welfare Department) (which has a vast experience in conducting Ethnographic & Anthropological studies) was requested to collect the details and furnish a detailed report.

Accordingly, Tribal Cultural Research & Training Institute has conducted detailed study by collecting secondary data from State Archives and Government departments in West Bengal, Orissa, Andhra Pradesh and Tamil Nadu, primary data from Bentho Oriya inhabited villages in Orissa and Andhra Pradesh through Anthropological methods. The information submitted by the petitioners and their association office bearers to the State Level Scrutiny Committee, Srikakulam District were also examined. TCR & TI has submitted its report to the State Level Scrutiny Committee. As per the report of Tribal Cultural Research & Training Institute, the people who are now claiming as Bentho Oriya are locally known as Oddis (Oriya) or Vaddis (Telugu) depending upon their mother tongue. The Committee has also noted that Vaddi community is actually listed in the BC 'A' group in the S.N. 37 in the list of Backward Classes issued by Government of Andhra Pradesh. TCR & TI has also submitted reports on the status of individual petitioners. The committee examined the report submitted by Tribal Cultural Research & Training Institute as well as the representations made by the association and petitioners in several opportunities provided to them. The Committee recommended that Vaddi and Bentho Oriya are not one and the same. The Committee also recommended that the petitioners do not belong to Bentho Oriya tribe.

Taking into consideration the recommendations of the State Level Scrutiny Committee. Government hereby issue the following clarifications :

- a. 'Vaddi is a generic term used in Vizianagaram, Visakhapatnam and Srikakulam districts, which refers to all population who speak Oriya language or hail from Orissa. There is however another community 'Vaddi' living in rural areas of Srikakulam District who are basically stone cutters or earth workers engaged in digging of wells or de-silting of wells and included in the list of Backward Classes. This community has no social relationship with the group of communities who refer themselves as "Vaddis". Therefore, the

individuals who claim to belong to "Vaddi" community of either of the two communities mentioned, are not entitled for Benthoriya (Tribal) certificates, and all such applications must be rejected".

- b. Further in pursuance of instructions of Govt. Memo No. 22427/CV.2/93, dated 3-5-1999, the District Collector, Srikakulam has informed that the 1951 electoral rolls were not available. In such cases, the District Collectors are requested to verify other records such as birth or school records etc. of that period i.e., prior to 1951 for arriving at nativity as well as to decide whether any applicant belongs to Benthoriya Tribal or not before issuing certificates.

The Committee after careful examination of the reports of Tribal Cultural Research & Training Institute and documents placed before the committee by the petitioners, finally concluded that the following petitioners do not belong to Benthoriya Scheduled Tribes, but they belong to Vaddi which is a Backward Class.

1. Gaddai Rambabu, S/o. Appalaswamy
2. Marala Krishna Rao, S/o. Suri
3. Gajjana Manmada Rao, S/o. Apparao
4. Gajjana Poorna Rao, S/o. Taviti Naidu
5. Gopidalai Srinivasa Rao, S/o. Tatanna

The District Collectors, Srikakulam, Vizianagaram and Visakhapatnam are requested to follow the above instructions strictly while considering requests or applications for issue of Benthoriya certificates and also take necessary action for cancelling the certificates of petitioners as per the prescribed procedure.

**M. CHAYA RATNA**  
**PRINCIPAL SECRETARY TO GOVT.**

To  
The District Collector's  
Srikakulam  
Vizianagaram, and  
Visakhapatnam  
Copy to :  
The Director, TCR & TI, Hyderabad  
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH**  
**SOCIAL WELFARE (CV.2) DEPARTMENT**

Dated:23-10-2006

Memo No.5450/CV.2/2006-5

- Sub :** T.W.D.- Issue of Nakkala and Kurvikaran caste certificates to the claimants guidelines issued - Regarding.
- Ref:** 1. From the Joint Secretary, National Commission for STs, Govt. of India, Vth Floor, Loknaya Bhawan, Khan Market, New Delhi - 110 003.
2. Govt. D.O.Lr.No. 5450/CV.2/2005-4, dated 25.7.2006.
3. From the Director of Tribal Welfare, Hyderabad, Lr.Rc.No. 991/TRI/TSV/TEEC, dated 12.9.2006.

\*\*\*\*

A copy of guidelines for issue of ST. certificates to the persons who belongs to Nakkala, Kurvikaran communities are communicate to all the District Collectors in the State.

They are requested to follow the said guidelines while issuing caste certificates to the claimants of the said Tribes in the State.

**V. NAGI REDDY,**  
**SECRETARY TO GOVERNMENT**

To  
All the District Collectors.  
(WE) Guidelines.

The Director,  
National Commission for Scheduled Tribes,  
Govt. of India, Vth floor, Loknaya Bhavan,  
Khan Market; New Delhi - 110 003. (we)

//Forwarded::By Order//

SECTION OFFICER



**GUIDELINES FOR ISSUE OF SCHEDULED TRIBE CERTIFICATES TO PERSONS  
CLAIMING TO BELONG TO NAKKALA, KURVIKARAN TRIBE**

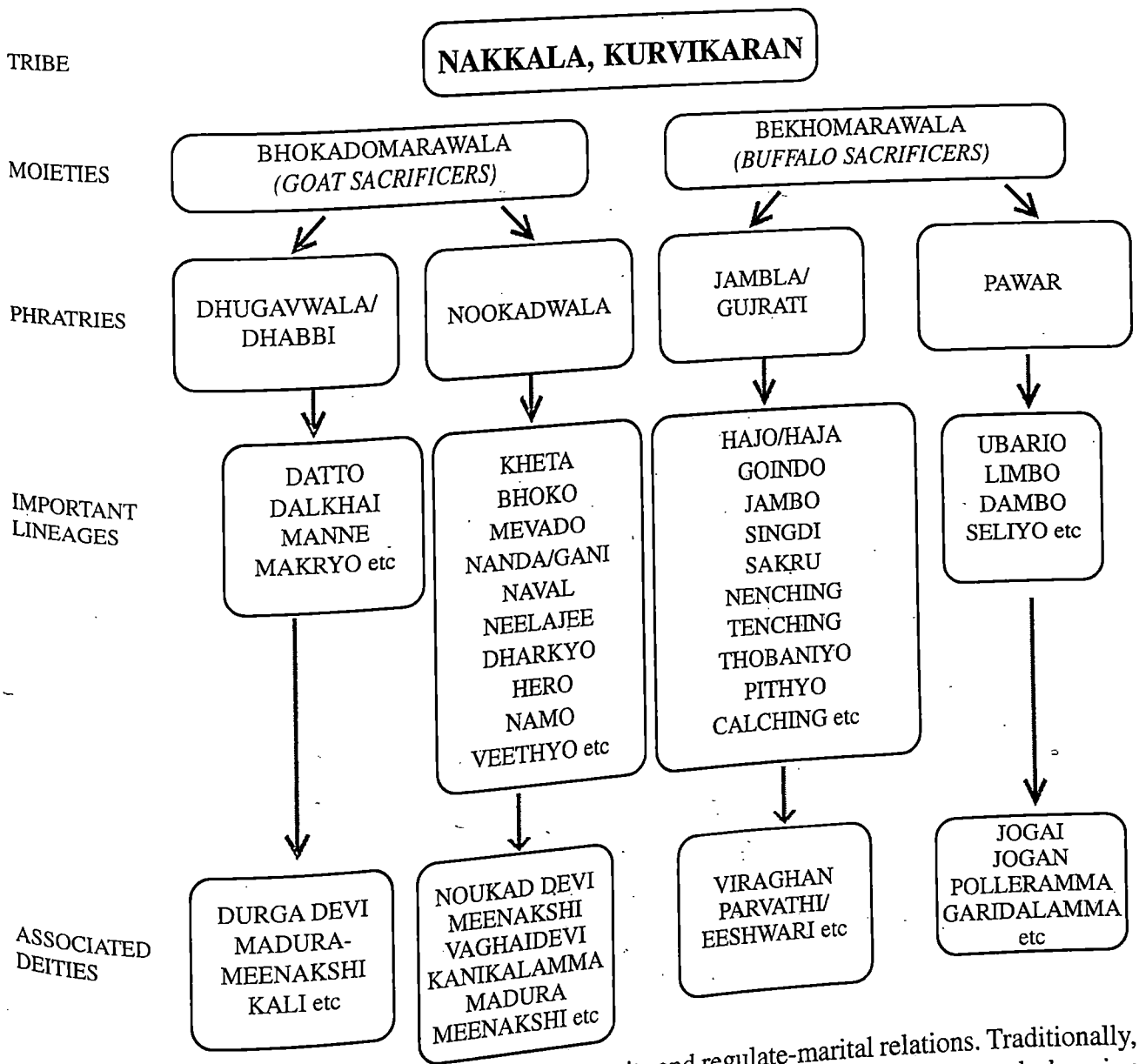
Nakkalas are traditionally a wandering community, nomadic hunters and traders, sporadically distributed in most of the districts of Andhra Pradesh, as well as in other neighbouring states. Nakkalas are not permanent dwellers of one place; they usually migrate from one place to another in search of livelihood i.e., to hunt small animals and birds for consumption and sale of petty articles etc.

Majority of the Nakkala community people are scattered in and around the townships and urban centres of the districts and their localities are generally situated in the busy centers of towns along road sides and in the premises of temples, market yards, schools etc. Sometimes, they are seen living under the shade of trees. They prefer to stay in groups by erecting tents covered with polythene bags and plastic bags that are used for packaging fertilizers etc. Their concentration is usually seen in holy places.

Since Nakkalas are engaged in hunting fox ("Nakka" in local parlance) and eat its flesh, they are called "Nakkalollu" in Andhra Pradesh. They are also called by other people as "Guvvalavallu" (Dove catchers), "Pittalollu" (Bird catchers) and "Shikaris" in Andhra Pradesh while they are called "Narikorva" (Fox hunters), "Oosikorva" (Needle sellers) and "Kurvikaran" (Bird catchers) in Tamilnadu and "Hakkipikki" in Karnataka. The Nakkalas in Andhra Pradesh bordering Tamil Nadu state are also called Kurvikaran.

They have their own dialect called "Nakkala Basha" and it has no script. They call themselves "Vaghriwala" in their dialect.

The Nakkala community is an endogamous group and marrying outside their community is not socially approved. The community is broadly divided into two unilineal descent groups namely moieties. Each moiety is again sub-divided into two unilineal descent groups viz, phratries. Each phratry is further sub-divided into several unilineal descent groups viz, lineages. Details of social divisions among Nakkala, Kurvikaran community are given in the following chart :



Moieties, phratries and lineages are exogamous units and regulate-marital relations. Traditionally, the persons belonging to "Bhokadomarawala" moiety are permitted to marry those belonging to "Bekhomarawala" moiety and vice versa. Marriage by negotiation is the popular way of acquiring mates. Both sororate and levirate marriages are permissible. A man is permitted to marry his deceased elder brother's wife (Levirate marriage). Re-marriage is socially permissible for both the widowed and divorced of either sex. Bride price is common and it is termed as 'chobayak'. Divorce is permissible.

Nuclear family is very common. Authority, Descent and Residence are patriarchal, patrilineal and patrilocal respectively among Nakkalas.

Their staple food is rice. They are non-vegetarians and consume all kinds of meat i.e., mutton, beef, pork, rats, crabs, squirrels, hare/rabbit, deer, fox etc and birds like pigeon, dove, crane, chicken etc. Some of them eat crows also. Traditionally, the persons from the "Bhokadomarawala" moiety do not eat the meat of buffalo and those from "Bekhomarawala" moiety do not eat the meat of goat.

They are now practising a variety of occupations for eking out their livelihood such as (a) hunting of small animals and birds with catapults, snares and air-guns for consumption and sale (b) selling of petty articles like plastic flowers, needles, mirrors, toys, synthetic pearls, combs, catapults etc (c) guarding prawn culture tanks (royyala cheruvulu), fish tanks (chapala cheruvulu), crops at fields etc from the birds' menace (d) being engaged by the Municipal Corporations of towns for catching dogs, pigs, monkeys etc., since they are experts in catching the said animals (e) working as daily wage labourers, workers in shops, agricultural labourers etc.

The women play a significant role in all the economic activities of the community. Women are experts in making colourful bead necklaces, arrangement of plastic flowers, designing beads etc. Some women live as hawkers. They are expert sales women who appear selling bead necklaces and different cosmetic items at busy centers of townships.

Burial is the only form of disposing the dead body among Nakkala tribe.

Nakkala religious pantheon includes various Gods and Goddesses. Some of the important Gods/Goddesses are *Noukad devi*, *viraghan*, *vaghi devi*, *Jogai*, *jogan*, *poleramma*, *kanikalmma* etc. They also worship the deities like Durgadevi, Madhurameenakshi, Kali, Bhadrakali, Parvathidevi, Eeswari, Chamundeswari etc.

Important cultural identity of Nakkala community is possession of the bundle of family deities along with other belongings known as "*Swamy moota*", which is also called "Moliya" in their dialect by individual families. The "*Swamy moota*" consists of family deity figures engrossed on silver plate and placed in a cloth bundle soaked in the blood of sacrificed animals. Every family invariably possesses "*Swamy moota*" and this asset is treated as their property and inherited from generation to generation.

Nakkalas propitiate their family deities ("*Swamymoota*") on a grand scale according to their convenience for the prosperity and well being of family members. This festival is celebrated by individual families at a selected place atleast once in a lifetime by inviting all the relatives. The most important practice during the festival is sacrificing of a buffalo or goat according to their moiety affiliation and sucking of its blood through a cut made in the throat of the animal by the head of the family in a state of trance followed by few others. A non-vegetarian feast is arranged to all the members invited to the festival. They also celebrate Hindu festivals.

The Traditional Council called "*Vagriwalli Naon*" exists among the Nakkala community for social control. The head of the community is called "*Mestri*" / "*Motto Admi*" who is selected by voice vote. Eligibility for holding this post would include full knowledge of community, leadership qualities, wise-ness etc.

**V. NAGI REDDY**  
**SECRETARY TO GOVERNMENT**

**RULES SUPPLEMENT TO PART - I  
EXTRODINARY  
OF  
THE ANDHRA PRADESH GAZETTE  
PUBLISHED BY AUTHORITY**

No. 5

Hyderabad,

Thursday, January 18, 2007

**NOTIFICATION BY GOVERNMENT**

**SOCIAL WELFARE DEPARTMENT**

(CV.2)

**AMENDMENT OF SUB-RULE(10) OF RULE 9 OF THE A.P. SCs. STs. AND BCs ISSUING COMMUNITY,  
NATIVITY AND DATE OF BIRTH CERTIFICATE RULES, 1997**

(G.O. Ms.No. 97, Social Welfare (CV.2), 29th December, 2006)

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 and Backward Classes) issue of Community, Nativity and Date of Birth Certificate Rules, 1997 issued in G.O. Ms.No. 58, SW (J) Department, dated 12-5-1997 and published in Rules Supplement to Part I Extrordinary issue of the Andhra Pradesh Gazette, dated the 16th May 1997 as subsequently Amended.

**AMENDMENT**

In the said rules, in sub-rule (10) of Rule 9, for the words "the Commissioner of Tribal Welfare / Director of Tribal Welfare", shall be substituted.

**V. NAGI REDDY  
SECRETARY TO GOVERNMENT**

**GOVERNMENT OF ANDHRA PRADESH**  
**SOCIAL WELFARE (CV2) DEPARTMENT**

**Memo No. 283/CV.2/2007-1**

**Dated 26-01-2007**

**Sub :** TWD- Issuing of fraudulent Caste Certificates - Action against the officials - Action taken report - Request - Regarding.

**Ref :** 1. Act 16 of 1993, dated 8-9-1993

2. Proceedings in the Zero Hour raised by Sri L. Raja Rao, MLA, in the House of APLA., Hyderabad, dated 21-12-2006

\*\*\*

The attention of the all the District Collectors, Director of Tribal Welfare, Hyderabad and Director, TCR & TL, Hyderabad, is drawn to the reference cited above. They are informed that the subject of criminal action against applicants, parents, officials involved in obtaining bogus community certificates is engaging interest of Government for quite some time. The National Commission for Scheduled Tribes, New Delhi, also desired expedited action both departmental and Criminal against all such officials responsible for issuing fraudulent Community Certificates to individuals as per Act.

There is no information of initiation of Criminal action against any of the officials / persons involved in such fraudulent cases till now. Various penal provisions of the Act 16 of 1993 and the rules framed there under are reiterated hereunder :-

- i) Section 10 : Imprisonment and fine against applicants obtaining community certificates by providing false information or by following fraudulent means.
- ii) Section 11 : Withdrawal of benefits obtained with false community certificates. The benefits include; educational qualifications (certificates, diplomas, degrees etc.), appointments (jobs), Scholarships, grants, allowances.  
Further to the punishments as per Section 16 on conviction.
- iii) Section 12 : Imprisonment and fine on conviction to all those who obtain electoral positions based on fraudulent community certificates.
- iv) Section 12 (2) : Imprisonment for those who obtain benefits under notifications issued as per Schedule V of the Constitution. These are additional reservations provided by State Government only for local Scheduled Tribes.
- v) Section 13 : Provides for punishment for issuing false community certificates. This section is against officials issuing fraudulent community certificates. Proceedings under this provision require previous sanction of the Government.
- vi) Section 14 : Abetment of any of the offences recounted earlier becomes an offence attracting equivalent penalty.

**Procedure :** As per Rules 15 (b) & (c) the District Collector, in whose jurisdiction the false community certificate is issued should refer the case to the court of the Magistrate of I class having jurisdiction over the place.

All the District Collectors are therefore requested to review the matter of issue and cancellation of Caste Certificates under the Act from time to time and ensure that necessary penal action is initiated against all those officials who are involved in the issuance of false ST Community Certificates. Action taken in the matter should be furnished to Govt. every month beginning February, 2007.

**V. NAGI REDDY**  
**SECRETARY TO GOVT.**

To,  
All the District Collectors,  
The Director of Tribal Welfare, Hyderabad  
The Director, TCR & TI., Hyderabad  
Copy to  
The PS to M (SW & TW)  
The PS to M (Finance & Legislature Affairs)  
The Secretary to Legislature,  
APLA., Public Gardens, Hyderabad  
Sri I. Raja Rao, MLA  
(Through the Secretary to Legislature, APLA)  
The PS to Prl. Secretary (SW)  
The PS to Secretary (TW)

//FORWARDED :: BY ORDER//

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH**  
**SOCIAL WELFARE (CV2) DEPARTMENT**

Memo No. 2446/CV2/2007-1

Dated 23-04-2007

**Sub :** TWD- TCR & TI, Hyderabad - Permission to participation in DLSC. Meetings by Kadapa District Scheduled Tribe Employees Association - Request not considerable - Regarding

**Ref :** Representation from the President, Kadapa District Scheduled Tribes Employees Association, dated 18-1-2007 addressed to DTW., Hyderabad

2. Letter from the Director of Tribal Welfare, Hyderabad, RC.No. 285/2007, Dated 10-4-2007

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The attention of the Director, Tribal Welfare, Hyderabad, is invited to the references cited, and he is informed that under Rule 8(d)(6) read with subclasses (4) & (5) of G.O. Ms.No. 58, SW (J2) Department, dated 12-5-1997, provide enough opportunity of representation to the Associations. Hence, there is no need for permanent inclusion of the Association in District Level Scrutiny Committee.

**M.C. PARGAIEN,**  
**ADDL. SECRETARY TO GOVT.**

To,  
The Director of Tribal Welfare  
D.S.S. Bhavan, Masab Tank  
Hyderabad

//FORWARDED :: BY ORDER//

SECTION OFFICER

# GOVERNMENT OF ANDHRA PRADESH

## ABSTRACT

Social Welfare Department - Extension of the benefits available for SC's, ST's & BC's to the children of Inter Caste Marriages - Deletion of Para 2 in G.O. Ms.No. 371, Dated 13-4-1976 - Orders - Issued.

### SOCIAL WELFARE (CV) DEPARTMENT

Dated 3-10-2007

#### G.O. Ms.No. 91

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
5. G.O.Ms.No. 371, E&SW (B2) Dept. 13 April 1976

#### 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.

After careful consideration and keeping, in view of the advise of the Law Department, Government hereby order that the Para 2 of G.O. Ms. No. 371, E & SW (B2) Department, Dated : 13-4-1976 is hereby deleted with immediate effect. The remaining paras of the G.O. will be intact.

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

**A.P.V.N. SARMA**  
**SPECIAL CHIEF SECRETARY TO GOVT.**

To  
The Commissioner, Social Welfare, Hyderabad  
The Commissioner, Tribal Welfare, Hyderabad  
The Social Welfare & Tribal Welfare, Departments, Hyderabad  
The Director of School Education, Hyderabad  
The Director of Higher Education, A.P., Hyderabad  
The Registrars of All Universities  
The Registrar, Sri Venkateswara University, Tirupathi  
The Registrar, Andhra University, Waltair  
The Registrar, Osmania University, Hyderabad  
The Registrar, Jawaharlal Nehru Technological University, Hyderabad  
The Registrar, A.P. Agricultural University, Hyderabad  
Copy to All Heads of Departments  
Copy to All Collectors  
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER



**GOVERNMENT OF ANDHRA PRADESH**  
**SOCIAL WELFARE DEPARTMENT**

**Memo.No.2986/GCC.1/2008**

**Dated 25.7.2008**

**Sub:-** TWD - TCR & TI, Hyderabad - Treating Pydi Community as Scheduled Tribe-Reg.

- Ref:-**
1. Lr.Rc. No. 66/2007/TRI/VC-8, dt.26.3.2008 from Director, TCR & TI, Hyderabad.
  2. Govt.Lr.No.2986/GCC.1/2007, 11.6.2008 addressed to Ministry of Tribal Affairs, Govt. of India.
  3. Lr F. No. 11030/08/2008-C&LM1, dt. 9.7.2008 from Ministry of Tribal Affairs, Govt.of India.

Several representations were received from individuals and organizations pleading that in the Constitution (Scheduled Tribes) order 1950, Pydi community is found at SI.No.35, but due to missing of the name in subsequent amendments / modifications, they are deprived of the ST status and requested the Government of intervention and interpretation of the status.

2. When consulted, the Director, TCR & TI, Hyderabad, has stated that though the 'Pydi' community is found at SI.No.35 in the Constitution (STs) order, 1950, in the subsequent amendments / modifications issued by the Governemnt of India, the 'Pydi' community is not found in the list of Scheduled Tribes.

3. The Government of India, Ministry of Tribal Affairs, in their letter 3<sup>rd</sup> cited have clarified that people of 'Pydi' community of A.P are not entitled to avail the benefit meant for the STs as the Community 'Pydi' has not been included in the list of STs in A.P in the SCs & STs order (Amendment) Act. 1956 and 1976. A copy of the letter third cited is enclosed.

4. The Director, Tribal Welfare, Hyderabad / The Director, TCR & TI, Hyderabad / All District Collectors are requested to follow the above clarification issued by the Government of India, Ministry of Tribal Affairs, scrupulously.

**V. NAGI REDDY**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Director, Tribal Welfare, Hyderabad (w.e)  
The Director, TCR & TI, Hyderabad (w.e)  
All District Collectors (w.e)  
SF/SC

// Forwarded :: by order//

SECTION OFFICER

To,

The Principal Secretary,  
Social Welfare Department  
Government of Andhra Pradesh  
Hyderabad.

Subject :- Status of 'Pydi' community of Andhra Pradesh.

Sir

I am directed to refer to your letter No. 2986/GCC.1/2007 dated 11.06.08 on the subject cited above and to clarify as under :-

The Pydi Community appeared in the list of ST at SI. No. 35 in the then State of Madras with Porjas vide the Constitution ST Order 1950. The name of the 'Pydi' community did not appear in the list of STs in the SC/ST Lists (Modification) Order 1956 in the State of Andhra Pradesh or Madras though the Porja (Parangiperja) community existed with area restriction in the ST list of Andhra Pradesh at SI. No. 15. The area restriction has been removed vide SC/ST Orders (Amendment) Act, 1976 and Porja, Parangiperja has been listed at SI. No. 25 in the ST list of State of Andhra Pradesh.

The Constitution bench of the Hon'ble Supreme Court in its decision dated 28.11.2000 regarding the Orders issued under Article 341 and 342 of the Constitution in case No. 652 of 2000 State of Maharashtra Vs. Milind and Ors hd held, as under :-

- (i) It is not at all permissible to hold any enquiry or let in any evidence to decide or declare that any tribe or tribal community or part of or group within any tribe or tribal community is included in the general name even though it is not specifically mentioned in the concerned Entry in the Constitution (Scheduled Tribes) Order, 1950.
- (ii) The Scheduled Tribes Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it.
- (iii) A notification issued under Clause (1) of Article 342, specifying Scheduled Tribes, can be amended only by law to be made by the Parliament. In other words, any tribe or tribal community or part of the group within any tribe can be included or excluded from the list of Scheduled Tribes issued under Clause (1) of Article 342 only by the Parliament by law and by no other authority.
- (iv) It is not open to the State Government or courts or tribunals or any other authority to modify, amend or alter the list of Scheduled Tribes specified in the notification issued under Clause (1) of Article 342.

2. In view of the above, it is stated that the people of 'Pydi' community of Andhra Pradesh are not entitled to avail the benefits meant for the Scheduled Tribes as the community 'Pydi' has not been included in the list of Scheduled Tribes in Andhra Pradesh in the SCs and STs Order (Amendment) Acts, 1956 and 1976.

(N.S. Tomar)  
Research Officer  
Tel : 23383461



(1980) 1 SUPREME COURT CASES 621

(BEFORE V.D. TULZAPURKAR AND E.S. VENKATARAMAIAH, JJ.)

DADAJI alias DINA

.. Appellant ;

VERSUS

.. Respondents

SUKHDEOBABU AND OTHERS

CIVIL APPEAL No. 2229 of 1978 \*, decided on November, 7, 1979.

Election - Reserve Constituency-Kshatriya Bidwaik Mana Community, held, has no affinity with "Gond" community and does not fall within Entry 18 of Part IX of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 (as it stood in 1977)- Constitution of India, Articles 332, 366(25) and 342- Representation of the People Act, 1951, Section 5(a)

Interpretation of Statutes - External aids - Joint Select Committee report relied on-Statement of Objects and reasons referred to (Paras 5 and 12)

Interpretation of Statutes-Internal aids Punctuation - Marks - Held, do not by themselves control the meaning of a statute which is otherwise obvious. (Para 15)

Interpretation of Statutes - Interpretation of words and phrases - "Including", meaning of, discussed (Paras 11 and 12)

The appellant D is a member of the "Kshatriya Bidwaik Mana" community, which admittedly has no connection with the Gond tribe. In its decision in the case of DINA Vs NARAYAN SINGH, 38 ELR 212, the Supreme Court had held that the appellant could not have a stood from a reserved constituency, because his community did not fall within Entry 12 of paragraph 5 of Part VII-A, which read as follows:

"Gond, including ..... Mana."

By the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 the following Entry 18 was substituted : "Gond ... Mana". The appellant contested the 1978 4l elections from the same reserved constituency, and was elected. The High Court set aside his election in an election petition, holding that he did not belong to a Scheduled Tribe. He appealed to the Supreme Court under Section 116-A of the Representation of the People Act and contended that by virtue of the 1976 amendment a person belonging to any "Mana" community could stand from a reserved constituency, whether or not the said community had an affinity with the "Gond" tribe. In support of his argument the appellant laid stress on the omission of the word "including" after the word "Gond" in Entry 18 Dismissing the appeal.

1. ILR 1969 AP 1042 (FB)

\*From the Judgment and Order dated October 12, 1978 of the Bombay High Court in Election Petition No.2 of 1978.

**Held :**

Had it been the intention of Parliament in amending the Schedule to treat persons belonging to the appellant's community also as a Scheduled Tribe, it would have mentioned the "Mana" community under an independent entry as it has done elsewhere in the schedule where there two communities with the same name, one having affinity with a particular tribe and the other having no such affinity and both are treated as scheduled tribes : in such a case the former is shown in the schedule along with the tribe to which it has affinity in a single entry, while the latter is shown against a different entry. (Paras 12 to 14).

Dina Vs Narayan Singh, 38 ELR 212, Dilworth Vs Commissioner of Stamps, 1899 AC 99, 105, 106:79 LT 473 and South Gujarat Roofing Tiles Manufacturers Association Vs State of Gujarat, (1977) 1 SCR 878: (1976) 4 SCC 601, referred to

RR/4615/C

Advocates who appeared in this case:

N.N. Keshwani and Ramesh N. Keshwani, Advocates, for the Appellant; A.K. Ganguli, Advocate, for the Respondent.

The Judgment of the Court was delivered by

VENKATARAMAIAH, J.— This appeal is filed under Section 116-A of the Representation of the People Act, 1951 (Act. No. 43 of 1951) (here-in-after referred to as 'the Act') against the Judgment of the High Court of Bombay (Nagpur Bench) in Election Petition No.2 of 1978 by which the election of the appellant to the Maharashtra Legislative Assembly from the Armori Constituency (No. 151) in Chandrapur District at the general election held in February, 1978 was set aside. The Armori Constituency was reserved for Scheduled Tribes. The appellant and respondents 1 to 4 were the candidates at the election. As the appellant secured the highest number of votes, he was declared as having been elected by the Returning Officer. In his nomination paper, the appellant declared that he belonged to 'Mana' community. Respondents 1,2 and 4 declared themselves as belonging to 'Pradhan' community and respondent 3 claimed that he belonged to 'Raj Gond' community. After the result of the election was declared, respondent 1 who had secured the next highest number of votes at the election filed an election petition under Section 81 of the Act before the High Court of Bombay Calling in question the election of the appellant. One of the grounds urged in the petition was that the appellant did not belong to any of the Scheduled Tribes specified in Part IX of the Schedule to the Constitution (Scheduled Tribes) Order, 1950 (hereinafter referred to as 'the Order') as it stood at the time of the election and was not, therefore, qualified to be chosen to fill the seat which was reserved for Scheduled Tribes. It was alleged that the appellant belonged to Kshatriya Bidwaik Mana community and not to the 'Mana' community referred to in Entry 18 of Part IX of the Schedule to the Order, Respondent 1 also claimed that in the event of the appellant's election being declared as void, the Court should make a declaration that he (Respondent 1) himself had been duly elected. The High Court upheld the contention of respondent 1 that the appellant did not belong to any of the Scheduled Tribes referred to in Part IX of the Schedule to the Order and declared his election as void. The other prayer made by respondent 1 that he should be declared as elected was, however, rejected. Aggrieved by the Judgment of the High Court, the appellant has come up in appeal to this Court

2. It should be mentioned at this stage that in the general election held in the year 1967, the appellant was declared as a successful candidate from the very same constituency which was a constituency reserved for Scheduled Tribes at that time also and that on an election petition being filed against the appellant, the High Court held that he did not belong to any of the Scheduled Tribes mentioned in the appropriate part of the Schedule to the Order at that time and therefore he was not qualified to contest the election. Accordingly his election was set aside. In the appeal filed before this Court, the Judgment of the High Court was affirmed vide DINA Vs NARAYAN SINGH. In the course of the decision of this Court, it was held that the appellant belonged to 'Kshatriya Bidwaik Mana' Community and not to the "Mana" community referred to in Entry 12 of paragraph 5 of Part VII-A of the Schedule to the Order as it stood at the time of the said election for the reasons to which we shall advert hereafter.

3. In the election petition out of which this appeal arise, respondent 1 pleaded that the appellant belonged to 'Kshatriya Bidwaik Mana' community which was not a tribe mentioned in the Schedule to the Order and that the appellant was not a member of the 'Mana' community referred to in Entry 18 of Part IX of the Schedule to the Order as it stood at the time of the election in question. It was further alleged that the said 'Mana' community was a sub-tribe of Gond tribe and it had no relationship with the 'Kshatriya Bidwaik Mana' community to which the appellant belonged. The appellant denied the above allegation that there were two types of Manas, viz (a) 'Mana' to the Order and (b) 'Kshatriya Bidwaik Mana' community. He further contended that the 'Mana' community to which he belonged had been included in that entry after the Schedule to the Order was amended by the Scheduled Castes Scheduled Tribes Orders (Amendment) Act, 1976.

4. In order to appreciate the rival contentions, it is necessary to make a brief survey of the law bearing on the question. Article 332 of the Constitution provides that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam and Nagaland, in the Legislative Assembly of every State and that the member of seats for the Scheduled Castes and the Scheduled Tribes so reserved shall bear, as nearly as may be, the same proportion of the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State. The expression 'Scheduled Tribes' with which we are

concerned in this case is defined in clause (25) of Article 366 of the Constitution 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 the Constitution. Article 342 (1) of the Constitution provides that the President may with respect to any State or Union Territory and where it is a State after consultation with the Governor there of, 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 the Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be. It was in pursuance of this constitutional provision that the President issued the Order specifying the tribes or tribal communities which should be deemed to be Scheduled Tribes in relation to the several parts of India. Article 342(2) of the constitution confers the power on the Parliament to modify by law the order issued under Article 342(1) by including in or excluding from the list of Scheduled Tribes specified therein any tribe or tribal community or part of or group within any tribe or tribal community. Section 5(a) of the Act provides that a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless, in the case of a seat reserved for the Scheduled Tribes of that State he is a member of any of those tribes and is an elector for any Assembly of a State unless, in the case of a seat reserved for the Scheduled Tribes of that State he is a member of any of those tribes and is an elector for any Assembly constituency in the State. The area in which the appellant and respondents 1 to 4 are residing is situated within the area known as Gadchiroli and Sironcha Tahsils of the Chandrapur District of the State of Maharashtra. Prior to the Amendment made in 1956. Entry 12 in the relevant part of the Schedule to the Order read as "Gond including Madia (Maria) and Mudia (Muria)". By the Scheduled Castes and Scheduled Tribes (Amendment) Act 63 of 1956, the said Entry 12 was substituted by Entry 12 in paragraph (5) of Part VII-A of the Schedule to the Order which was as follows :

12. Gond, Including ---  
 Arakh or Arrakh  
 Agaria  
 Asur  
 Badi Maria or  
 Bada Maria  
 Bhatola  
 Bhimma  
 Bhuta or Koilabhuta  
 or Koilabhuti  
 Bhar  
 Bisonhorn Maria  
 Kendra  
 Kalanga  
 Khatola  
 Koitar  
 Koya  
 Khirwar or Khirwara  
 Kucha Maria  
 Kuchaki Maria  
 Madia (Maria)  
 Mana

- Chota Maria  
 Dandami Maria  
 Dhuru or Dhurwa  
 Dhoba  
 Dhulia  
 Dorla  
 Gaiki  
 Gatta or Gatti  
 Gaita  
 Gond Gowari  
 Hill Maria  
 Mannewar  
 Moghya or Mogia or Monghya  
 Mudia (Muria)  
 Nagarchi  
 Nagwanshi  
 Ojha  
 Raj  
 Sonjhari Jhareka  
 Thatia of Thotya  
 Wade Maria or Vade Maria

5. The 30<sup>th</sup> tribe amongst the tribes included within the broad classification or 'Gend' tribe is 'Mana' tribe. As mentioned earlier, the claim of the appellant that he belonged to the said tribe in the previous case was negatived. In August, 1967, a Bill was introduced in the Lok Sabha proposing to amend the Schedule to the Order. By that Bill, it was proposed to substitute the Schedule to the Order as it stood then by a new schedule. Part VIII of the new Schedule related to Maharashtra. Entry 22 in that Part read as follows :

Tribe	Synonym	Sub-Tribe
22 Gond	Koitur	Arakh
		Boda Madia
		Bhatola
		Chhota Madia
		Dandami Madia
		Dhulia
		Dhuru or Dhurwa
		Dhoba
		Dorla
		Gaiki
		Gaita
		Gatta or Gatti
		Kalanga
		Kendra
		Koya
		Khirwar
		Kucha Madia
		Kuchaki Madia
		Machalir Madia
		Mana
		Mannewar
		Mudia
		Nagarchi
		Nagwanshi
		Naikpod
		Ojha
		Sonjhari Jharekha
		Thatia or Thotia

6. In the proposed entry, 'Mana' community was shown as a Sub-tribe of 'Gond' tribe. With the concurrence of the Rajya Sabha, the Bill was referred to a Joint Committee of the Parliament presided over by Shri Anil K. Chandra. The Report of the Joint Committee on the Bill was presented to the Lok Sabha on November 17, 1969. In so far as the amendments proposed to the Schedule to the Order were concerned, the Joint Committee inter alia observed at paragraph 20(ii) thus :

The Committee feel that the proposal to specify the tribes, the Synonyms and the sub-tribes in three separate columns will not be appropriate. As in the case of Scheduled Castes Orders, the Committee are of the view that it would be best to follow the wording of Article 342(1) of the Constitution and specify: "The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities". Each of the Scheduled Tribes Orders have been modified accordingly, and in the lists of Scheduled Tribes the main tribe name is written first followed by the synonyms and sub-tribes in alphabetical order.

7. The Joint Committee also recommended that the Mana sub-tribe referred to in the Bill should be excluded from the Schedule to the Order altogether. Thereafter the matter was again considered by the Parliament. In the Statement of Objects and Reasons, dated May 12, 1976 attached to the Bill, it was stated as follows :

Under the Scheduled Castes and Scheduled Tribes Orders some communities have been specified as Scheduled Castes or as Scheduled Tribes only in certain areas of the State concerned and not in respect of the whole State. This has been causing difficulties to members of these communities in the areas where they have not been so specified. The present Bill generally seeks to remove these area restrictions. However, in cases where continuance of such restrictions were specifically recommended by the Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967, no change is being effected. The Committee had also recommended exclusion of certain communities from the lists of Scheduled Castes and Scheduled Tribes. These exclusions are not being made at present and such communities are being retained in the lists with the present area restrictions. Such of the communities in respect of which the Joint Committee had recommended exclusion on the ground that they were not found in a State are, however, being excluded if there were no returns in respect of these communities in the censuses of 1961 and 1971 .....

Thereafter the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Act No. 108 of 1976) was passed by the Parliament and it had come into force before the election in question was held. By the above Act, the entire Schedule to the Order as it stood prior to the amendment was substituted by a new Schedule consisting of XVI parts. Part IX of the new Schedule relates to the State of Maharashtra. Entry 18 of Part IX of the new Schedule corresponds to Entry 22 of the Bill referred to above and to Entry 12 in paragraph (5) of Part VII-A of the Order as it stood prior to the amendment. Entry 18 of Part IX of the Schedule to the Order after the amendment reads thus :

18. Gond; Raj Gond, Arakh, Arrakh, Agaria, Asur Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghnya, Mudia, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria.

8. It is seen from the above entry that 'Mana' community is one of the communities included in the group of communities headed by Gond community. It appears that the recommendation of the Joint Committee to exclude it from the Schedule to the Order was not accepted by the Parliament.

9. If the Schedule to the Order had not undergone any change, there would not have been any room for argument that the appellant was a person belonging to a Scheduled Tribe eligible to contest as a candidate at an election to fill a seat from the reserved constituency as the question was concluded by the Judgment of this Court in Dina case Mr. M.N. Phadke, learned counsel for the appellant, however, argued that a comparison of Entry 12 as it stood prior to the amendment and Entry 18 as it stood on the date of the election in question would show that the Parliament while substituting the Schedule by a new Schedule by Act No. 108 of 1976 intended to make a departure from the old law and that every person who belonged to any 'Mana' community whether it had any affinity with Gond tribe or not would be entitled to the privilege of contesting at the election from the reserved constituency. The question for consideration before us therefore is whether by reason of the amendment made in the year 1976, persons belonging to the 'Mana' community to which the appellant belonged and which was not a Scheduled Tribe before such amendment can be considered as persons belonging to a Scheduled Tribe after such amendment.

10. Apart from Article 366(25) of the Constitution, there is no other definition of the expression 'Scheduled Tribes'. Scheduled Tribes are, therefore, only those which are deemed under Article 342 of the Constitution to be Scheduled Tribes. Hence in order to find out whether a community is a Scheduled Tribe or not, we have only to see the order which is made under Article 342 of the Constitution.

11. Mr. M.N. Phadke, learned counsel for the appellant drew the attention of the Court to the omission of the word 'including' which according to him had been used in Entry 12 of the Schedule as it stood prior to the amendment to indicate that the communities mentioned after it were those having affinity with the 'Gond' tribe, from the new Entry 18 of Part IX of the Schedule to the Order and contended that the group of communities mentioned in Entry 18 need not necessarily be those having mutual affinity amongst them. On the above basis, it was urged on behalf of the appellant that a person belonging to any 'Mana' community should be treated as a person belonging to a Scheduled Tribe even though it had no affinity with the 'Gond' tribe. We find it difficult to agree with the submission made by him. Sometimes, the word 'including' is used in a definition to give an extended meaning also to the word defined. In *DILWORTH Vs COMMISSIONER OF STAMPS*<sup>2</sup>, Lord Watson observed that when the word 'include' is used in an interpretation clause to enlarge the meaning of words or phrases in a statute, "these words or phrases must be construed as comprehending, not only such things as they signify according to their natural import but also those things which the interpretation clause declares that they shall include". Some times the word 'includes' as used as a synonym for 'means' and not as a word of extension, but limitation. This again is clear from the following observations of Lord Watson in the decision referred to above:

But the word 'include' is susceptible of another construction, which may become imperative, if the context of the Act is sufficient to show that it was not merely employed for the purpose of adding to the natural significance of the words or expressions defined. It may be equivalent to 'mean and include', and in that case it may afford an exhaustive explanation of the meaning which, for the may purposes of the Act, must invariably be attached to these words or expressions.

12. In *South Gujarat Roofing Tiles Manufacturers Association Vs \* State of Gujarat*<sup>3</sup>, this Court interpreted the expression 'includes' found in Entry 22 which had been included in Part I of the Schedule to the Minimum Wages Act, 1948 by the Gujarat Government as being equivalent to 'means'. It is significant that even when it was possible to give an extended meaning to the expression 'Mana' appearing in Entry 12 in the Order before the amendment relying on the presence of the word 'including' in that entry, this Court gave a restricted meaning to it and held that only that 'Mana' community which had affinity with the Gond community could be considered as a Scheduled Tribe and that Kshatriya



Bidwaik Mana community to which the appellant belonged could not be treated as a Scheduled Tribe. Now that the word 'including' has been omitted from the present Entry 18, is it open to construe it as including communities which had no affinity with the principal tribe 'Gond' mentioned first in that entry? We do not think that it is possible to do so. Even though the proceedings of the Joint Committee cannot be relied upon for the purpose of construing the Order, they may be looked into to ascertain the circumstances in which the several communities were grouped under one entry or the other. The extract from the proceedings of the Joint Committee quoted above shows that in order to avoid confusion, the Committee recommended to follow the words in Article 342 of the Constitution and to enlist the "tribes or tribal communities or parts of, or groups within, tribes or tribal communities" under specific entries. It also recommended that the main tribe should be mentioned first in any entry followed by its synonyms and its sub-tribes in alphabetical order. Even without the aid of the proceedings of the Joint Committee, it is possible to arrive at the same conclusion in the context in which the word 'Mana' is found in Entry 18. Part IX of the Schedule to the Order as it stands today contains 47 entries. 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 of or groups within a tribal community also to be specified in the order issued thereunder. It is, therefore, reasonable to hold that the communities mentioned against any specific entry are those which have mutual affinity amongst them.

13. It is also not possible to hold that by replacing the Schedule to the Order by a new Schedule the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the Parliament intended to treat persons belonging to 'Kshatriya Bidwaik Mana' community also as Scheduled Tribes. If really that was the intention, the Parliament would have mentioned 'Mana' community under an independent entry. The inclusion of the 'Naikpod' community amongst the group of communities in Entry 18 for the first time also is of no special significance since the appellant has admitted in the course of his evidence that 'Naikpod' as also a tribe, found along with other Scheduled Tribes in that area and it is not stated that the said tribe has no affinity with them. It may have been omitted from the order earlier due to oversight.

14. A reading of the Schedule to the Order also shows that where there are two communities with the same name, one having affinity with a tribe and the other not having anything 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 a single entry and the other is shown against a different entry. This is illustrated by the inclusion of the 'Koya' community having affinity with 'Gonds' in Entry 18 and the 'Koya' community having no such affinity in Entry 33 of Part IX of the Schedule to the Order. If the Parliament intended to treat the appellant's community also as a Scheduled Tribe, it would have shown 'Mana' community under a separate entry. No such entry is found in the Schedule.

15. Some arguments were addressed at the Bar on the basis of the difference in the punctuation marks used in Entry 12 and in Entry 18. It is well known that punctuation marks by themselves do not control the meaning of a statute when its meaning is otherwise obvious. Hence we do not feel that we should deal with it in greater detail having regard to the nature of this case.

16. We are, therefore, of the view that the 'Mana' community included in Entry 18 can only be that which has affinity with 'Gonds' and any other community which also bears the name 'Mana' but does not have any such affinity cannot be deemed to fall within the scope of 'Mana' in Entry 18.

17. The appellant has categorically admitted in the course of his evidence that there was no connection between his community and Gonds. His evidence is 'We have no concern with the Gond community also. The customs and traditions with regard to marriage of our community are different from those of the Gonds'. He has stated in his deposition that "I have no concern what-so-ever with Gonds. There are sub-castes amongst Gonds. Some of them are Arak, Gowari, Raj Gond, Bada Magia, Madia, Ojha and Wanjari. It is not true that Mana is a sub-caste of the Gonds. There is no community known as 'Gond' ". That the appellant was a member of the 'Mana' community which has the qualification of 'Kshatriya' is established by his admission in his deposition that he was a member of the Kshatriya Mana Shikshana Sahayak Mandal, Chandrapur. Although in another part of his statement of objections there are some contradictory statements, the following plea in Para 9 of the said statement makes it obvious that there is a community called Kshatriya Bidwaik Mana community :

9. As to Para 11: -- It is admitted that the respondent I was the Vice-President for some times and also an active worker of the Kshatriya Bidwaik Mana Shikshana Samstha. The object of the said institution was not limited to spread education amongst the boys belonging to Kshatriya Bidwaik Mana community, and it is denied that the said society has been founded in order to give educational facilities to the students belonging to this community only.

18. In the appeal filed by the appellant where the question was whether he belonged to a Scheduled Tribe or not, this Court observed:

That there are sub-tribes amongst the Gonds is not denied. Names of some of those sub-tribes are included in Entry 12 of item 5 of Part VII-A of the Schedule is also a matter which is beyond dispute. The customs, manners, form of worship and dress of the members of the Maratha Mana community are all different from the customs, manners, form of worship and dress of the Gonds. No rational explanation has been suggested why the Parliament should have, while including under Entry 12 several sub tribes of Gonds, specified Mana under that entry, if Manas had no affinity at all with Gonds. The appellant was uncertain about the claim that he was making. In the nomination paper filed by him he claimed to be a Gond (Mana). His subsequent explanation that he did so because the rules so required cannot be accepted as true. He relied upon the status of a Mana in the belief that all Manas were intended to be given the benefit of the privileges conferred by the Scheduled Tribes Order. He described himself as a Gond (Mana). Realising there after that his community had no affinity with the Gonds and that his community had also nothing to do with the Gonds. He rested his claim solely upon the description in Entry 12 in which the entry is made prima facie indicates that in the view of the legislature, Mana was a sub-tribe of Gonds and a Mana who was a member of the sub-tribes of Gonds alone was entitled to the privileges conferred by the Schedule to the Scheduled Tribes Order.

We, therefore, agree with the High Court that the appellant, merely because he belonged to the Mana community amongst the Marathas, is not eligible to stand as a candidate for election to the Maharashtra Legislative Assembly from the reserved seat of the Armori Constituency in Gadchiroli Tahsil of Chanda District.

19. The position has not since changed even though the Schedule to the Order is substituted by a new Schedule. There has only been a rearrangement of the Schedule with slight modification which has no effect on the question at issue in this case.

20. The High Court was, therefore, right in rejecting the case of the appellant that he belonged to a Scheduled Tribe, and in setting aside his election to the Maharashtra Legislative Assembly.

21. In the result the appeal fails and is hereby dismissed with costs.

Copy of

**IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH :**  
**AT HYDERABAD**

**(SPECIAL ORIGINAL JURISDICTION)**

Thursday the Thirtieth day of August  
One thousand nine hundred and seventy nine

**PRESENT :**

**THE HONOURABLE MR. JUSTICE JEEVAN REDDY**  
**WRIT PETITION NO. 3490 OF 1979**

1. Balanku Veeraiah
2. P. Sreeramulu
3. Wanjari Sangham, Hyderabad.  
represented by its Secretary  
B. Shravan Kumar
4. V. Pandurangam

Petitioners

and

1. State of A.P. represented by Secretary to  
Government, Social Welfare Department, Hyderabad
2. Director of Tribal Welfare, Government of A.P.  
Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to send for the records connected with G.O.Ms.No.44, Social Welfare (E) Department, dated 23rd February, 1979 and quash the same by the issuance of an appropriate Writ especially in the nature of a Writ of certiorari order of direction and to pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

This petition coming for hearing on Monday the 27th Wednesday the 28th day of August 1979 and this day upon perusing the petition and the affidavit therein and the Writ and Rule Nisi directed by the order of the High Court dated 24-4-79 and made herein and the records submitted in pursuance thereof, and the counter affidavit filed herein and upon hearing the arguments of Mr. Y.Sivarama Sastri advocate for the petitioners and of the Government Pleader for Industries on behalf of the respondents. The Court made the following :-

**ORDER :**

The petitioners, four in number, seek an appropriate Writ Order or direction quashing G.O.Ms.No. 44, Social Welfare (E) Department, dated 23rd February, 1979. According to petitioners 1,2 and 4, they belong to Sugali caste which is declared as a Scheduled Tribe in the State of Andhra Pradesh. They say that 'Sugalies' have several synonyms like Banjara, Lambadi, Lambari, Brinjara, Wanjari and Sukari. The petitioners have formed a 'Sangham' called Wanjari Sangham, which is impleaded as the 3rd petitioner herein.

Under G.O.Ms.No.147, Social Welfare, dated 27th April, 1977 the Government of Andhra Pradesh had directed that in respect of certain scheduled tribes specified in the G.O., the caste/tribe certificates shall be issued only by a Revenue Officer / Assistant Collector / Sub-Collector of the Taluk/Division/District and not by all or any of the gazetted officers. Subsequently, the Government issued G.O.Ms.No.245, Social Welfare, dated 30-6-77 laying down the guidelines, according to which a caste / community certificate should be granted to the members of Scheduled

tribes. In Annexure II to the said G.O., 'Wanjari' was recognised as one of the synonyms of 'Sugali'. Being Wanjari, the petitioners say they had applied for Scheduled Tribe certificates, but they were refused on the ground that the Wanjari caste is not a Scheduled Tribe, relying upon a letter of the Director of Tribal Welfare. The petitioners then approached this Court by way of Writ petition No. 271/79 which was disposed of by a learned single judge of this court on 7-3-79. It was directed by the learned single Judge that the Tahsildar shall inquire and determine the question whether the applicants before him belong to Scheduled tribes or not, uninfluenced by the letter of the Director referred to therein and shall issue or refuse the certificate, as the case may be on the basis of such enquiry. But, before the Tahsildar could take any action according to the judgement, the petitioners complain, the Government has come forward with the impugned G.O., Where by G.O. Ms. No. 245 was amended deleting 'Wanjari' as one of the synonyms for 'Sugali'. Indeed the impugned G.O. was issued a few days prior to the judgement of this Court in Writ Petition No. 271/79, but it was not brought to the notice of this Court by either party. Be that as it may, the question is whether the impugned G.O. is liable to be struck down for any of the reasons suggested by the petitioner.

For a proper appreciation of the question arising herein, it is necessary to refer briefly to the context in which the impugned order has come to be issued. Article 342 of the Constitution of India reads as follows :-

"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 the State or Union Territory, as the case may be.

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

Under clause (1), the President issued an order called the Constitution (Scheduled Tribes) Order, 1950 (published in the Ministry of Law Notification No. S.R.O. 510, dated 6-9-1950 and published in the Gazette of India, Extraordinary, part - II, Section 3 at page 597). According to this order, "Sugalties (Lambadies)" are not mentioned as one of the Scheduled Tribes in the then State of Hyderabad, or in the then State of Madras. There after, the Parliament enacted, as contemplated by clause (2) of Article 342 the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1956 being Act 1963 of 1956, where under "Sugalties (Lambadies)" were declared as one of the tribes throughout the State of Andhra. After the re-organisation of the State, the President issued, in pursuance of Sec.41 of the States Reorganisation Act, 1956 the Scheduled Caste and Tribes lists (Modification) Order (S.R.O. 2477 - A), where under, Sugalties (Lambadies) were one of the Scheduled Tribes in the Andhra area of the State, but not in the Telangana area. In 1976, however, the parliament enacted yet another Amendment Act, being Act 108/76 called the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. According to this order, 'Sugalties' (Lambadies) became one of the tribes notified for the entire State of Andhra Pradesh.

In G.O.Ms.No. 880, Employment and Social Welfare, dated 17-10-75 the Government of A.P. directed that the gazetted officers serving under the Government of A.P. including those in Municipalities and in the Hyderabad Municipal Corporation shall be competent to issue Community Certificates for Scheduled Castes, Scheduled Tribes and Backward Class students. But it was notice by the Government that a large number of false certificates were being produced, taking advantage of certain caste names very much similar to the names of the Scheduled Tribes. The Government therefore directed in G.O.Ms.No.147, dated 27-4-77, in modification of G.O.Ms.No.880 that the caste / community certificates in respect of certain Scheduled Tribes should be issued only by the Revenue Officers. (Sugalties are not, of course, one of the tribes so specified in the said G.O. In spite of G.O.Ms.No.147, it appears, a number of instances of false and bogus certificates were coming to the notice of the Government. With a view to ensure that only genuine persons are given the certificates, the Government evolved a fairly comprehensive procedure, which the officers issuing such certificates shall have to follow. These guidelines were issued in G.O.Ms.No. 245, dated 30.6.77 and all the certifying authorities in the State were requested to act upon and scrupulously follow these guidelines. A brief

reference to the contents of the said G.O. would be necessary for appreciating the context and the circumstances in which it was issued.

It is recited firstly that every year a large number of applications are being received for issuance of Scheduled Tribe certificates in as much as these certificates entitled the holder to several concessions and scholarships in educational and employment field. The word 'tribal' it is stated, has so far eluded a definition of universal application. By merely calling them 'Scheduled Tribes', no light is thrown upon the concept of a Scheduled Tribe, who are intended to be protected, and promoted by the Constitution. The Joint Parliamentary Committee constituted to probe into the question of including certain fresh tribal communities could not also come up with any criteria of universal application for declaring a particular community as a Scheduled Tribe. Five tests evolved by it, it was found though relevant, became unrealistic when sought to be applied simultaneously. The matter has become further complicated on account of the synonymous names of several communities and occupational groups. Three instances were cited in particular, namely Konda Reddi, Konda Kapu and Kammara. It was pointed out that Konda Reddy, Konda Kapu and Kammara are tribals living in hills and leading a style of life and observing customs and ceremonies which are wholly of an aboriginal nature. At the same time, there were Reddies, Kapus and Kammaras living in the plains who were very much advanced and who can in no way be connected with and identified with the Konda Reddi, Konda Kapu and Kammaras living in the hills. But still, taking advantage of the similarity of caste/group names, several members of Reddy, Kapu and Kammara castes have been obtaining certificates stating that they are members of Konda Reddy, Konda Kapu and Kammara caste and on that basis seeking the concessions and benefits intended for the Scheduled Tribes. With a view to screen such bogus contenders, it was found necessary to evolve an elaborate procedure.

A proforma questionnaire is appended in Annexure-I to the said G.O. The object of the questionnaire is to scrutinise and inquire in a fairly elaborate manner into the antecedents, customs, relatives and other relevant particulars of an applicant for a Scheduled Tribe certificate. The whole exercise is intended to ensure that only the genuine members of the Scheduled Tribes get certificates and not others. Annexure - II to the said G.O. notified that several Scheduled Tribes, their total population in the State, their respective chief places of habitation, the synonyms for each tribe, their sub-groups and sub-divisions, if any, their marriage patterns, the dieties worshipped by them and their food habits etc. 'Wanjari' was mentioned as one of the synonyms of the Sugali tribe in column 5 of Annexure - II. Under the impugned G.O. however the word 'Wanjari' has been deleted from column 5 in Annexure - II. This deletion is the subject matter of attack in this Writ petition.

The question of the learned counsel for the petitioners is that, by deleting the expression 'Wanjari' from column 5 of Annexure II to G.O.Ms. 245, all the Wanjaris who are, in fact, members of the Sugali Scheduled Tribe and who are in truth, 'Sugalies' are being deprived of the benefits extended by the Constitution and the Government. It is argued that the Government has no power to issue such G.O. and that in any event, it has issued the same without proper enquiry and verification.

It is explained by the learned Government Pleader that there is a 'Wanjari' caste in the State of A.P., which can by no stretch of imagination be called a Scheduled Tribe, they are plain-people leading an advanced way of life. But the members of the said caste have been found to be obtaining Scheduled Tribe certificates, taking advantage of the similarity of the caste name. For that reason, he says the impugned G.O., has been issued. It is pointed out by Sri P. Raja Rao, the Learned Government Pleader for industries, that according to the allegation of the petitioners themselves in this Writ Petition, they belong to 'Sugali' tribe. If so, there is not necessity for them to call themselves Wanjaries. They can always establish and satisfy the concerned authority, in accordance with the guidelines issued in G.O. Ms.No. 245, that they are 'Sugalies' and then they will be given a certificate. It is therefore argued, the petitioners can have no real grievance.

I am of the opinion that the synonyms mentioned in column 5 of Annexure - II to G.O.Ms.No.245 are not a such a nature, that any person, be merely proving to be a member of a group/caste known by that name, can automatically obtain a scheduled tribe certificate. The name is only one of the several indications on the basis of which the question whether a person belongs to a scheduled tribe or not, is determined. It may happen that particular group or caste which

can in no sense be identified as a Scheduled Tribe bears a name appellation, similar or approximating to one of the other names mentioned in column 5 of Annexure - II. By that reason alone a member of that group or caste cannot claim to be a member of Scheduled Tribe, in as much as, the word 'Wanjari' was causing confusion, the impugned G.O. came to be issued. But still, the members of 'Sugali' tribe whether they are known as Wanjaries or by any other synonym can always establish that they, in truth and in reality, belong to that scheduled tribe and obtain the certificate. In such a case, it would not be necessary to enquire further whether they are Wanjaries or not. The main object is to determine, by applying the several tests prescribed by and contained in G.O.Ms.No.245, whether a person belongs to a Scheduled Tribe or not. The synonyms are mentioned only with a view to aid the officers in the matter of verification. They are not by themselves conclusive. Each of them is a synonym for a particular scheduled tribe. It is not as if each of those is by itself is declared a Scheduled Tribe. Merely proving that one is a Wanjari is of no consequence. One must prove that he is a Wanjari, which is in truth the Sugali tribe. The certificate must also say that the holder thereof belongs to a particular scheduled tribe mentioned in the Presidential Order, as amended. It would not be enough to say, for instance, that the holder of certificate belongs to 'Wanjari groups' or caste or community. It can ofcourse say that the holder belongs to Wanjari Tribe, which is in fact the Sugali Tribe. Looked at from this angle the petitioners can make no grievance simply because the name 'Wanjari', mentioned as one of the synonyms for 'Sugali' tribe has now been deleted. G.O.Ms.No. 245 merely lays down the guidelines for the officers in the matter of enquiry. It did not or does not confer any rights on anyone. The impugned G.O. too does not take away any rights, which inhered in the petitioners. Even before the deletion, it was not enough for them to say that they were 'Wanjaries'. They had to satisfy the several tests, answer the questionnaire and prove before the concerned authority that they belong to Sugali Scheduled Tribe. Even now the same position continues. In fact, I do not see any cause for complaint on the part of the petitioners in as much as, according to their own allegation in the Writ affidavit, they are 'Sugalies'. If they are 'Sugalies', they need not worry whether 'Wanjari' is a synonym or not. If they are 'Wanjaries', which really means Sugalies, they can always prove the same.

I am therefore of the opinion that there are no grounds for quashing the impugned G.O. In my opinion, the Writ Petition is misconceived. Accordingly it is false and is dismissed. No costs, Advocate's fee Rs. 150/-.

Sd/-  
**T.G. KRISHNAMACHARY**  
Asst. Registrar (Judicial)

Sd/- xxx  
Assistant Registrar

//true copy//

To  
The Secretary to Govt. State of A.P., Social Welfare Dept., Hyderabad  
The Director of Tribal Welfare, A.P. Hyderabad  
Two C.Cs to the Govt. Pleader for Industries  
(on usual terms)

//true copy//

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

(Write 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 Judgement :-

(Judgement 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 :-

"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 Kalalee (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 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 her 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' as 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., Lakshmi Narayana Devipet 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.  
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 :

**"342. 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<br>(ordinary), Kottu Koya, Bhine Koya, Raj Koya |     |           |
|     | xxx  | xxx | xxx.....” |

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 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, Settibaliya of Visakhapatnam, East Godavari, West Godavari and Krishna Dist."

C. It would immediately be seen that there is a tribe called 'Goudu' 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 the 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 homogenous group in their way of life, whereas the caste group in their way of life, where as the caste groups are heterogenous culturally. Tribal societies are more segmentary in nature; they view their societies merely as component autonomous 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 support to do more. It only specified certain tribes, tribal communities, or groups within tribes, as scheduled tribes in 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 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.

E. Applying the above principles to the facts of this case, it must be held that the Ist respondent who, according to the certificate produced by herself, 'belongs to Kalali (Gowds) caste which is included in the list of Backward Classes' cannot become 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 (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 residence in an Agency Tract. Suppose, tomorrow, the Ist 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 of 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 tribe in Agency tracts, as one and the same. Not only there are Goudus in the 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 (Gammala); 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. Vizianagaram 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 recode 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 class 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 judgement of another learned Single Judge of this Court in G. Venkateswara Rao Vs. District Collector, Khammam (I) 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 COLLEGE 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 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 judgement 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 judgement 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 not 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 who 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 Ist 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 within an Agency tract.

The writ appeal is, accordingly allowed and the judgement 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//

SECTION OFFICER

**IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH :**  
**AT HYDERABAD**

TUESDAY, THE EIGHTEENTH DAY OF JANUARY  
ONE THOUSAND NINE HUNDRED AND EIGHTY THREE

PRESENT

THE HONOURABLE MR. JUSTICE CHENNAKESAVA REDDY

• AND

THE HONOURABLE MR. JUSTICE KODANDA RAMAYYA

**WRIT APPEAL No. 864 OF 1982**

(Writ Appeal under Clauses 15 of the Letters Patent against the  
order of High Court dated 14-9-1982 in W.P. No. 5317/82 on the file of the High Court)

1. Principal, Guntur Medical College,  
Guntur
2. The State of A.P. Represented by  
its Secretary, Medical and Health  
Department, Hyderabad

and

Y. Panduranga Rao

APPELLANTS  
(Respondents in do)

RESPONDENT  
(Petitioner in do)

FOR THE APPELLANTS : GOVERNMENT PLEADER FOR MEDICAL & HEALTH

FOR THE RESPONDENT : MR. N. VENKATRAYUDU, Advocate.

The Court delivered the following :-

**WRIT APPEAL NO. 864 OF 1982**

**JUDGMENT :-**

**(Judgment of the Bench delivered by P. Kodanda Ramayya, J.)**

The Principal, Guntur Medical College, Guntur and the State of Andhra Pradesh represented by its Secretary, Medical and Health Department, Hyderabad, the respondents in this Writ appeal. The Writ Petition No. 5317/82 is filed by one Y. Panduranga Rao, a minor represented by his father and guardian Y. Chalapathi Rao, challenging the objection raised by the first respondent, Principal, Guntur Medical College, Guntur stating that the petitioner who is a 'Manyam Kapu' cannot be treated as one belonging to Scheduled Tribe as 'Manyam Kapu' is not included as one of the communities notified as Scheduled Tribe by the President as per the Constitution (Scheduled Tribes) Order, 1950 or the subsequent amendments there to and consequently he is not entitled to apply for reserved seats for the selection of candidates for admission to First year M.B.B.S. course in the Medical Colleges in Andhra Pradesh State. Our learned brother Mr. Justice Ramanujulu Naidu, by his Judgment dated 14<sup>th</sup> September, 1982, allowed the writ petition following an unreported Judgment of Obul Reddy, J. (as he then was) wherein it was held that Manyam Kapu was a synonymous term for "Konda Kapu" and consequently respondents are directed to treat the petitioner as a candidate hailing from scheduled tribes and declare results of admission on that basis. The State preferred the above appeal and canvassed the correctness of the Judgment of Obul Reddy, J., contending in the main that once the community of Manyam Kapu is not found in the Scheduled Castes and Scheduled Tribes Order (Amendment) Act 108 of 1976, no claims of any person can be considered and the Court has no power to enlarge the list published by the President. On the other hand the learned counsel for the writ petitioner contended that the Court has got ample power and jurisdiction to see whether a particular community, though not enumerated in the list as such comes within the meaning of the enumerated communities and for that position, he relied upon the Judgment of the Supreme Court in BRAIYA RAM Vs. ABIRUDH<sup>1</sup> which was followed by Obul Reddy, J., (as he then was).

It is true in catena of cases of the Supreme Court on this question, this Judgment struck a different note and hence we have to examine the question reviewing all the cases on the subject.

As this Judgment of ours effects the community in question we have directed the respondent - State to file a counter affidavit specifically indicating their stand on this question without simply relying upon the counter filed by the Principal, the first respondent in the case. Accordingly we have permitted the State Government to file in this appeal for the first time an additional affidavit clarifying their position in respect of this community and the writ petitioner filed a reply thereto. The stand taken by the Government in this counter-affidavit is that they have requested the central government to implement the Judgment of Obul Reddy, J., by including the Manyam Kapu in the list of Scheduled Tribes, but the Central Government did not accede to their request and hence the Amendment Act 108 of 1976 did not include this community of Manyam Kapu in the Schedule appended to the Act. Hence the plea raised by the State Government is, that once the Amendment Act does not include the community of the petitioner, no enquiry into the question whether any un-enumerated community also belongs to one of the communities enumerated in the Schedule appended to Act 108 of 1976 is permissible. The learned counsel for the respondent contended that though admittedly the State Government requested the Central Government to include this community as one of the Scheduled Tribes, there is a no material placed before the Court to show that the Central Government applied their mind and specifically refused to include in the list of communities appended to Act 108 of 1976 and consequently the Court's power is not lost to find out considering the customs and other communal habits of Manyam Kapu community, being the same and identical with that of Konda Kapu which is admittedly an enumerated community of Scheduled Tribes. For that purpose, he relied upon the Andhra Pradesh State and Subordinate Services Rules wherein Konda Kapu or Manyam Kapus are shown in Schedule I of the said rules as belonging to aboriginal tribes in the agency areas.

Now the main question is whether this Court can enquire into the question whether a particular community is a scheduled tribe even though such community is not one of the communities enumerated in the list appended to the Constitutional (Scheduled Tribes) Order, 1950 or the subsequent amendments thereto.

Let us examine the constitutional provisions relating to the subject Articles 341 and 342 of the Constitution empower the President to issue notification specifying the communities of Scheduled Castes and Scheduled Tribes respectively. We are concerned with "Scheduled Tribes" Art. 342 reads as follows :

"342. 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 the 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.

(2) The 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".

Article 366(24) gives the definition of "Scheduled Castes" and (25) gives the definition of 'Scheduled Tribes'. The relevant definition of "Scheduled Tribes" reads as follows :-

"(25) "Scheduled Tribes" means 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".

As seen from Article 342, after the issuance of the notification under sub-clause (1), the Parliament along has got power under sub-clause (2) to include or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe, community or part or group thereof and except by such legislation by parliament, the notification issued under sub-clause (1) cannot be varied by any subsequent notification. After the advent of the Constitution, two separate orders were issued - one for the Scheduled Castes under Article - 341 and another for Scheduled Tribes under Article 342. The Constitution (Scheduled Tribes) Order, 1950 and the Schedule appended so far it relates to the State of Andhra Pradesh may be noticed.

"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 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 regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.

3. Any reference in this order, except Parts IV and VII-A of the Schedule 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, constituted as from the 1<sup>st</sup> day of November, 1956; and any reference in Parts IV and VII-A of the Schedule 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, constituted as from the 1<sup>st</sup> day of May, 1960."

THE SCHEDULE

PART ... ANDHRA PRADESH

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

X X X X X X

7. "Konda Kapus"

It is seen that by two subsequent enactments passed by the Parliament, this order was modified. The first Act is Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 63 of 1956. By virtue of that Act, as the preamble of the Act itself indicates, some new communities are included and some communities are excluded from the list of Scheduled Castes and Scheduled Tribes. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 108 of 1976 has further modified the list. One of the objectives for the enumeration of this list is to re-adjust the representation of these communities in Parliament and Assembly Constituencies as such reservations are made under Articles 330 and 332 for these communities in the House of People and also Legislative Assemblies of the States.

It is clear that the enumeration of list under Article 342 and subsequent amendments to the said order of the President by the Parliament is intended to confer certain constitutional benefits on these communities. It is well to remember, as the Supreme Court observed in *R. CHITRALEKHA AND OTHER Vs. STATE OF MYSORE AND OTHERS*<sup>2</sup> with reference to the backward communities and special reservation embodied in Article 15(4) "these provisions recognise the factual existence of backward classes in our country brought about by historical reasons and make a sincere attempt to promote the welfare of the weaker sections. They shall be so construed as to effectuate the said policy but not to give weightage to progressive sections of our society under the false colour of caste to which they belong".

The finality of the Presidential Orders issued under Articles 341 and 342 and the power of the Court to enlarge the list in given case was examined by the Supreme Court in a number of cases and most of them arose out of election disputes. The earliest Judgment of the Supreme Court is one reported in *B. BASAVALINGAPPA Vs D. MUNICHINNAPPA AND OTHERS*<sup>3</sup>. The election of the respondent to the Bangalore South Scheduled Castes Constituency was questioned on the ground that he was not a member of any scheduled caste as he belongs to "Voddar" caste but not "Bhovi" caste and consequently the election is void. The election tribunal set aside the election on the ground that the candidate does not belong to "Bhovi" community<sup>1</sup>. On appeal to the High Court it was held that the respondent belonged to "Bhovi" community that the "Voddar" caste as such was not included in the Presidential Order and the "Bhovi" caste mentioned in the Presidential Order is no other than "Voddar" caste and consequently the appeal was allowed. *Wanchoo, J.*, while confirming the Judgment of the High Court, held that "Clause (1) of Art. 342 of the Constitution of India provides that the President may with respect to any State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of the Constitution be deemed to be scheduled castes in relation to that State. The object of this provision obviously is to avoid all disputes as to whether a particular caste is a scheduled caste or not and only those castes can be Schedule which are notified in the Order made by the President under Art 341 after consultation with the Governor where it relate to such castes in a State. "To the argument that notification once made is final and cannot be revised even by the President and hence it is not open to include or exclude any caste as coming within the notification on the basis of evidence, oral and documentary, it was observed :-

"It may be accepted that it is not open to make any modification in the order by producing evidence to show (for example) that though Caste A alone is mentioned in the Order, Caste B is also part of Caste A and therefore, must be deemed to be included in Caste A. It may also be accepted that wherever one caste

2. AIR 1964 SC 1823  
3. AIR 1965 SC 1269



has another name it has been mentioned in brackets after it in the Order. (See Aray (Mala), Dakkal (Dokkalwar) etc.) Therefore, generally speaking it would not be open to any person to lead evidence to establish that Caste B (in the example quoted above) is part of the Caste A notified in the Order. Ordinarily, therefore, it would not have been open in the present case to give evidence that the Voddar caste was the same as the Bhovi caste specified in the Order for Voddar caste is not mentioned in brackets after the Bhovi caste in the Order”.

But the special circumstances of the case was noticed as a resolution was passed by Voddar caste at a conference in July 1944, in which it was resolved that the name of the caste be changed from Voddar to Bhovi. This resolution was processed in the Secretariat. Eventually an order was passed on February 2, 1946 stating that “Government was pleased to direct that the community known as “Voddar” be in future called “Bhovi” in all Government communications and records. In view of the special circumstances of change of the name of the community and the absence of any Bhovi community in the Mysore State, their Lordships have accepted the finding of the High Court and held that the present Voddar caste is the same as “Bhovi” community.

This case was noticed in BHAIYA LAL Vs. HARIKISHAN SINGH AND OTHERS<sup>4</sup> and held that a candidate of Dohar sub-caste cannot claim to belong to Chamar caste. Gajendragadkar, Chief Justice, referring to the earlier case stated “..... The special and unusual circumstances justified the High Court in holding that Voddar Caste was the same as the Bhovi caste...” At page 1569 it was observed :-

“...in order to determine whether or not a particular caste is a scheduled caste within the meaning of Art 341, one has to look at the public notification issued by the President in that behalf. The plea that though the appellant is not a Chamar as such, he can claim the same status by reason of the fact that he belongs to the Dohar caste which is sub-caste of the Chamar caste, cannot be accepted....”

So the finality of the Presidential Order was recognised.

In ABOY PADA SAHA Vs SUDHIR KUMAR MONDAL<sup>5</sup> a Bench of the Supreme Court consisting of five judges presided by Sarkar, Chief Justice reversed a Judgment of the High Court and held that once the successful candidate belongs to Sunri caste which is a Scheduled Caste, his election cannot be set aside on the ground that the candidate belongs to a caste which bore the surname “Saha” and thus was excluded from the category of Scheduled Castes as item 5 in the enumerated list says “Sunri excluding Saha”. Their Lordships held that the evidence clearly established that the appellant belongs to Sunri Caste and other questions are not relevant. The case turned upon establishing the identity of the community of the candidate.

In L. SIDDAPPA Vs CHANDRAPPA<sup>6</sup> a question arose whether the nomination of the candidate as one belonging to “Nayaka” can be successfully canvassed without proving of positive evidence that he belongs to Bidar community. In that context it was held that no evidence was adduced to show that the candidate did not belong to the Nayak as community and the burden lay heavily upon the petitioner. It was accordingly held that the nomination was not shown to be improperly accepted. The mistake of the High Court was pointed out stating that. “the High Court recognised that there is no evidence in the case, but went into the matter from a different angle and attempted to contradict the Presidential Order which was not entitled to do so. This Judgment also emphasises the finality attached to the Presidential Order in respect of the enumerated communities.

In PARSRAM AND ANOTHER Vs. SHIVCHAND AND OTHERS<sup>7</sup> it was ruled that the person improperly described as “Mochi” in Punjab does not fall within the caste of “Chamars” as included in the Scheduled Order, 1950. At page 600 it was ruled that

“Once we hold that it is not open to this Court to scrutinise whether a person who is properly describe as a Mochi also falls within the caste of Chamars and can describe himself as such, the question of the

4. AIR 1965 SC 1567

6. AIR 1968 SC 929

5. AIR 1967 SC 115

7. AIA 1969 SC 597

impropriety of the rejection of his nomination paper based on such distinction disappears”.

Following the Judgments reported in *BASAVALINGAPPA Vs D. MUNI CHINNAPPA (Supra)* and *BHAIYA LAL Vs HARIKISHAN SINGH (Supra)*, it was held :

“These Judgments are binding on us and do not therefore think that it would be of any use to look into the gazettters and the glossaries on the Punjab castes and tribes to which reference was made at the Bar to find out whether Mochi and Chamar in some parts of the State atleast meant the same caste although there might be some difference in the professions followed by their members, the main difference being that Chamars skin dead animals which Mochis do not. However that may be, the question not being open to agitation by evidence and being once the determination of which lies within the exclusive power of the President, it is not for us to examine it and come to a conclusion that if a person was in fact a Mochi, he could still claim to belong to the scheduled caste of Chamars and be allowed to contest an election on that basis. Quite a lot of evidence was adduced orally and also by documents before the learned tribal Judge to show that Krishna Lal was a Chamar and not a Mochi. The learned Judge examined the evidence thoroughly and we do not propose to do the same again. In his view Krishna Lal was a Mochi and not a Chamar and we do not see any reason why we should come to any different conclusion”.

Then comes *BHAIYA RAM MUNDA Vs ANIRUDH PATAR AND OTHERS (Supra)* on which great reliance is placed by the learned counsel for the petitioner. In that case, the question was whether Patars of Tamar district in Bihar are sub-tribes to Mundas. The Bench consisted of Shah and Bhargava. JJ., and the Judgment was delivered by Shah. J. It was observed that it cannot be said that because Patars are not specifically mentioned in the list, they cannot be included in the general heading “Munda”. According to them, if Patars are Mundras, because some sub-tribes of Mundas are enumerated in the order and others are not, no inference will arise that those not enumerated are not Mundas and hence even if the tribe of a person is different from the name included in the order issued by the President, it may be shown that the name included in the order is a general name applicable to sub-tribes. No doubt this Judgment stands by itself and struck a different note and is contrary to the earlier Judgment of the Supreme Court and also subsequent Judgments.

In *KISHORILAL-HANS AND ANOTHER Vs RAJARAM SINGH AND OTHERS*<sup>8</sup>, a question arose whether “Jatav” caste is same as Chamar caste. Grover, J., observed :

“If the matter were res-integra we would have felt a good deal of difficulty in reconciling with the constitutional provisions the scheme followed in the stature and the orders concerned by which the same caste has been included in some Districts of the same State and excluded in the other Districts. Harikishan Singh (1965) 2 SCR 877 - (AIR 1965 S.C. 1557) made observations repelling the contention that under Article 341 of the Constitution the President was not authorised to limit the notification to parts of a State. The reason given was that while specifying caste, race or tribe the President may well come to the conclusion that not the whole caste, race or tribe but part of or groups within them should be specified. This would be so where the President is satisfied that the examination of the social and educational backwardness of the race, caste or tribe justifies such specification. It would appear from the Tenth Report of the Commissioner for Scheduled Castes and Scheduled Tribes 1960-1961 page 22 that two factors have been mainly taken into account for including a particular caste, race or tribe in the list of Scheduled Castes, and Scheduled Tribes i.e., socio-economic conditions and population figures”.

The problem in *GANPAT Vs PRESIDING OFFICER AND OTHERS*<sup>9</sup>, is slightly different. The question was whether a member of Scheduled Caste ceases to be a member of that community on conversion to Buddhism. Their Lordships held that the conversion pleaded in the case was not established.

In *STATE OF KERALA AND ANOTHER Vs N.M. THOMAS AND OTHERS*<sup>10</sup>, where the validity of Rule 13-

8.  
9. AIR 1975 SC 420  
10. AIR 1976 SC 490

AA of Kerala State and Subordinate Services Rules making reservations of promotion in favour of Scheduled Castes and Scheduled Tribes was upheld Krishna Iyer, J., observed :

“Scheduled Castes and Scheduled Tribes are not a caste within the ordinary meaning of a caste. In *Bhaiyalal Vs. Harikishan Singh* (1965) 2 SCR 877 - (A.I.R. 1965 Sc 1557) this Court held that an enquiry whether the appellant there belonged to the Dohar Caste which was not recognised as a Scheduled Caste and his declaration that he belonged to the Chamar caste which was a Scheduled Caste could not be permitted because of the provisions contained in Article 341. No Court can come to a finding that any caste or any tribe is a Scheduled Caste or Scheduled Tribe. Scheduled Caste is a caste as notified under Article 366 (25). A notification is issued by the President under Article 341 as a result of an elaborate enquiry. The object of Article 341 is to provide protection to the members of Scheduled Castes having regard to the economic and educational backwardness from which they suffer.”

In *DADAJI ALIAS DINA Vs SUKHDEOBABU AND OTHERS*<sup>11</sup> Venkata Ramaiah, J., made a brief survey of the law bearing on the question. After referring to the statement and objects of the amendment Act 108 of 1976 and also the report of the Joint Committee of Parliament held :-

“A reading of the Schedule to the Order also shows that where there are two communities with the same name, One having affinity with a tribe and the other not having anything 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 a single entry and the other is shown against a different entry. This is illustrated by the inclusion of the ‘Koya’ community having affinity with ‘Gonds’ in Entry No. 18 and the ‘Koya’ community having no such affinity in Entry No. 33 of Part IX of the Schedule to the order. If the parliament intended to treat the appellant’s community also as a Scheduled Tribe, it would have shown ‘Mana’ community under a separate entry. No such entry is found in the Schedule”.

In that case the election of the appellant before the Supreme Court was set aside by the High Court on the ground that he does not belong to “Mana” community as he was elected to Armori Constituency which was reserved for Scheduled Tribes. He did not belong to any Scheduled Tribes mentioned in the appropriate part of the Schedule to the Order but he belongs to Kshetriya Bidwaik community but not Mana community referred to in entry 12 of paragraph 5 of VII-A of the Schedule to the Order as it stood at the time of the said election. The contention before the Supreme Court was that as the amendment Act while enumerating sub-tribes in the new entry 22, omitted the word “including” and hence the communities mentioned under that entry need not necessarily be those having mutual affinity among them. But for this small variation in the amendment Act, the matter is concluded by a rule of resjudicata by a previous Judgment of the Supreme Court between the parties as it was held in 38 F.L.R. 212 that the appellant did not belong to Mana community. The Supreme Court held that the entry cannot be construed in the manner in which the appellant wanted to construe and the omission of the word “including” has not brought out the change which the appellant wanted to contend, viz., the entry includes communities which have no affinity with the principal tribe of “Gond”.

As against these cases, the respondent’s counsel relied upon the decision of the Orissa High Court reported in *NARAYAN BEHERA Vs STATE OF ORISSA AND OTHERS*<sup>12</sup> where the petitioner who was selected as a Homoeopathic Medical Officer, was not given the posting orders as it was felt by the authorities that he may not belong to Scheduled Caste. The High Court accepted the plea of the petitioner and held that a certificate issued by the Collector clearly shows that he belongs to “Dewar” community, which is a Scheduled Caste and “Dhibara” community is same as “Dewar” and as such he was entitled to the relief prayed for. No doubt, they observed, referring to the Judgment of the Supreme Court in *Bhaiya Ram Munda Vs. Anirudha Patar* (Supra) and also *Basavalingappa Vs. D. Munichinnappa* (Supra), that in view of the fact that there is no community known as “Dhilbara” as such, it must be taken that the petitioner belongs to the Scheduled Caste. Once the certificate issued by the authorities is one that is included in the list of Scheduled Castes as such, it is a matter of proof in a given case whether he belongs to such scheduled caste or not and any other observation to the contrary is obiter. Hence this Judgment does not support the

11. AIR 1980 SC 150

12. 1979 Labour and Industrial Castes 1438

writ petitioner to show that the Court can make enquiry on the question whether one un-enumerated community is same as that of another community mentioned in the list. The respondent's counsel urged that the reported cases of the Supreme Court mentioned above disclose taking of evidence and hence he must be permitted to adduce evidence to show that "Manyam Kapu" is same as "Konda Kapu". We must make it clear that it is permissible in a Court to take evidence that a particular person belongs to the community of Scheduled Castes and Scheduled Tribes to establish identity. But it is not the same thing to say that eventhough he belongs to a different community which is not enumerated, he must be permitted to adduce evidence to show that the community, to which he belongs, though un-enumerated, belongs to the community enumerated in the Presidential Order. This is not permissible under law.

Considering the Judgments of a larger Bench of the Supreme Court and also later Judgments of the Supreme Court, we are bound to follow the Judgments of the larger Bench and we think that there are compelling reasons for the Court not to embark on an enquiry about the possible sub-tribes and synonyms of a tribe not mentioned in the Presidential Order as if they must be deemed to have been included.

These decisions clearly indicate that the main object of the Presidential Order and subsequent modification of lists by the parliament will be defeated if the parties are permitted to adduce evidence to show that un-enumerated communities are also included in the list. Such course will defeat the very object of Articles 341 and 342 and the subsequent Acts of Parliament. The object of this provision is to avoid disputes whether a particular tribe is a Scheduled Tribe or not. Once the President has issued notification under clause (1), the Parliament alone has got power to modify that list and no notification can be issued thereafter to include or exclude any class of communities from the list of Scheduled Tribes. The list appended to the Acts of 1956 and also of 1976 contemplates whenever it is necessary to issue synonyms to a particular tribe, such method is adopted. The Second Schedule appended to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976 enumerates the community of Valmiki in the Agency tracts alone are declared as of entry No. 31 in the Schedule discloses that the community of Rayalaseema and other areas were left out without Tribes. But as mentioned in the counter, this community in the Agency tracts alone is declared as tribe and in other areas being included in the Schedule. Similarly entry 7 "Goudu" in agency tracts alone are included under entry 23 "Nayakas" in the agency tracts alone are declared Scheduled Tribes. Further as per entry 30 Thoti tribes in Telangana region alone are included it was declared as backward class, as mentioned in the counter. Similarly under entry 23 "Nayakas" in the agency tracts alone are declared Scheduled Tribes. These entries show that after great public deliberations and after consulting the experts, the Parliament has prepared this list and no Court can enlarge it, even assuming that some deserving communities which are of identical nature, are not included. It is also necessary to note that Article 342 contemplates parts or groups of tribal communities to be included in the list. The enquiry preceded before the Amendment Act must necessarily take into account the parts or groups of such tribes or tribal communities. Even assuming that the omission of a community is inadvertent or mistake, the same can be rectified by the Parliament and no Court of law can include or exclude from the list by means of interpretation or accept evidence on the theory that the right to a similar community is denied.

The learned counsel for the respondent contended that the State of Andhra Pradesh showed Manyam Kapus as synonymous with Konda Kapus in Schedule I to the Andhra Pradesh State and Sub-ordinate Service Rules, both in East Godavari agency area and West Godavari agency area as persons belonging to aboriginal tribes and the denial of benefits to these communities as Scheduled Tribes is unjust. He contends these persons must be treated as Scheduled Tribes. We can only say that the State Government is conscious of the fact that these Manyam Kapus are aboriginal tribes. In fact the very Service Rules referred above in Schedule II Part B showed scheduled tribes where Konda Kapus are included but not Manyam Kapus. So we have to proceed that they do not satisfy the requirement of being included in the list of Scheduled Tribes as contemplated under Article 342 in the opinion of the Parliament. The purpose of notifying the aboriginal tribes is quite different under the State Laws, and the State Government is free to make and provide special concessions to these communities also. However, when constitutional right of the Scheduled Tribes and Scheduled Castes are raised we must look to Articles 341 and 342 and orders issued thereunder.

We are concerned in the present case with the special reservations made in favour of Scheduled Tribes under

Rule 2(c) (ii) of the Rules for Selection of Candidates for admission to the First year M.B.B.S. Courses in Medical Colleges in Andhra Pradesh State. The first respondent in the Writ Appeal is fully justified in rejecting the reservation in favour of the petitioner as his community of Manyam Kapu is not shown in the list of Scheduled Tribes. It is not in dispute that this community is not shown in the Schedule appended to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976. Once we rule that the list enumerated in the Schedule appended to the Act is final and cannot be added or sub-tracted by any Court of law.

We are bound to hold that the impugned proceedings cannot be successfully challenged by the petitioner. We are clearly of the opinion that the preponderance of the authority is clearly in favour of the appellant State and the Judgment under appeal is liable to be set aside. We accordingly allow this writ appeal, set aside the Judgment under Appeal and dismiss the writ petition. We make no order as to costs. Advocate's fee Rs. 250/-

Dt. 18-1-1983

Sd/- CHINNAKESAV REDDY. J

Sd/- KODANDARAMAYYA. J.

Sd/- K. HEMAPRAKASH RAO

ASST. REGISTRAR

// true copy //

Sd/-

for ASST. REGISTRAR

To

1. The Principal, Guntur Medical College, Guntur
2. The Secretary to Govt. of A.P., Medical and Health Dept., Hyd.
3. 2c.c.s to the Govt. Pleader for M & H Govt. of A.P. Hyd.
4. 4 L.R. Copies
5. 2 Spare copies to the concerned Lordships
6. 2 Spare copies

**IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH :**  
**AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)

Wednesday, the Nineteenth day of February, One Thousand Nine Hundred and Eighty Six

PRESENT :

THE HONOURABLE MR. JUSTICE : K. RAMA SWAMY

WRIT PETITION NO. 11914 OF 1985

Between

Bandi Srinivasa Rao

---Petitioner

and

1. The Special Officer, B.E. / B.Tech., Admission,  
Osmania University, Hyderabad -- Respondents
2. The Director of Tribal Welfare, Government of Andhra Pradesh, Hyderabad

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of mandamus declaring the action of the respondents in declaring that the petitioner is not eligible for admission to B.E. / B.Tech. of Osmania University as Scheduled Tribe candidate having upon the opinion expressed by the Second respondent intimated by the Ist respondent to the petitioner in his No. BE/B.Tech. Admission / 85 / 115 dt. 7-10-85 as illegal and void and consequently to direct the respondent to direct admission of the petitioner into Ist year B.E./B.Tech. course for the year 1985-86 in the scheduled tribe quota.

For the Petitioner : Sri M.R.K. Chowdary, Advocate  
For the Respondent 2 : The Government Pleader for Social Welfare  
For the Respondent 1 : Not appearing in person or by the Advocate  
Mr. Challa Sitaramayya (Amicus curae)

The Court made the following order :-

## WRIT PETITION NO. 11914 OF 1985

The petitioner is seeking Mandamus to declare that the action of the respondent declaring that the petitioner is ineligible for admission into B.E. / B.Tech. of Osmania University as a Scheduled Tribe candidate as illegal, void and unconstitutional and to direct the first respondent to admit him into the First Year B.E./B.Tech. course for the year 1985-86 from the Scheduled Tribe quota.

The case of the petitioner is that though he was born in Golla (Shepherd) community, he was adopted by Smt. Kotha Muthulingamma, a resident of Buddharam village of Garla Revenue Mandal in Khammam District, who belongs to Naikapu community, which is a Scheduled Tribe. The adoptive mother is childless. Therefore, from this childhood he was fostered as her adopted son and was received by all the members of Naikapu community of Buddharam village. The Mandal Revenue Officer, Garla, issued a certificate dated July 15, 1985 that he is a Scheduled Tribe. He applied for admission into the First year B.E. / B.Tech. Course for the academic year 1985-86 as a Scheduled Tribe candidate.

He appeared for the common entrance test with hall ticket No. 40388 and he secured rank No. 11025. He was required to appear on July 29, 1985 for interview. Accordingly when he appeared on that day he was directed to approach the Director, Tribal Welfare, the second respondent.

He accordingly appeared and produced before the second respondent all the records to establish that he is a Scheduled Tribe (Naikapu Community). After receipt thereof, he was asked to go away informing him that orders would be communicated, but no communication was received. On October 8, 1985, he got issued a registered notice to the Second respondent to clear his claim for admission as a Scheduled Tribe. By Memo dated October 7, 1985, issued by the first respondent it is stated that the second respondent in his letter dated October 4, 1985 informed him that he is not a Scheduled Tribe and therefore he is not eligible for admission as a Scheduled Tribe candidate. Thus the petitioner contends that he having been adopted by his adoptive mother, Kotha Muthulingamma, a Scheduled Tribe (Naikapu Community), as of right, he is entitled to be treated as a Scheduled Tribe and the rejection of his claim is clearly unconstitutional, illegal and without authority of law.

A counter affidavit has been filed on behalf of the 2nd respondent, by the Deputy Director Mr. D. Ramachandra Raju. It is stated therein that the petitioner is the son of Bandi Veeraswamy of Kachirajugudem of Tirumalayapalem Mandal in Khammam District. He did not reside in Buddharam village. The certificate issued by the Mandal Revenue Officer, Garla dated July 15, 1985 does not disclose that the petitioner belongs to Scheduled Tribe through the adoption by Smt. K. Muthulingamma. The certificates viz., studentship certificates issued by the Government High School, Narayanaguda; Secondary School Certificate and bonafide Certificate from Chaitanya Kalasala; Conduct certificates issued by Dr. B.R. Ambedkar Junior College, Hyderabad and Chaitanya Kalasala, Hyderabad and pass certificates issued by the Board of Intermediate Education, establish that he is the son of Bandi Veeraswamy. In the questionnaire filed by the Petitioner on August 7, 1985, there is no mention that he was adopted by Kotha Muthulingamma of Buddharam Village. The electoral rolls reveal that the petitioner is the son of Veeraswamy and that he is a resident of Kachirajugudem. The investigation conducted by the second respondent revealed that the petitioner never lived in Buddharam village. All the relations of the petitioner are only Gollas (Shepherd) by caste. The School records of the Government High School, Narayanaguda, where in the petitioner studied upto 10th class, does not disclose that the petitioner is a Scheduled Tribe. Even in the application for admission into Intermediate Course in Dr. Ambedkar College in August 1980, he claimed to belong to Backward Class (Golla) and his native place as Kachirajugudem. He obtained Backward Class Certificate from the Tahsildar, Khammam in L.Dis.No. B8/3982/80. In the year 1981-82 he joined Chaitanya Kalasala, as a Backward Class. The certificate issued by the Mandal Revenue Officer, Garla is a false certificate. The said officer issued a show cause notice dated August, 26, 1985 to cancel the certificate and after due enquiry and consideration, cancelled the same by order dated November 12, 1985. In the enquiry before the authorities, the petitioner did not mention the date, time and place at which the adoption is alleged to have taken place.

Mr. M.R.K. Choudary, learned counsel for the petitioner argued this case along with W.P.No. 9750/85. He contends that though the petitioner is a Golla (Shepherd) by birth, his adoption to a Tribal, Muthulingamma, is valid under customary law. He is entitled to all the benefits by operation of Section 12 of the Hindu Adoption and Maintenance

Act, 1956, for short, "the Act" Article 15(4) of the constitution provides right to admission to the Scheduled Tribe citizens viz., to the community as a whole, but not to an individual. Therefore, the petitioner is entitled, as of right to all the benefits accrued to the Scheduled Tribes. His adoptive mother, Muthulingamma is a Naikapu community is not disputed. Though the adoption may have the effect of defeating the purpose of the constitution, when law permits such an adoption and it being valid, the President is to take recourse to appoint a commission under Article 340 of the Constitution and seek redressal of amendment of the Act. Till that is done, the petitioner is entitled to be considered as a Scheduled Tribe. It is further contended that in law, the petitioner is treated as a Scheduled Tribe. The said right cannot be taken away by an executive action unless there is a law made in that regard. It is further contended that under the Admission Rules, with regard to adoption, there is no procedure provided for enquiry into the Social Status on the basis of adoption; Therefore, the enquiry conducted by the second respondent is without jurisdiction. The only recourse the respondents could take of is to file a suit seeking declaration that the petitioner is not a Scheduled Tribe. He places strong reliance on N.E. HORO Vs. JAHAN ARA".<sup>1</sup>

As already stated, the matter was heard along with the writ petition of Kum. SAILAJA (W.P.No. 9750/85). But since there is a slight digression with regard to the area of consideration of the claims of the Scheduled Tribes, I felt it expedient to separately deal with this case.

Article 366 (25) of the Constitution defines "Scheduled Tribe" to mean, such tribe 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(1) empowers the president 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 to deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be. Article 342(2) empowers the parliament, by law, to include in or exclude form the list of Scheduled Tribes specified in the public notification issued under Article 342(1)

In exercise of the power under Article 342(2) of the Constitution, the Parliament made the Scheduled Castes and Scheduled Tribes Lists (Modification) Act, 1956 which was subsequently Amended by Act 108 of 1976. Under Section 4 thereof, the Scheduled Tribes Order 1950 was amended in the manner and to the extent specified in the Second Schedule appended there to. In Part I thereof, Item No. 23 is "Nayaks" in the agency tract. The term "Nayaks" is now claimed colloquially to be called "Naikapus". But it is not disputed in the counter affidavit filed by the 2nd respondent. The power of the Court to consider whether a particular caste or tribe is to be recognised for the purposes of the Scheduled Castes and Scheduled Tribes Order, was considered for the first time in BASAVALINGAPPA Vs. MUNI CHINPPA"<sup>2</sup>. In that case, Voddar caste was declared to be a Scheduled Caste in Mysore State. The unsuccessful candidate in the election viz., the appellant contended that the Voddar caste is not existing and therefore the respondent, being a Voddar, cannot contest as a Scheduled Caste.

Wanchoo.J, (as he then was) speaking for the Court held that it is not permissible for the court to go behind the public notification issued by the President and grant a declaration that a particular caste or subcaste or a group thereof is not a Scheduled Caste. The same view was taken in BHAIYA LAL Vs HARIKISHAN SINGH"<sup>3</sup>. In this case, Dhar caste was claimed to be the sub-caste of Chamar. Gajendragadkar, C.J. held for the court that it was impermissible for the court to go into that question. The public notification issued by the President is conclusive. It is an additional assurance to the scheduled castes. The same ratio was reiterated in a catena of decisions subsequently. I have an occasion to consider this aspect in P. VIJAYALAKSHMI Vs THE PRINCIPAL, SRI VENKATESWARA UNIVERSITY COLLEGE OF ENGINEERING (W.P.No. 14875/85) just now disposed of and I have also held therein that the public notification issued by the President under Art. 341(1) is conclusive subject to the amendment under Art. 341(2) by the Parliament and the Court cannot investigate into or vary the same. It was further held that no person who is not a member of the Scheduled Caste can claim to be declared to belong to Scheduled Caste nor the Court could grant such a declaration. The question regarding the Scheduled Tribes was considered by a Division Bench in THE PRINCIPAL, GUNTUR MEDICAL COLLEGE Vs V. PANDURANGARAO<sup>4</sup>. The question therein was whether Manyam Kapu

1 AIR 1972 SC 1840  
3 AIR 1965 SC 1557

2 AIR 1965 SC 1269  
4 AIR 1983 AP 339



was synonymous for Kondakapu. It was contended therein that the Court can enquire into whether a particular community is not one of the communities enumerated in the list appended to the constitution Scheduled Tribes Order, 1950 as subsequently amended. While considering that question, the Division Bench reviewed the entire case law and my learned brother, Kodandaramyya, J. held that once the list has been enumerated in the Scheduled Tribes (Amendment) Order, 1956, it has become final and it is not permissible to the Court to add to or subtract from the list of Tribes. In *GOVERNMENT OF ANDHRA PRADESH, REPRESENTED BY THE SECRETARY, SOCIAL WELFARE Vs SMT. DASARI SUBBAYAMMA AND ANOTHER*<sup>5</sup> another Division Bench was called upon to consider whether the respondent Dasari Subbayamma, a Gowda by Caste (Backward Caste) becomes a member of the Scheduled Tribe (Goudu) under Article 342, by virtue of her residing in the agency tract. The respondent purchased immovable property situated in agency tract. By operation of Regulation 1 of 1959, the purchase made by her was declared to be void under section 3 thereof. It was contended that Goudu is synonymous to Gowda and therefore she is a Scheduled Tribe since she has been residing the agency tract. The learned single judge upheld the contention and declared her to be a scheduled tribe. On appeal, my learned brother, Jeevan Reddy, J. speaking for the Bench surveyed the entire gamut of the controversy and by judgement dated April 9, 1985, held that a person belonging to a tribe is a matter of birth; not of choice, nor a matter of law. The Presidential Order does not support 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 ultra vires the power of the President under Article 342. I respectfully agree with the ratio in these cases. My learned brother, Jeevan Reddy, J. further surveyed in the latter case the characteristics of the Tribes, customs and practices which mark of the tribes from the plain people. It was held thus :

“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...”

It is further held that if the loco-motion or domicile by a Backward Class with synonymous names in Agency tract is permitted to have its way it would be open to all or any of the members of that 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 also members of the Scheduled Tribes. Such a construction would be impermissible. Thus, on a review of the entire case law, it is not settled that the public notification issued by the President under Article 342(1) specifying particular tribes or tribal communities or parts of or groups within tribes or tribal communities shall be conclusive and final subject to amendment made by the parliament under Article 342(2). It is not permissible for the court to go into and give a declaration whether a particular tribe or tribal community or group or part within such a tribe shall also be the Scheduled Tribe. When so much is the case, it is equally not permissible for the Court to give a declaration that a particular citizen shall also belongs to Scheduled Tribe, within the meaning of Article 342 of the Constitution. The question whether Naikapu are Nayakas in Agency tracts cannot be gone into. But in this case the respondent No.2 did not dispute the claim. So without deciding this question, I proceed on the footing that Muthulingamma is a Nayaka, a Scheduled Tribe - Item No. 23 of part I of Schedule II of the Scheduled Tribes Order, 1950 as amended in Act 108 of 1976.

The immediate question is whether the petitioner is eligible for admission as a Scheduled Tribe by virtue of his adoption by Scheduled Tribe woman? The contention of Sri M.R.K. Choudary, learned counsel for the petitioner, as already extracted, has been considered in extenso, in Kum. SAILAJA's case (W.P.No.9750/85), just now disposed of. To avoid repetition and undue burden, the reasoning in Kum. SAILAJA's case in this regard with equiforce, applies to the facts in this case. Another distinguishing feature is that Section 2(2) of the Act expressly excluded the applicability of the Act to the members of any Scheduled Tribes within the meaning of Article 366 (25) of the Constitution unless it so notified in an official gazette by the Central Government. Equally, even under Sec. 2(2) of the Hindu Marriage Act, 1955, and Sec.2(2) of the Hindu Succession Act 1956, were also made inapplicable to the members of the Scheduled Tribes. In *DASARATH Vs. GURABEWA*<sup>6</sup>, R.N. Misra, J. (as he then was) held that the Hindu Succession Act does not apply to the Scheduled Tribes. We are not concerned in this case the scope of applicability of customary law. Hence the need to deal with it is redundant.

<sup>5</sup> W.A. No. 439/80/Dt 19-4-1985

<sup>6</sup> AIR 1972 Orissa 78

Prof. Marc Galanter in his "Competing Equalities - Law and the Backward Classes in India", at page 152 states that :

"The provisions for Scheduled Tribes are distinct not only in their scope but in their intent, for preservation of their separate integrity, rather than complete assimilation is one element in policy towards them".

At page 153, he states that :

"Special treatment of the Tribes will, it is hoped, foster development 'along their own lines'. Because of this different in purpose (and because of their geographical separation), the objections that have been made against the use of communal criteria in other categories of backward classes have not been made with the same force in regard to the Scheduled Tribes ... Although the Scheduled Tribes share with Scheduled Castes a variety of reservations .... the principal schemes for the Tribes have been protective and developmental (economic, educational, health and communications). Tribal aspirants have not pressed hard on the reservations; many have gone unfilled."

The effect of adoption on the Constitutional scheme envisaged under Article 15(4) was considered in extenso in Kum. SAILAJA's case. There in it was held that while the Courts are obliged to accept a document or transaction found to be genuine as such, they are not to blinker at the language couched in the document or the transactions entered into. It is to ascertain the legal nature of the transaction, the sophisticated legal devices adopted in the transaction and determine their true nature. The Court's duty is to pass through them undeterred to unravel the camouflage; consider the situation created by the devices with the aid of marching techniques of interpretation and discover the true state of affairs. In an adoption under the Act or under the customary law, when it is for the religious purpose, enquiry into motive is irrelevant. If it is for secular purpose, motive is a relevant circumstance. When the adoption is set up as a means or source to adventitious aid of Article 15(4), the paramount purpose of the constitution being to advance the educational and economic interest of the Backward Class of citizens or Scheduled Tribes or Scheduled Castes, to assimilate them in the main stream of the society surpassing the handicaps suffered by them due to Hindu social structure and caste system, the motive for such an adoption is absolutely a relevant factor and the court would pierce through the document and find the purpose for such an adoption. The doctrine of harmonious construction is to be adopted by the Court to interpret the provision and the effect thereof. Judiciary is an organ of the state within the meaning of Article 37 of the Constitution. Therefore, it is bound to enforce the provisions of the Constitution. When the actions or transactions though apparently assume the colour of legal form, but when tends to defeat the constitutional scheme, restrictive construction to subserve the purpose of the Constitution is to be adopted. It is further held that the Court need not necessarily fold its armour of statutory construction and leave the effect for amendment by the Legislature after investigation under Article, 340. In the light of the above law, the question considered therein was whether the petitioner Kum. SAILAJA' (in that case) on adoption, becomes a member of the Backward Class. It was held that on adoption under the Act, the adopted child becomes a member of the adoptive family for a religious or secular purpose, but for purposes of the Constitution, the adopted child becomes a member of the homogeneous group but also had suffered or subjected to all the disadvantages or handicaps which the members of the homogeneous group are subjected to or have undergone or is undergoing. Recognition of such a person by the caste is to be established. In Kum. P. VIJAYA LAKSHMI's case (W.P.No. 14875/85) which is also just now disposed of. I have considered the case of a child born to a Scheduled Caste lady and Backward Class male and held as to under what circumstances, the child becomes a member of the Scheduled Caste. It was held that the child, though born to a Backward Class male and Scheduled Caste lady, must live along with the members of the scheduled castes, undergo the same disabilities - social, economic, etc. and also undergo disadvantages due to the practice of untouchability; the child must adopt the caste customs and habits and must be recognised and treated as a member of the Scheduled Caste by the community as a whole. In WILSON READE Vs. C.S. BOOTH' one James Alfred Reade, the father of Wilson Reade was an Englishman and his mother Ka Lainshap Phanwar was a Khasi Scheduled Tribe woman. They were married according to Tribal customs. Mr. Wilson born to them was treated as a tribe. He has given his children in marriage to Scheduled Tribes. He held several caste offices. He was elected to several elective offices as Scheduled Tribe. When he was elected to the Legislative Assembly, his election was challenged

on the ground that he was not a Scheduled Tribe and the tribunal held that Mr. Wilson was not of pure blood of tribes and he would be an Anglo - Khasi. Therefore his election was set aside. On appeal, Mehrotra, J. while considering the question whether Mr. Wilson could be considered to be a scheduled tribe, held that the adoption of the tribal customs, living with them, acceptance by the tribal community as a whole and recognition of the candidate are necessary. On a consideration of the evidence, it was held that Mr. Wilson was a Khasi Tribe. The ratio therein, in my respectfully view, would be a correct approach. No doubt, in N.E. HORO Vs. JAHANARA<sup>1</sup> strongly relied on by Mr. Choudary, the facts are, the respondent - a Christian married Jaipal Singh, a Munda Tribe and the marriage was celebrated according to Munda customary law. She was received as a member of the community. Under those circumstances, it was held that she became a member of the Scheduled Tribe and as such she is entitled to contest. The marriage cases are few and far between. But the cases of the alleged adoption are new devices invariable stem from the desire to claim the benefits under Article 15(4) and 16(4) to the detriment of the claims of the real Tribes.

As stated earlier, the public notification issued by the President under Article 342(1) is conclusive subject to amendment made by the Parliament under Art. 342(2) and the Court cannot declare the status of a particular citizen that he belongs to a Scheduled Tribe. The statute law or customary law cannot prevail over the fundamental law of the land, viz., Constitution, and is sui generis. The purpose of the Constitution is to assimilate the terrain Scheduled Tribes with the main stream of the society, viz., plain people, but the device of adoption, if it is motivated - to have unjust claim of the advantages envisaged under the Constitution, it would be the endeavour of the Court to discourage such attempts by adopting harmonious construction to subserve the purpose of the Constitution. If the contention of the learned counsel is given credence to, and accepted, it would be an easy in - road to defeat the object of Articles 15(4) and 16(4) by adopting legal devices as a means to infiltrate into the Scheduled Tribe list within the meaning of Article 366(25) and Article 342, which the statute law itself declares inapplicable, unless the Central Government by notification applies it, and frustrates the very purpose of the Constitution. Therefore, I have no hesitation to conclude that though it may be permissible for a plain man/woman to go in adoption under customary law to a tribal, such an adoption shall be only for the purpose of personal law. But for the purpose of the Constitution, such a person is outside the fold of the Scheduled Tribe and he cannot be treated as a Scheduled Tribe Candidate.

It is next contended that the Admission Rules contained in G.O.Ms.No. 339, Medical & Health, dated May 29, 1985 do not envisage any enquiry being conducted with regard to the adoption and it envisages only for the purpose of verification regarding conversion. Therefore, the enquiry conducted by the second respondent - Director, Social Welfare, is without jurisdiction, is also devoid of any force. The rules are only intended to facilitate the procedure to be followed for verification of the social status claimed by the candidate. Social status emanates for the purposes of Article 15(4). Therefore, enquiry by the competent authority, viz., 2nd respondent is a pre-condition. Unless the competent authority declares that the candidate belongs to a particular reserved caste / class or tribe, the candidate is not eligible either for admission or to continue the course of study if provisionally admitted. In BHUVANESHWAR RAO Vs. THE PRINCIPAL, OSMANIA MEDICAL COLLEGE<sup>8</sup> this Court envisaged the scope of enquiry to be made in this regard and for the same reason, unless the enquiry is conducted, the petitioner automatically does not become eligible for admission. In this case, admittedly enquiry was conducted and in the counter affidavit of the second respondent, as already extracted, he stated that as of fact, there is neither adoption nor the petitioner lived with the adopted mother and that the adoption is propped up only for the purpose of admission. This is a finding of fact based on enquiry conducted by the second respondent. That finding is based on material. "Even on the petitioner's own showing, he claimed in the college as a Backward Class citizen. Unless it is established as a fact that the petitioner assimilated himself to be a member of the Scheduled Tribe, adopting the customs of the Scheduled Tribes by his continued living with them and recognition as such by the members of that community, he is not entitled to be considered as a member of the Scheduled Tribe. As already held, it is for the purpose of personal law and not for the purpose of the Constitution. The social status certificate issued by the Mandal Revenue Officer was duly cancelled and it became final. As a result, he cannot claim admission as a member of the Scheduled Tribe.

7 AIR 1958 Assam 128

8 W.P. NO. 11707/85 Dt. 23-12-1985

1 Supra AIR 1972 SC 1840

The writ petition, therefore, does not warrant interference. It is accordingly dismissed, but in the circumstances, without costs. Advocate's fee Rs. 300/-

Sd/-  
**R. Krishna Singh**  
Asst. Registrar.

// True Copy//

ASST. REGISTRAR

To

1. The Director of Tribal Welfare, Government of A.P., Hyderabad
2. 4 Copies to the Hon'ble Dr. Justice K. Ramaswamy for kind perusal
3. The Central Law Commission, New Delhi
4. The Secretary, Law Department, New Delhi
5. The Commissioner, Scheduled Castes and Scheduled Tribes, New Delhi
6. The Chief Secretary, Government of Andhra Pradesh, Hyderabad
7. 2 c.cs to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad (On usual terms)
8. 5 L.R. Copies to be typed.
9. One spare copy.

**Dated : 19-2-1986**

**Order**

**W.P.No. 11914 of 1985**

**Dismissed no costs**

**IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH :**  
**AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)  
FRIDAY, THE SEVENTEENTH DAY OF OCTOBER  
TWO THOUSAND AND THREE

**PRESENT**  
THE HONOURABLE SRI JUSTICE E. DHARMA RAO  
WRIT PETITION NO. 4268 OF 1993

BETWEEN

Petitioner

Chilwar Sarojini Devi

and

1. Govt. of A.P. rep. by its Director of Tribal Welfare Dept., Hyderabad
2. Deputy Director, Social Welfare Dept., Sangareddi, Medak Dt.
3. Commissioner of Tribal Welfare, Telugu Samkshema Bhavan,  
Masab Tank, Hyderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to grant an order or direction or writ more particularly in the nature of a writ of 'Certiorari' calling for the records and quashing the order of the 2<sup>nd</sup> respondent in his Rc.No. 3178/92/TR-i/VC.6 dt. 5-3-1993 (b) to grant costs of this writ petition.

For the Peritioner : Mr. Y. Visweswara Rao, Advocate

For the Respondents 1 to 3 : G.P. for Social Welfare

**THE COURT MADE THE FOLLOWING ORDER**

**THE HON'BLE SRI JUSTICE E. DHARMA RAO**  
**WRIT PETITION NO. 4268 OF 1993**

**ORDER :**

This writ petition is filed aggrieved by the impugned order passed by the third respondent - the Commissioner of Tribal Welfare, Government of Andhra Pradesh through his proceedings dated 5-3-1993 addressed to the second respondent the - Deputy Director of Social Welfare Department marking copy of the same to the writ petitioner.

The Commissioner of Tribal Welfare, after enquiring into the social status of the petitioner, observed that the case of the petitioner cannot be considered as a member of scheduled tribe in the State of Andhra Pradesh and as such she cannot be considered for appointment as Matron in Government Social Welfare Hostels in a vacancy reserved for scheduled tribe candidates of Andhra Pradesh State. It is stated that the said proceedings were issued by the third respondent following the circular issued by the Government of India Ministry of Home Affairs dated 22-2-1985 which is violative of Article 19 of the Constitution. It is further stated that the order places restriction on the fundamental rights which will have validity throughout the territory of India and hence it is in violation of the provisions of Constitution of India. It is further contended that it was not mentioned in the notification issued calling for applications to fill up the posts of Matrons in the Andhra Pradesh Government Social Welfare Hostels that the scheduled caste and scheduled tribe candidates notified in other States are not entitled for the posts of Matrons in the Government Social Welfare Department of Andhra Pradesh. Therefore it denies the opportunity to the Scheduled Tribe candidates notified in other States in the State of Andhra Pradesh. Therefore the petitioner seeks to quash the impugned proceedings of the third respondent.

The facts of the case are as follows : The parents of the petitioner namely Kushal Chand and Rukmini Bai originally hail from Talabkatta village in Hingoli Taluk, Parbhani District of Maharashtra State and erstwhile State of Nizam and the petitioner was born to them in the year 1957. The father of the petitioner was employed in All India Radio and as such he was transferred to All India Radio Station, Hyderabad in the year 1963 and ever since then the petitioner lived with her parents at Hyderabad and she continued to live in Hyderabad even after her father's death. Her father belonged to "Mannerwarlu" community which is a scheduled tribe in Maharashtra State. It is further stated that after coming to know about the vacancies for the posts of Matrons Grade-II in the Social Welfare Department of the Government of Andhra Pradesh reserved for scheduled tribe candidates, she made an application for appointment to one of the said posts as she is having necessary eligible qualifications. Thereafter the second respondent directed the petitioner to appear for interview before the District Collector, Medak on 2-5-1992. Accordingly, she appeared and got selected as Matron Grade-II in the Social Welfare Department but her posting orders have been kept in abeyance pending clearance certificate of her social status from the Director of Tribal Welfare. Accordingly notice dated 5-1-1993 was issued to the petitioner by the Director and accordingly she appeared before the Commissioner of Tribal Welfare on 21-9-1993 with all necessary documentary evidence and her statements were also recorded to establish her social status as a candidate belonging to scheduled tribe. She also filed supportive documents but surprisingly she received the impugned order dated 5-3-1993 from the second respondent passed by the third respondent holding that the petitioner is not eligible for appointment as Matron Grade - II in the Social Welfare Department as she does not belong to scheduled tribe community in the State of Andhra Pradesh. This order was passed by the third respondent on verification of the certificates produced by the petitioner i.e. caste certificate dated 21-7-1989 issued by the Executive Magistrate, Aurangabad and caste certificate issued by the Maharashtra Mannervarlu Samaz, Aurangabad and transfer certificate issued by the Head Master, Nrupathuga High School, Hyderabad wherein the column meant for recording the caste of the student was kept dash. The third respondent also followed the circular issued by the Ministry of Home Affairs in B.C. 16014/1/82-S.C. & BC.D.I. dated 22-2-1985 clarifying that the scheduled caste and scheduled tribe persons who have migrated from his/her State of origin to some other State for the purpose of seeking education or employment will be deemed to be a scheduled caste / scheduled tribe of the State of his/her origin and will be entitled to derive the benefits from the State of origin and not from the State to which he/she has migrated.

In reply to the above said facts and contentions raised by the petitioner the respondent - Government has filed its counter. It is stated in the counter that the name of the petitioner was sponsored by the Central Employment Exchange, Hyderabad for reinstatement to the post of Grade - II Matron, reserved for Scheduled Tribe community. She was called for interview on 2-5-1992 and later she was directed to appear before the Commissioner of Tribal Welfare, Hyderabad for verification of her social status through notice dated 1-10-1992 issued by the second respondent. Accordingly, the petitioner appeared on 29-1-1993 and on enquiry the Commissioner submitted report dated 5-3-1993 holding that the petitioner cannot be considered as member of the Scheduled Tribe in the State of Andhra Pradesh. Accordingly, the District Collector, Medak informed the petitioner through proceedings dated 23-4-1993 that her selection to the post of Grade-II Matron in the scheduled tribe reserved vacancy cannot be considered. It is admitted that the petitioner and her parents belong to Talabkatta village, Hingoli taluk, Parbhani District, Maharashtra State and her father was transferred to All India Radio Station, Hyderabad. The parents of the petitioner are having family house bearing No. 1158 in Chwni Cantonment Area, Aurangabad taluk of Maharashtra State. It is further stated in the counter that the caste certificates issued by Maharashtra State clearly show that the petitioner belongs to scheduled tribe but hails from the State of Maharashtra State and therefore, she cannot be considered as scheduled tribe candidate to the above said post in the State of Andhra Pradesh. Further the contention of the petitioner that the Circular issued by the Ministry of Home Affairs dated 22-2-1985 was wrongly interpreted by the respondents is also not correct. Further it is denied that the impugned order imposes restrictions on the fundamental rights of the petitioner and the circular issued by the Amended Act 108 of 1976 would become inoperative and that the scheduled tribe people migrated to other State are also eligible to make application for the notified post. It is finally contended that the President of India is the competent authority to declare a particular caste in any State and it is for the Parliament by enactment to amend the list of castes notified under Article 342 of the Constitution and therefore a person who is recognized as a member of scheduled tribe in his original State will be entitled to the benefits in that State alone and not in all parts of the country whenever he migrates. In view of the same the petitioner is not entitled for scheduled tribe status in the state of Andhra Pradesh. Hence the writ petition may be dismissed.

On the basis of the above pleadings, the counsel for the petitioner submitted that the third respondent - the Commissioner of Tribal Welfare has no right to determine the social status of the petitioner and it is for the President to determine and notify the caste or tribe of an individual in India. In support of his contention he relied upon the decision of the Supreme Court in *STATE OF MAHARASHTRA Vs KUMARI TANUJA*<sup>1</sup>. In the said case when a Bawa Community was notified as a scheduled tribe a writ petition was filed in the High Court of Bombay challenging the order of the Caste Scrutiny Committee dated 27-10-1996 and the order of the Additional Commissioner of Konkan Division, Bombay dated 12-11-1987 wherein the said authorities have held that the respondent therein was not entitled to claim the benefit of reservation for the nomadic tribe in the State of Maharashtra as it was notified in the State of Sindh when it was combined in the State of Bombay. When the matter went to the Supreme Court, it was held by the Supreme Court as follows :

"The Various Resolutions and Notifications issued by the Government of the then State of Bombay and also the present State of Maharashtra, from time to time, show that Bawa Community without reference to any region, was included as a synonyms of Bairagi/Gosavi which, in turn, was notified as a Nomadic tribe. This was the position even in the Resolution of the State dated 21-11-1961. When Sindh was part of Bombay Presidency, admittedly the Bawas of that region were also treated as belonging to the Nomadic tribe in the entire Presidency of the then Bombay, even when Sindh got separated from Bombay Presidency, the subsequent Resolutions of the Bombay Government continued to show Bairagi and Gosavi communities with their synonyms as Nomadic tribes without there being any regional restrictions. This is obviously because by then many members of the Bawa community from Sindh region had migrated to various parts of Bombay Presidency. The Bawa community from Sindh is therefore entitled to the benefits reserved for Nomadic tribe vide Government Resolution dated 21-11-1961".

In view of the above, it is submitted that the petitioner was declared as belonging to scheduled tribe in the State of Maharashtra when she migrated from Maharashtra State to the State of Andhra Pradesh and as such she may be



treated as she belongs to the Scheduled Tribe in the State of Andhra Pradesh. Therefore the denial of right to opportunity is against the settled principles of law. In the above case before the Supreme Court Bawa Community in Sindh was declared as Nomadic tribe and the Bawa community without reference to any region was included as a synonym of Bairagi/Gosavi which in turn was notified as a nomadic tribe but in our State the tribe to which the petitioner belongs is not notified as scheduled tribe. The above principle laid down by the Supreme Court in KUMARI TANUJA's case is applicable to the State of Maharashtra, as Sindh was part of Maharashtra. But this principle is not applicable to the State of Andhra Pradesh, as it is not a part of Maharashtra. As per the notification of the President of India under Article 342 of the Constitution, each State is having its own list of Scheduled Castes and Scheduled Tribes, as notified by the President of India, based on the conditions laid down under Article 342 of the Constitution. Therefore, the petitioner may belong to a particular tribe, which is notified as Scheduled Tribe, in the State of Maharashtra, she cannot be treated as Scheduled Tribe in the State of Andhra Pradesh. Thus the purport of the Judgment relied on by the learned counsel for the petitioner is not applicable to the facts and circumstances of the case.

On the other hand the learned Government Pleader appearing for the respondents places strong reliance on the Judgment of the Constitutional Bench of the Supreme Court in Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra Vs Union of India wherein the Supreme Court held that a person belonging to scheduled caste/scheduled tribe in relation to his original State of which he is permanent or ordinary resident cannot be deemed to be so in relation to any other State on his migration to the State for the purpose of employment, education etc., The Supreme Court further held as follows :

*“On a plain reading of clause (1) of Articles 341 and 342 it is manifest that the power of the President is limited to specifying the castes or tribes which shall, for the purpose of the Constitution, be deemed to be scheduled castes or scheduled tribes in relation to a State or a Union Territory, as the case may be. Once a notification is issued under clause (1) of Articles 341 and 342 of the Constitution. Parliament can by law include in or exclude from the list of scheduled castes or scheduled tribes, specified in the notification, any caste or tribe but save for that limited purpose the notification issued under clause (1) shall not be varied by any subsequent notification. The castes or tribes have to be specified in relation to a given State or Union Territory. That means a given caste or tribe can be a scheduled caste or a scheduled tribe in relation to the State or Union Territory for which it is specified. Considerations for specifying a particular caste or Tribe or class for inclusion in the list of scheduled castes/scheduled tribes or backward classes in a given State would depend on the nature and extent of disadvantages and social hardships suffered by that caste, tribe or class in that State which may be totally non-existent in another State to which persons belonging thereto may migrate. Coincidentally it may be that a caste or Tribe bearing the same nomenclature is specified in two States but the considerations on the basis of which they have been specified may be totally different. So also the degree of disadvantages of various elements which constitute the input for specification may also be totally different. Therefore, merely because a given caste is specified in State A as a scheduled caste does not necessarily mean that if there be another caste bearing the same nomenclature in another State the person belonging to the former would be entitled to the rights, privileges and benefits admissible to a member of the scheduled caste of the latter State “for the purposes of this Constitution”. This is an aspect which has to be kept in mind and which was very much in the minds of the Constitution makers as is evident from the choice of language of Articles 341 and 342 of the Constitution”.*

Further for the benefit of clarification let us see Articles 341 and 342 of the Constitution which empowers the President of India to notify Scheduled Castes and Scheduled Tribes in each State. Article 341 contemplates that the President may with respect to any State or Union Territory and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this constitution be deemed to be Scheduled Castes in relation to that State or Union Territory as the case may be. Article 342 of the Constitution contemplates that 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". Clause (2) of Article 341 empowers Parliament to include or exclude by law from the list of the scheduled castes or scheduled tribes specified in the notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe. Similar provision is to be found in clause (2) of Article 342 in relation to any tribe or tribal community etc.,. On a plain reading of clause (1) of Articles 341 and 342 it is manifest that the power of the President is limited to specifying the castes or tribes which shall for the purpose of the constitution be deemed to be scheduled castes or scheduled tribes in relation to a State or a Union Territory, as the case may be. Once a notification is issued under clause (1) of Articles 341 and 342 of the Constitution, Parliament can by law include in or exclude from the list of scheduled castes or scheduled tribes, specified in the notification, any caste or tribe but save for that limited purpose the notification issued under clause (1) shall not be varied by any subsequent notification. What is important to notice is that the castes or tribes have to be specified in relation to a given State or Union Territory. That means a given caste or tribe can be a scheduled caste or a scheduled tribe in relation to the State or Union Territory for which it is specified.

In view of the above discussion, I hold that Article 341 (1) and 342(1) of the Constitution, deal with notifying Scheduled Caste and Scheduled Tribes by the President with respect to any State or Union Territory and where it is a State after consultation with the Governor, to specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of the Constitution be deemed to be scheduled tribes in relation to that State or Union Territory. The President of India while exercising the power conferred under Article 342(1) of the Constitution in consultation with the Governor of the State of Maharashtra, has notified the community of the petitioner as Scheduled Tribe and also notified the list of Scheduled Tribe in that State and also in the State of Andhra Pradesh. As interpreted by a Constitution Bench of the Apex Court in the *Action Committee's Case* (2nd supra), a given caste or tribe can be scheduled caste or scheduled tribe in relation to the State or Union Territory for which it is specified, consideration for such specifications for inclusion in the list of scheduled castes/ scheduled tribes or backward classes in a given State would depend on the nature and extent of disadvantages and social hardships suffered by that caste, tribe or class in that State which may be totally non-existent in another State to which persons belonging thereto may migrate. When once the petitioner's tribe was declared as Scheduled Tribe by the President of India in exercise of powers under Article 342(1) and that list is confined to the State of Maharashtra only and if she migrate from that State to the State of Andhra Pradesh, which is having its own notified list of Scheduled Tribes having regard to the extent of disadvantages and social hardships suffered by them in the State of Andhra Pradesh. She cannot claim to be treated as Scheduled Tribe in the State of Andhra Pradesh. Therefore, I am unable to accede to this contention raised by the learned counsel for the petitioner. Once the petitioner is declared as a member of Scheduled Tribe in the State of Maharashtra and if she migrates to any part of the country in India, which she is entitled to by virtue of Fundamental Rights guaranteed under Art. 19 of the Constitution, she cannot claim the same social status of the Scheduled Tribe in other States, which was declared in the State of Maharashtra, and avail the benefits in such other State. Therefore, it cannot be held that impugned order passed by the 3rd respondent in accordance with the instructions issued by the Government of India, is violative of Article 19 of the Constitution of India. Therefore, merely because a given caste or tribe is specified in a State as a Scheduled Tribe does not necessarily mean that if there be any other caste bearing the same nomenclature in another State. Therefore, it is not evident from the facts and circumstances of the case that when the petitioner's tribe was specified as a Scheduled Tribe by the President after consultation with the Governor of the State of Maharashtra and that the petitioner's tribe suffered the social hardships in the State of Maharashtra and that is not the Tribe listed in the State of Andhra Pradesh. Therefore, the case of the petitioner cannot be considered as Scheduled Tribe in the State of Andhra Pradesh and such she can not be allowed to enjoy the benefits and privileges conferred on the Scheduled Tribe candidates in the State as the person belonging to the former State for the purpose of the Constitution. Further, I am not able to accept the contention of the learned counsel for the petitioner that by virtue of the impugned order the third respondent has determined the social status of the petitioner. Actually the third respondent has not determined the social status of the petitioner but he has considered the question whether the petitioner is entitled to claim rights and privileges provided in the State of Andhra Pradesh to Scheduled Tribes. When once the petitioner is declared as Scheduled Tribe in the State of Maharashtra under Article 342 of the Constitution of India, accordingly following the clarification issued by the Central Government the third respondent passed the impugned

order which is correct in accordance with the principles laid down by the Supreme Court in the decision 2<sup>nd</sup> cited supra. Therefore, I see no reason to interfere with the order of the third respondent and hence the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

**SD/- S.J. BASHA**  
ASST. REGISTRAR

//TRUE COPY//

SECTION OFFICER

**One Fair copy to the Honourable Mr. Justice E. Dharma Rao (for his Lordships Kind Perusal)**

To,

1. The Director Tribal Welfare, Govt. of A.P., Hyderabad
2. The Dy. Director, Social Welfare Dept., Sangareddi, Medak Dt.
3. The Commissioner of Tribal Welfare, Telugu Samkshema Bhavan, Masab Tank, Hyd.
4. 8 L.R. Copies
5. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi
6. The Secretary, A.P. Advocates' Association Library, High Court Buildings, Hyderabad.
7. 2CCs to the G.P. for Social Welfare, High Court Buildings, Hyderabad
8. Two CD Copies

P.M.

Dated : 17-10-2003

**ORDER**

**W.P. No. 4268 of 1993**

**Dismissing the W.P. without costs**

IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

Certified to be true copy  
Assistant Registrar (Judi)  
Dt. 31-8-1995  
Supreme Court of India

CIVIL APPEAL NO. 4545 OF 1995ARISING OUT OF

PERITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 4285 OF 1984. (Petition Under Section 136 of the Constitution of India against the judgement and order dated the 16th January, 1984 of the High Court of Judicature, Andhra Pradesh at Hyderabad in W.A. No. 1040 of 1983)

The Director of Tribal Welfare,  
Government of Andhra Pradesh  
Hyderabad

Versus

Appellant

1. Laveti Giri  
Being minor represented by  
His Father, L. Hanumantha Rao,  
C/o. Duba Mohan Rao, Advocate,  
Advocates Association,  
High Court Buildings,  
Hyderabad
2. University College of Engineering  
Osmania University  
Represented by its Convenor  
B.E./B.Tech. Admission  
Osmania University  
Hyderabad

CORAM :

HON'BLE MR. JUSTICE K. RAMA SWAMY  
HON'BLE MR. JUSTICE N. VENKATACHALA

For the Appellant : Mr. G. Prabhakar, Advocate  
For Respondent No. 1 : Mr. Y.P. Rao, Advocate

Respondents  
18th April, 1995

The petition for special leave to Appeal above mentioned being called on for hearing before this Court on the 31st day of March, 1995, UPON perusing the record and hearing counsel for the appearing parties above mentioned, respondent No. 2 not appearing though served, the Court took time to consider its Judgement and the matter being called on for Judgement on the 18th day of April, 1995, THIS COURT DOTHT in allowing the appeal.

**PASS the following order :**

"It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following :-

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than by the Officer like Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely (I) an Additional Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) The Director, Social Welfare / Tribal Welfare / Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hailed and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the social status of the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies method of burial of dead bodies etc, by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or "doubtful" or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgment due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims on inquiry to be made on that behalf, the Director on receipt of such representation / reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate /parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to, him/it. After giving such opportunity either in person or through counsel, the committee

C.A.No. 4545 of 1995

may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as in envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents / guardian also in case candidate is minor to appear before the committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent / guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent / guardian / candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition / miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench, but subject to special leave under Article 136.

14. In case, the certificate obtained or social status claimed is found to be false, the parent / guardian / the candidate should be prosecuted for making claim. If the prosecution ends in a conviction and sentence of the accused, it would be regarded as an office involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.

15. As soon as the finding is reported by the Scrutiny Committee holding that the certificate obtained was false on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgment due with a request to cancel the admission of the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post.

While reiterating the above guidelines to be workable principles, it is high time that the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the constitution and corner the benefits reserved for the real tribals etc., so that the menace of fabricating the false records and to gain unconstitutional advantages by plain / spurious persons could be prevented. Lest they would defeat the Constitutional objective of rendering socio economic justice envisaged under Article 46 in the Preamble of the Constitution under Article 14,15,16,38 and 39.

By orders of the High Court the respondent had already completed his engineering course, though he played fraud on the Constitution depriving the real tribal of the benefit of the education as an engineer. He was minor at the relevant time. So nothing can be done except declaring that he is not a tribe and that he is not entitled to any employment or any other advantage on the basis of his false status as Scheduled Tribe, namely Konda Kapu. His father did not appear before the Director and he is not before this Court to direct the Govt. to lay prosecution".

AND THIS COURT DOTH FURTHER ORDER THAT the respondent No.1 herein do pay to the appellant herein its costs of this appeal quantified at Rs. 25,000/- (Rupees twenty five thousand only) to defray the amount spent on respondent No. 1 herein.

AND THIS COURT DOTH LASTLY ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Aziz Mushabber Ahmadi, Chief Justice of India at the Supreme Court, New Delhi dated this the 18<sup>th</sup> day of April, 1995.

(MANJU GOEL)  
REGISTRAR (VIG)



**SUPREME COURT**  
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 4545 OF 1995**

**Director of Tribal Welfare**

**Appellant**

**Versus**

**Laveti Giri and Anr.**

**Respondents**

**HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYDERABAD**

in W.A. No. 1040 of 1983

DECREE ALLOWING THE APPEAL WITH  
QUANTIFIED COSTS

Dated the            18<sup>th</sup>            day of            April    1995

Compared with    Shri Y.P. Rao

No. of folios            Advocate on Record for

Respondent No. 1

SEALED IN MY PRESENCE

eg. 2-8-95

1997 (1) ALT 789 (D.B.)

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD

The Hon'ble Mr. P.S. Mishra, Chief Justice  
And  
The Hon'ble Mr. Justice V. Rajagopala Reddy

Writ Appeal No. 1188 of 1996 - Decided on 6-12-1996

... Appellant (Petitioner)

W.S.V. Satyanarayana

Vs

Respondents

Director of Tribal Welfare,  
A.P., Hyderabad and others

*Social Status - G.O. Ms. No. 371, Employment & Social Welfare (E2) Department, dated 13-4-1976 Guidelines issued as to how the caste of a child of inter-caste marriage be treated - Caste of an offspring born out of wedlock of a couple, one of whom is a member of Scheduled Tribe - Offspring would not take automatically the caste of either the father or mother - View of Single Judge that social status offspring should be automatically that of father not correct - Status or caste of the offspring has to be determined upon recognition received from members of community of either of the parents and acceptance of caste people - Enquiry to be held to ascertain such recognition or acceptance - Issue of certificate by Mandal Revenue Officer that petitioner acquired the caste of his mother 'Kondakapu' which is recognised as Scheduled Tribe without enquiry is opposed to guidelines issued by Central Government as referred to in the aforesaid G.O. - Order of Single Judge set aside - Directions given to conduct an enquiry as to whether petitioner was accepted by Kondakapu community as a member of its tribe - Till then, caste certificate issued to petitioner by MRO as belonging to Scheduled Tribe kept in abeyance.*

**Held :** The Status or Caste of a person would have to be determined upon the recognition received from the members of the Community of either of the parents and the acceptance of the caste people. There is no enquiry in the present case whether the appellant - petitioner has got such acceptance from the members of the Caste / Tribe. (Para10)

In fact in G.O. Ms.No.371, Employment & Social Welfare (E2), Department, dated 13-4-1976, on which much reliance was placed by both the sides, it was required to be considered "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 the caste. The guidelines for determining the caste of the child of inter-caste married couples are laid down by the Government of India in their letter No. 39/387/73-SCT, Ministry of Home Affairs, Dt. 4-3-1975, 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. The Mandal Revenue Officer (R4) has completely ignored these requirements in giving the caste certificate to the petitioner - appellant. This G.O. has been issued where statutory concessions like reservations in services and educational institutions should be extended to the children of inter-caste marriage couples.

From a perusal of the Appendix to the above G.O., it is clear that instructions have been issued to all the State Governments. In Annexure - II of the Appendix, the status of the offspring, born out of wedlock between couple, one of whom is a member of S.T. community, has been dealt with.

Without following the instructions contained in the above G.O., which have been given by the Government of India to all the State Governments and which is in accordance with the view taken by us, the caste certificate has been issued by the Mandal Revenue Officer, Ongole, Dt. 23-1-1990, declaring the appellant petitioner as Kondakapu. The action of the M.R.O. (R4) is contrary to Para-1 of the above G.O., which requires the authority to hold an enquiry as per the guidelines issued in the Appendix. However, learned counsel for the appellant - petitioner contends that under Para - 2 of the above G.O. The appellant petitioner could be treated as Scheduled Tribe and the certificate could not be faulted. It is stated by the learned counsel for the respondents that a Single Judge of this Court in W.P. No. 14875 of 1985, by an order dated 19-2-1986, has already held this portion of the G.O. as *ultra vires* of the powers of the Executive as Contrary to the Constitution of India. Hence, the appellant - petitioner, as rightly held by the learned Single Judge, is not entitled to get the benefit under it.

(Para 11)

It is therefore, incumbent upon the respondents to cause an enquiry to ascertain whether the appellant has been accepted by the Kondakapu community as its member.

(Para 12)

#### CASES REFERRED :

1. D. Neelima Vs. the Dean of P.G. Studies, A.P. Agricultural University : 1993 (1) ALT. 458
2. Muthusami Mudaliar Vs. Masilamani @ Subramania Mudaliar : (1910) ILR 33 Mad. 342
3. Wilson Reade Vs. C.S. Booth and others : AIR 1958 Assam 128
4. V.V. Giri Vs. D. Suri Dora : AIR 1959 SC 1318
5. S. Rajagopal Vs. C.M. Armugam and others : AIR 1969 SC 101
6. C.M. Arumugam Vs. S. Rajgopal and others : AIR 1976 SC 939
7. Guntur Medical College Vs. Mohan Rao : AIR 1976 SC 1904

(Para 7)

(Para 8)

(Para 8)

(Para 8)

(Para 8)

(Para 8)

(Para 9)

Mr. V. Venkataramana, for Mr. Nayani Krishna Murthy, Advocate for the Appellant. Government Pleader for Social Welfare for Respondent Nos. 1,2 & 4.

Smt. K. Sesharajyam, Advocate for Respondent No.3

#### ORDER

(Per V. Rajagopala Reddy, J.)

This writ appeal is brought by the appellant - petitioner, aggrieved by the order passed by the learned Single Judge in his W.P. No. 11020 of 1992, who dismissed the writ petition and while dismissing the same declared that the petitioner therein was not entitled to be treated as 'Konda Kapu', a Scheduled Tribe and that he was also not entitled for the benefits meant for S.T. candidates. The learned Single Judge also directed that the appellant - petitioner's M.B.A. certificate should also be withdrawn. The appellant petitioner filed the writ petition questioning the memo dated 9-6-1992 issued by the Principal, University College, Nagarjuna University (R3), as illegal and without jurisdiction.

2. The question of some importance that arises is how to determine the social status of the appellant - petitioner, who is an off-spring born out of the wedlock between a couple, one of whom is a member of Scheduled Tribe; whether the offspring takes automatically the caste of his father.

3. The facts have been stated by the learned Single Judge in extenso. However, the following few facts are required to be stated for disposal of this appeal.

The appellant - petitioner's father, a person belonging to Baliya Community, married woman of Kondakapu community, which is recognized as Scheduled Tribe, in 1965. The appellant - petitioner started his school education in Kovvuru and graduated from Ongole and secured admission in M.B.A. course in Nagarjuna University, Guntur, in July, 1990, on the basis of his social status certificate as S.T. The 3<sup>rd</sup> respondent, basing on the intimation dated 13-5-1992 given by 1<sup>st</sup> respondent, issued the impugned memo seeking explanation of the appellant - petitioner as to why the admission granted to him in a seat meant for S.T candidate, should not be cancelled. The appellant - petitioner approached this Court without submitting any explanation. Pending the writ petition, the appellant - petitioner completed his M.B.A. course. The learned Single Judge had difficulty in treating the appellant-petitioner as Scheduled Tribe, since his father belongs to Baliya Community and that his social status would automatically devolve on the child irrespective of whether the mother of the said child is a Scheduled Tribe. He was of the view that the social status of the off-spring born out of the wedlock between two communities should be that of the father. Learned Single Judge held that G.O. Ms. No. 371, Employment & Social Welfare (E2) Department, dated 13-4-1976, under which the Government directed that for the purpose of admission into educational institutions and professional colleges the lower caste of either parent in the inter-caste marriages should be deemed to be the caste of the child, which was the basis for the caste certificate of the appellant - petitioner, could not be relied upon since it was held to be *ultra vires* of the powers of the Executive, being contrary to the provisions of the constitution of India, by this Court in W.P.No. 14875 of 1985, by an order dated 19-2-1986.

4. Learned counsel for the appellant - petitioner reiterated his arguments and sought to reply upon G.O.Ms. No. 371, Employment & Social Welfare (E2) Department, dt. 13-4-1976 under which the social status certificate was issued by the 4<sup>th</sup> respondent to the appellant - petitioner and on the fact that being offspring of a Scheduled Tribe mother he should automatically be treated as Scheduled Tribe and that the learned Single Judge went wrong in importing the concepts of patriarchy prevailed under old Hindu Law, which denied the rights arising out of motherhood and destroying the concept of equality between men and women.

5. Learned counsel for the 1<sup>st</sup> respondent, however, contended that the impugned certificate was vitiated as it was based on wrong assumptions and issued without holding enquiry into the community of the appellant - petitioner and without following the instructions issued by the Government of India with regard to status of off-spring of the couple; one of the spouses is a Tribal.

6. We agree, to some extent, with the contention of the learned counsel for the appellant - petitioner that the view expressed by the learned Single Judge, that the child, automatically, or as a matter of course without any enquiry takes the social status of the father, under the prevailing social conditions, is not acceptable. Such an assumption is not sanctioned either on principle or practices in the Hindu community as revealed in Dharmasasthras or by authoritative pronouncements of Courts.

7. During Vedic days inter-caste marriages were prohibited, since the caste system was rigid and also for the reason that all the castes were not treated on equal footing. However, the marriages between members of sub-divisions in a lower caste were being permitted. However, it was not known how the caste of off-spring of such marriages were treated. Slowly by series of enactments and also due to social changes and efforts of great social pioneers and due to technological developments the caste system has become less rigid and inter-caste marriages have become common. However, the caste structure, regrettably, is still prevalent. Caste became the criterion, due to the social and economic backwardness of its community, granting for reservations. In Hinduism caste was based upon the actions or vocations. In fact, the castes were originally created on the basis of actions and functions. Caste is a combination of persons governed by long and uniform usages customs with regards to food, ceremonies, marriages and occupation and it has its own rules to manage the members of its community. Caste need not therefore have any relation to the birth. Caste there are instances where, by the option of a person, he could acquire a Caste / Tribe, provided the members of the Caste / Tribe took him into their fold. As assumed by the learned Single Judge it is true that the patriarchal form of



within its fold are all matter which will be relevant for consideration of the question as to whether within the meaning of the Constitution, the appellant could or could not be regarded as a member of the Khasi clan.

The Apex Court in *V.V. GIRI Vs D. SURI DORA*<sup>4</sup> considering the question whether the Ist respondent here in, was a member of Scheduled Tribe to up-hold his election, held that.

“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, but unilateral acts of his character cannot be easily taken to prove that the claim for the higher status which the said acts purport to make is established.

.....  
In Hinduism caste had its origin in vocation and was not dependent upon birth. Birth as the sole criterion of caste is a much later development and caste became rigid and hereditary when vocations became hereditary. Caste was nothing but division of labour. There is a high authority to support the view that in Hinduism caste was dependent upon actions and not on birth. In Bhagwat Gita in the fourth discourse it is stated :

The four castes were created by me in accordance with their aptitude and actions : Know me the author of these castes, though, I am action less and inexhaustible”.

.....  
In the Chandogya Upanisad there is the interesting incident of Satyakama who was raised to the position of Brahmana because he had spoken the truth. Thus it was his character and not his birth which determined his caste. Amongst the Hindus many have raised themselves to the position of Brahmans by their good qualities and one such instance is of Sage *Matanga* who was a Chandala. *Vishva Mitra* was a Kshatriya and became a Brahman. Hinduism might have become static at one stage but its modern history shows that this is not snow and it would not be wrong to say that caste in Hinduism is not dependent upon birth but on actions. The whole theory of karma is destructive of the claim of caste being dependent upon birth”.

The same principle has been adopted by the Apex Court in *S. RAJAGOPAL Vs C.M. ARMUGAM AND OTHERS*<sup>5</sup> in determining the caste of a person after reconversion from Christian religion into Hinduism. It has been held that the re-conversion does not entitle him to be automatically treated as belonging to his original caste, before conversion. In *C.M. ARMUGAM Vs. S. RAJAGOPAL AND OTHERS*<sup>6</sup> the same principle has been reiterated, in these words;

“17 These cases show that the consistent view taken in this country from the time Administrator General of Madras Vs. Anandachari (1886) ILR 9 Mad. 466 (supra) was decided. That is, since 1886, has been that on reconversion to Hinduism, a person can once again become a member of the caste in which he was born and to which he belonged before conversion to another religion, if the members of the caste accept him as a member. There is no reason either on principle or on authority which should compel us to disregard this view which has prevailed for almost a century and lay down a different rule on the subject. If a person who has embraced another religion can be reconverted to Hinduism, there is no rational principle why he should not be able to come back to his caste, if the other members of the caste are prepared to readmit him as a member. It stands to reason that he should be able to come back to the fold to which he once belonged provided of course the community is willing to take him within the fold” (Emphasis supplied).

9. In *GUNTUR MEDICAL COLLEGE Vs MOHAN RAO*<sup>7</sup> the question arose whether a person born of Christian converts, would become a member of the caste to which his parents belong prior to conversion into Christianity. The Constitution Bench of the Supreme Court held :

“..... on conversion to Hinduism, a person born of Christian converts would not become a member of the caste to which his parents belonged prior to conversion into Christianity, automatically or as a matter of course, but he would become such member if the other members of the caste accept him as a member and admit him within the fold” (Emphasis supplied)

4. AIR 1959 SC 1318

5. AIR 1969 SC101

6. AIR 1976 SC 939

7. AIR 1976 SC 1904

10. The principle that emerges from the above decisions is that the status or caste of a person would have to be determined upon the recognition received from the members of the community of either of the parents and the acceptance of the caste people. There is no enquiry in the present case whether the appellant - petitioner has got such acceptance from the members of the Caste / Tribe. We are, therefore, of the firm opinion that the view taken by the learned Single Judge is opposed to the well settled principle enunciated in the above decisions.

11. In fact, in G.O. Ms. No. 371, Employment & Social Welfare (E2) Department, dated 13-4-1976, on which much reliance was placed by both the sides, it was required to be considered "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 Government of India in their letter No. 39/387/73-SCT. Ministry of Home Affairs, dt. 4-3-1975 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." The Mandal Revenue Officer (R4) has completely ignored these requirements in giving the caste certificate to the petitioner - appellant. This G.O. has been issued where statutory concessions like reservations in services and educational institutions should be extended to the children of inter-caste marriage couples. From a perusal of the Appendix to the above G.O., it is clear that instructions have been issued to all the State Governments. In Annexure- II of the Appendix, the status of the off-spring, born out of wedlock between couple, one of whom is a member of S.T. community, has been dealt with, relying upon the ratio in some of the decisions dealt with by us above, it has been stated in para-5 as follows :

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."

Without following the instructions contained in the above G.O., which have been given by the Government of India to all the State Governments and which is in accordance with the view taken by us, the caste certificate has been issued by the Mandal Revenue Officer, Ongole, Dt. 23-1-1990, declaring the appellant-petitioner as Kondakapu. The action of the M.R.O. (R4) is contrary to para - 1 of the above G.O., which requires the authority to hold an enquiry as per the guidelines issued in the Appendix. However, learned counsel for the appellant - petitioner contends that under para - 2 of the above G.O. the appellant - petitioner could be treated as Scheduled Tribe and the certificate could not be faulted. It is stated by the learned counsel for the respondents that a Single Judge of this Court in W.P. No. 14875 of 1985, by an order dated 19-2-1986, has already held that this portion of the G.O. as *ultra vires* of the powers of the Executive as contrary to the Constitution of India. Hence, the appellant -petitioner, as rightly held by the learned Single Judge, is not entitled to get the benefit under it.

12. It is therefore, incumbent upon the respondents to cause an enquiry to ascertain whether the appellant has been accepted by the Kondakapu community as its member.

13. We, therefore, direct the 2nd respondent in this matter, to conduct an enquiry as to whether the appellant-petitioner has been accepted by the Kondakapu community, as a member of its tribe. If it is ultimately found that the appellant - petitioner has been accepted as a member of Kondakapu community, he shall be treated as belonging to Scheduled Tribe. If it is found that he was not accepted by such Scheduled Tribe, the appellant's caste certificate, issued by the 4th respondent, shall stand cancelled. The enquiry shall be completed by the 1st respondent within a period of two months. It is further directed that the caste certificate issued by the 4th respondent, to the appellant - petitioner, shall be kept in abeyance till such an enquiry is completed. The judgement of the learned Single Judge is set aside. The writ appeal is accordingly disposed of. In the circumstances, no orders as to costs.

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

TUESDAY, THE FOURTH DAY OF FEBRUARY  
TWO THOUSAND THREE

PRESENT

THE HON'BLE MR. N.V.H. SASTRY, MEMBER (A)

Constitution as a Bench U/S 5(6) of the Administrative Tribunals Act, 1985

O.A.No. 10/98

BETWEEN

Ch. Bapu Rao, Junior Accountant,  
O/o. Sub Treasury, Yellareddy  
Nizamabad Dist.  
(By. Mr. M. Ramgopal Rao, Counsel for Applicant)

... Applicant

and

1. The Director of Treasuries and Accounts  
A.P., Hyderabad
2. The District Treasury Officer, Nizamabad
3. The Commissioner of Tribal Welfare, A.P., Hyderabad
4. Government of A.P. rep. by its Secretary,  
Finance and Planning Dept. Secretariat, Hyderabad - 22  
(By Mr. A. Prabhakar, G.P. for F&P (s))

Respondents

Application filed, under Section 19 of the Administrative Tribunals Act, 1985, praying the Tribunal to call for the records relating to the impugned proc. No. K3/49327/6/88-2, Dt. 15-12-1997 issued by the Director of Treasuries and Accounts, A.P., Hyderabad and quash the same by holding the impugned proceedings as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 and 311 (2) of the

O.A. 10/98

O.A. 10/98

(ORDER AS PER HON'BLE SRI N.V.H. SASTRY, M(A))

Constitution and also opposed to all canons of equity, justice and fair play.  
This original application having come-up for hearing on 28-1-2003 and having stood over for consideration till to-day, the Tribunal made the following, ORDER :-



**(ORDER AS PER HON'BLE SRI. N.V.H. SASTRY, M(A))**

The applicant is a Junior Accountant in Treasuries and Accounts Department, Nizamabad district. The applicant sought for setting aside the impugned proceedings dt. 15-12-1997 issued by the Director of Treasuries and Accounts, Hyderabad.

2. When this matter came up for admission, there was no interim relief granted to the applicant.

3. Learned counsel for the applicant and learned GP are heard. Counter is perused and the following order is passed :

The applicant averred in the O.A. that he belonged to "Mannerwarlu" caste which comes under S.T. Community. He was selected by the APPSC in the category of ST community. He was appointed as a Jr. Asst. through orders dt. 15-3-1984. When a false complaint was made against the applicant that the applicant filed a false ST certificate, the Commissioner of Tribal Welfare conducted an enquiry on 15-12-1984. The applicant filed a caste certificate issued by the Tahsildar, Yellareddi Taluq which showed his caste as Mannerwarlu. But, however, parallel enquiry was conducted without his knowledge by the Tribal Welfare Department and held that the applicant belonged to "Choudary" community and, therefore, the caste certificate filed by the applicant was invalid and false. Based on this, a charge memo dt. 25-1-91 was issued alleging that he suppressed the real community and produced a false certificate. The applicant submitted his explanation to the charge memo in February, 1991 denying the charges. It was the submission of the applicant that only Revenue and Police authorities are authorised to investigate into the community and not the Tribal Welfare Department. Without considering these assertions of the applicant, the Joint Collector, Nizamabad issued a show cause notice to the applicant on 20-2-91 for cancellation of this caste certificate. The applicant submitted his reply stating that the Commissioner of Tribal Welfare without conducting any enquiry came to the conclusion that the applicant did not belong to ST community. Subsequently, no orders of the Joint Collector were served upon the applicant. However, the District Treasury Officer, Nizamabad kept the applicant under suspension through his orders dt. 23-1-1992 as per APCS (CCA) Rules alleging that the applicant secured employment by filing a false ST certificate and also stating that the earlier caste certificate issued by the Tahsildar, Yellareddi Taluq was cancelled by the Collector in the Joint Collector's proceedings dt. 11-4-91. After the issue of the charge memo in February, 1991, the Regional Deputy Director of Treasuries and Accounts, Hyderabad was appointed as an enquiry officer under APCS (CCA) Rules, 1963. The enquiry officer conducted an enquiry and furnished his report to the Director on 26-8-92 holding that the applicant produced a false certificate while securing the appointment. The applicant also submitted that he had already put in 10 to 15 years of service and if at this point of time he is thrown out of employment it will cause undue hardship to him. It was also his submission that the applicant is also situated similar to that of one Mr. B.N. Rao, S.I of Police, Rangareddy district whose case is pending with the Collector, Nizamabad. It was also stated that the enquiry officer had not conducted enquiry in accordance with rules. The enquiry officer has not examined any witness but submitted his.

4. In view of this, the Director of Treasuries and Accounts, Hyderabad issued a show cause enquiry report notice dt. 30-9-92 directing the applicant to show cause as to why he should not be dismissed from service, while agreeing with the findings of the enquiry officer, a criminal case was also filed against the applicant in CC. No. 17/92 in the Court of Judicial First Class Magistrate, Yellareddy. The applicant stated that as the criminal case is pending, it is not appropriate to proceed with the departmental enquiry. In view of this, he sought for time to file his explanation. The criminal court held that the applicant is not guilty of the offence u/s. 420 IPC. The criminal court had taken into consideration all the relevant material and acquitted him of the charge. Therefore, no conclusion other than the one already given by the criminal court can be drawn now by the department.

5. The applicant was however, reinstated through the orders of the Dy. Director, District Treasury Office, Nizamabad dt. 15-3-96 and was posted as Jr. Accountant in District Treasury, Nizamabad. He continued as such in service. However, the Director of Treasuries and Accounts issued final orders Dt. 15-12-97 dismissing the applicant from service simply relying upon the report of the enquiry officer Dt. 26-8-91. The main submission of the applicant is that the criminal court acquitted him of the charge and found him not guilty and also no enquiry was conducted by

the enquiry officer in accordance with the procedure prescribed under CCA Rules. Though the applicant stands on a similar footing as that of B.N. Rao, S.I of Police and one P. Narsimha Rao, Senior Accountant, Nizamabad, it is only the applicant who was dismissed from service and thus, he was discriminated.

6. Learned counsel argued that the enquiry conducted by the Regional Deputy Director of Treasuries and Accounts, Hyderabad stating that the applicant does not belong to scheduled tribe community was behind the back of the applicant and the applicant had no opportunity to put forth his contention. Learned counsel for the applicant submitted that on the very same charge, a criminal case was filed by the respondent against the applicant which resulted in clean acquittal of the applicant. The criminal court also held that the applicant was not guilty. In view of this, the department ought to have followed the Judgment of the criminal court and exonerated the applicant from the charge.

7. Learned counsel for the applicant also submitted that in a similar case of one Mr. P. Narsimha Rao, Senior Accountant in the Office of the Treasuries and Accounts, Nizamabad against whom also an enquiry was conducted regarding false certificate said to have been produced by him for securing employment, no action was taken against him and he is still being continued, whereas the applicant who is similarly situated was discriminated and removed from service through the impugned orders. Learned counsel for the applicant also submitted that according to Section - 5 of the A.P Regulation of Issue of Community certificate Act, 1993, the Joint Collector shall cancel the certificate only after giving an opportunity of making a representation. No notice was issued by the Joint Collector before such cancellation. In view of this, the order of the Joint Collector cancelling the community certificate issued to the applicant shall also be set aside.

8. Learned G.P while reiterating the contents mentioned in the counter stated that the Commissioner of Tribal Welfare conducted a detailed enquiry and submitted a detailed report on 20-11-1990. It was observed by him that the applicant does not belong to scheduled tribe and, therefore, his appointment to the post reserved for STs' is invalid. In view of this enquiry report, the RDD, Hyderabad was appointed as an enquiry officer. He framed charges Dt. 25-1-91 acknowledged by the applicant. The enquiry officer conducted oral enquiry and submitted report on 26-8-91 holding the charges as proved. The Joint Collector cancelled the caste certificate issued to the applicant as per para-5 of Yellareddi through his orders dt. 11-4-91 based on the report of the Commissioner of Tribal Welfare. In view of this, the Collector requested the Treasuries department to take departmental action against the applicant. The applicant was kept under suspension by the DTO, G.O. Ms. No. 289, Social Welfare Department dt. 28-11-86. The applicant submitted his report on 26-8-91. The applicant Nizamabad on 23-1-92. The RDD conducted a detailed enquiry and submitted his report on 26-8-91. A copy of the enquiry officer's report was furnished to the applicant by the Director. He submitted explanation dt. 16-3-93 stating that the criminal court held him as not guilty and acquitted him and, therefore, further action may be dropped.

9. It was also mentioned in the counter that according to Government Memo dt. 24-3-92 where a Government employee is removed or dismissed after complying with the requirements of Article 311(2) or as per the provisions of the APCS (CCA) Rules, 1963, the said removal or dismissal or any other punishment is not adversely effected even in case of acquittal of the delinquent officer in a criminal case, if he is prosecuted in addition to the departmental action. In view of this, as the enquiry officer conducted enquiry and it was proved that the applicant does not belong to ST Community and actually he belongs to forward community, the explanation of the applicant can not be accepted.

10. It is also seen that the Government after duly considering the entire issue, informed through their Memo Dt. 14-11-97 that there is no bar to finalise the departmental action even if the applicant is acquitted in a criminal case as per the instructions contained in memo No. 244/SC/91-1 dt. 24-3-92 of the General Administration Department. In view of this, the respondents considered that the continuation of the applicant in service is not desirable in public interest. Accordingly, he was dismissed from service as per the Director's order dt. 15-12-1997. It was also stated in the counter that the applicant ought to have preferred an appeal to the appellate authority i.e. the Government. Thus, G.P. also submitted that the applicant secured a bogus/false certificate about his community status was cancelled by the Joint Collector after a detailed enquiry conducted by the Commissioner of Tribal Welfare. Due procedure prescribed under the APCS (CCA) Rules, 1963 was followed, the enquiry and the departmental proceedings led to the conclusion

that the applicant was guilty of the charge of playing fraud on the Government for securing employment. It was also his contention that the criminal court acquitted the applicant only giving him benefit of doubt. Even otherwise, acquittal by a criminal court is not a bar on the department to take an independent view, as the standard of proof required to be obtained in such cases by the department is not so high as in the case of a criminal court. Thus, finally it was his submission that as there is no procedural irregularity and also as the applicant had cheated the Government by playing fraud about his community status, the applicant was liable to be dismissed from service and accordingly, he was dismissed. In view of this, no interference is called for.

11. After hearing both sides and after perusal of the record, the following facts arise:

The applicant was selected through APPSC in Group - IV Services as Junior Accountant in the Treasuries Department in the post reserved to the ST community. This was based upon the certificate issued by the Tahsildar, Yellareddy Taluq, Nizamabad District. A detailed enquiry was conducted by the Commissioner of Tribal Welfare about the community status of the applicant. Based on this report of the Commissioner of Tribal Welfare, Joint Collector issued orders on 11-4-91 cancelling the caste certificate issued to the applicant by the erstwhile Tahasildar, Yellareddy Taluq Dt. 30-5-79. These orders cancelling the caste certificate were issued much earlier to the A.P Regularisation of Issue of Community Certificates Act, 1993. The applicant had not questioned these orders in this case. Nor was there any document filed to show that he had challenged these orders of cancellation. The contention of the applicant that he is not so far served with the orders of cancellation and, therefore, he is not aware of it cannot be accepted. In view of the fact that a regular enquiry against him under CCA rules was commenced on the issue of community status of the applicant. The applicant had also not questioned the cancellation order even subsequent to the receipt of the charge memo by him. In view of this, he cannot agitate this before this Tribunal at this point of time nor is this Tribunal competent to adjudicate this issue.

12. Coming to the question of disciplinary proceedings, it is observed that the Director of Treasuries and Accounts through his order dt. 6-12-90 appointed the then Regional Dy. Director of T & A Region III, Hyderabad as an enquiry officer under CCA Rules, 1963. The charges framed by the enquiry officer were also acknowledged by the applicant on 5-2-91. It is also not the case of the applicant that there is any violation in the respondents following the procedure under the CCA Rules. It is also seen that charges were framed on 25-1-91, explanation was submitted and the enquiry officer submitted his report on 26-8-91, the applicant was suspended on 23-1-92, show cause notice was issued to the applicant along with the enquiry officer's report on 30-9-92. The applicant submitted his explanation on 16-3-93. The applicant was reinstated on 7-3-96. It is also seen that the applicant did not choose to examine any defence witnesses to defend his case though he had cited witnesses in form No.1 submitted by him to the enquiry officer. Thus, there is no irregularity or infirmity on the part of the respondents in following the statutory procedure laid down in the CCA Rules.

13. The next contention was that the applicant was given acquittal by the criminal court on the very same charge of obtaining a false certificate. However, it is seen that this acquittal was not even a clean acquittal but it was only by way of benefit of doubt as could be seen from the last part of the Judgment of the criminal court. Apart from this, it is well established law that the standard of proof by way of adducing evidence and its appreciation in a criminal case is very high whereas it is not so in departmental proceedings. The various facts and circumstances obtaining in a case will be considered in a departmental enquiry. The strict standard of admissibility of evidence as obtained in a criminal case is not obtained in a departmental enquiry. In a departmental proceeding, it is enough if the charge is conclusively proved based upon the enquiry conducted by the authorities and the appreciation of the enquiry report by the disciplinary authority. Thus, when the departmental authorities came to a conclusion based upon the evidence holding that the applicant does not belong to scheduled tribe community, these findings cannot be assailed. The appreciation of the said evidence and the resultant orders that would be issued by the disciplinary authority are totally within its domain. In view of this, the contention of the applicant that the acquittal in the criminal court, that too by way of benefit of doubt, should automatically prompt the disciplinary authority to arrive at the same finding cannot be accepted. This view is also contained in Government Memo No. 244/SC/91-1 dt. 24-3-92.

14. In view of the above, it has to be necessarily held that the applicant secured appointment by playing fraud on the Government by submitting a false ST community certificate though he does not belong to ST community.

15. Hon'ble Supreme Court of India in Civil Appeal No. 3414/2002 dt. 9-5-2002 reported in (2002) 5 SCC 11 held that Courts shall not interfere with the quantum of punishment.

16. In the case of SECRETARY, APSWREI SOCIETY Vs J. PRATAP, the Supreme Court held that where the employment was sought on the basis of vague degrees and enquiry was held and charges were proved and services were terminated, the order of punishment imposed by the Government was confirmed. The Principal in this case squarely applies to the facts obtaining in this case where the applicant secured appointment as Jr. Asst. in the Government service through a false certificate.

17. In view of my above findings, the impugned orders cannot be assailed and the orders issued by the Director of Treasuries and Accounts dismissing the applicant from service can not be faulted.

18. O.A. is, therefore, held as devoid of merits and it is accordingly, dismissed.

Sd/-  
**V. RAMAKRISHNA**  
Asst. Registrar

//True Copy//

Assistant Registrar

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

FRIDAY, THE TWENTY FIRST DAY OF FEBRUARY  
TWO THOUSAND THREE

PRESENT

THE HON'BLE MR. N.V.H. SASTRY, MEMBER (A)

(Constitution as a Bench U/S 5(6) of the Administrative Tribunals Act, 1985)

O.A.No. 2105/1999 With M.A No. 1517/2000

BETWEEN

S. Narsing Rao, Ex. Junior Assistant, O/o  
Deputy District Medical and Health Officer,  
Siddipet Division, R/o. Donthi, Shivampet Mandal  
Medak District.

... Applicant in O.A. & M.A.

(By MR. M. RAMGOPAL RAO, Counsel for the Applicant)

and

1. The District Medical and Health Officer, Medak at Sangareddy - 502 001
2. The Director of Medical and Health Services, A.P., Hyderabad - 500 001
3. The Director of Tribal Welfare, A.P., Hyderabad - 28
4. Government of A.P. rep. by its Secretary,  
H.M. & F.W. Dept. Secretariat, Hyderabad - 22  
(By Mr. C. Sai Reddy, GP for M & H (Ser)

Respondents in O.A. & M.A.

**O.A. No. 2105/1999** : Applicant filed under Section - 19 of the Administrative Tribunals Act, 1985 praying the Tribunal to call for the records relating to the impugned Proc. RC. No. 10518/E2/97, dated 17-04-98<sup>th</sup> issued by the District Medical and Health Officer, Medak at Sangareddy and quash the same by holding the impugned proceedings as illegal, arbitrary, discriminatory and sub versive of Article 14, 16 and 21 of the Constitution and also opposed to Act, 16/1993 and as such opposed to all principles of natural justice, equity and fair play and as such cannot be justified.

**M.A No. 1517/2000** : Application filed praying the Tribunal to direct the respondents forthwith reinstate me into service on the same analogy in the case of P. Narasimha Rao as per G.O. Ms.No. 1745 dated 15-07-1995 and pending disposal of the above O.A.

This Original Application along with Miscellaneous Application having come up for hearing on 07-02-2003 and having stood over for consideration till date, the tribunal made the following Order :-

O.A. No. 2105 of 1999

M.A. No. 1517 of 2000

(ORDER AS PER HON'BLE SRI N.V.H. SASTRY, MEMBER(A))

The applicant is an Ex. Junior Assistant of the office of the Deputy District Medical and Health Officer, Siddipet Division of Shivampet Mandal, Medak District. Aggrieved by the orders of the District Medical and Health Officer, Medak District at Sangareddy issued in Proc. No. 10518/E2/97 dated 17-04-1998 confirming his earlier dismissal orders dated 31-01-1989, he has filed this O.A.

2. When this matter came up for admission, this Tribunal did not pass any interim order. Counter affidavit is filed by the respondents. Learned counsel for the applicant and the learned Government pleader are heard.
3. Learned counsel for the applicant while reiterating the contentions in the O.A. submitted that the applicant belongs to "Mannevarulu" community which is a Scheduled Tribe Community. By virtue of his selection through the APPSC, he was selected as Junior Assistant in the S.T. quota and joined the service on 30-11-1976. One Mr. C. Boomaiah made complaint against applicant's community stating that the applicant obtained false community certificate. The applicant was kept under suspension on 13-6-1984. The Additional District Medical and Health Officer, Medak at Sangareddy conducted enquiry on 14-04-1987; that this enquiry was conducted without the knowledge of the applicant and the report was submitted to the District Medical and Health Officer, Medak on 31-8-1987. Applicant was asked to submit his explanation to the show cause notice dated 21-04-1988 asking him to as to why disciplinary action should not be taken against him. Applicant requested for supply of enquiry officer's report dated 21-08-1987 which was not supplied. However, the applicant submitted his explanation. These disciplinary proceedings ended in dismissal of the applicant through the orders of District Medical and Health Officer, Medak dated 31-1-1989.
4. Aggrieved by the Orders dated 31-1-1989, the applicant filed R.P. No. 4053/1989 before the Tribunal and the said R.P. was allowed by this Tribunal on 18-11-1997 directing the authorities to furnish a copy of the enquiry officer's report to the applicant and to resume the enquiry from that stage onwards, as only enquiry report was not furnished to the applicant.
5. In accordance with these orders of the Tribunal, the District Medical and Health Officer furnished a copy of the enquiry officer's report namely, that of the Additional District Medical and Health Officer. The applicant was asked to submit his explanation within fifteen days. He has filed his explanation accordingly on 9-3-1988. However, final orders were issued again dismissing the applicant from service through these impugned orders. Learned counsel for the applicant assailed these orders basically on the grounds that (1) the order of cancellation of community certificate issued in favour of the applicant certifying him as belonging to S.T. Community was not communicated to him and hence, he was not aware of the same; 2) the persons who were similarly situated as the applicant are being continued in service in various capacities thus, causing discrimination against the applicant. Learned counsel for the applicant laid thrust on the point that the said cancellation of the certificate by the District Revenue Officer and Additional District Magistrate, Medak District at Sangareddy in the year 1992 was subsequent to the original orders of dismissal of District Medical and Health Officer in 1989. The present impugned orders of the District Medical and Health Officer are only continuation of the earlier proceedings. In view of this, these orders issued do not stand as the applicant can not be treated as non S.T. unless and until the caste certificate issued earlier was cancelled. The applicant came to know about the cancellation of the community certificate only when the respondent filed counter before the Hon'ble High Court in respect of writ petition filed by the applicant in connection with the payment of subsistence allowance due to the applicant.
6. Finally, it was the submission of the learned counsel for the applicant that because of these reasons, the impugned orders are liable to be set aside.
7. Learned Government Pleader on the other hand contended that the applicant was appointed under S.T. Quota. A complaint was received against him that he does not belong to "Kolar Mannevarlu" S.T. Community. A detailed enquiry was conducted by the Directorate of Tribal Welfare and it was proved that the applicant does not belong to S.T. Community and he was suspended. This was followed with the departmental proceedings for having secured a job on production of false certificate. These proceedings ended in dismissal of the applicant on 31-01-1989. The same was questioned in R.P. No. 4053/1989 and this R.P. was allowed by the Tribunal on the ground that the proceedings

suffered from the infirmity of non-supply of a copy of the enquiry officer's report to the applicant. In view of this, subsequently, a copy of the enquiry reports of the Director of Tribal Welfare, Andhra Pradesh, Hyderabad and the Additional District Medical and Health Officer, Medak district are supplied to the applicant. On receipt of the explanation of the applicant dated 09-03-1998, as it is found to be un satisfactory, the orders of dismissal issued earlier dismissing the applicant from service are reiterated by issuing fresh orders.

8. Learned G.P. also submitted that the community certificate of the applicant which was issued by the Tahsildar bearing No. A5/7796/75, dated 08-10-1975 was cancelled by the District Revenue Officer and Additional District Magistrate, Medak at Sangareddy vide his proceeding No. E4/7183/92, dated 25-08-1992. It was also the submission of the G.P. that only after duly taking into consideration the reply of the applicant, the District Medical and Health Officer, Medak issued the impugned orders as it is held beyond doubt that the applicant does not belong to S.T. Community.

9. It is seen from the records that the District Revenue Officer and Addl. District Magistrate, Medak cancelled the S.T. Community certificate in the year 1992 after issuing show cause notice to the applicant. Applicant could not produce any documentary evidence. Hence, Addl. D.M. cancelled S.T. Community certificate on 25-08-1992. This was preceded by enquiry by Director of Tribal Welfare.

10. Originally the applicant was kept under suspension on 13-6-1984 based on the report of Director of Tribal Welfare; on the ground that the applicant secured employment on 24-11-1976 as Junior Assistant through D.S.C. in District Medical and Health Officer's Unit at Medak claiming to be S.T. as per the false S.T. Certificate. Disciplinary proceedings were initiated in the year 1989 culminating in dismissal through order of District Medical and Health Officer date 31-01-1989.

11. R.P. No. 4053/1989 filed by applicant was disposed of on 18-11-1997 setting aside the final dismissal order and Tribunal directed to continue proceedings after furnishing copies of enquiry reports to the applicant. They were furnished to applicant and he was asked through show cause notice dated 21-04-1988 to show cause why suitable disciplinary action should not be taken. Final orders were issued on 17-04-1998 by District Medical and Health Officer, Medak dismissing the applicant from service.

12. Applicant did not assail the proceedings on the ground of any procedural irregularity. He assailed them on the grounds 1) similarly situated persons with similar S.T. Certificates are being continued in various posts and 2) orders of cancellation of S.T. Certificate by D.R.O. and Additional District Magistrate dated 25-8-1992 are arbitrary.

13. These grounds are untenable. As could be seen from the proceedings dated 25-08-1992 of the District Revenue Officer and Addl. District Magistrate, Medak, applicant was served show cause notice dated 10-6-1991 and another on 24-2-1992 and applicant on 22-7-1992 submitted his explanation. It is also submitted that applicant could not produce any documentary evidence in support of his claim that he belongs to "Kolam Mannervaru" community of Medak district which is S.T. Thus, he is aware of the proceedings initiated to cancel the S.T. Certificate. Hence, there is no arbitrariness. Applicant's further argument that cancellation orders were not received by him cannot also be accepted. Even when final orders were issued by District Medical and Health Officer, Medak dated on 17-4-1998, he did not question the orders of District Revenue Officer cancelling the S.T. Certificate even till today. Thus, the order of cancellation of S.T. Certificate became final. As they became final, it leads to the conclusion that he does not belong to S.T. Community. As he secured employment in a vacancy earmarked for S.T. Community and as it was proved that he does not belong to S.T. Community impugned orders of dismissal of the applicant from Government service are to be necessarily sustained. The O.A. is accordingly dismissed M.A.No. 1517/2000 also stands dismissed.

//True Copy//

Sd/-  
**V. RAMAKRISHNA**  
Asst. Registrar

Assistant Registrar  
202

**ANJANKUMAR Vs UNION OF INDIA**  
**(2006) 3 SUPREME COURT CASES 257**  
**(BEFORE H.K. SEMA AND DR. A.R. LAKSHMANAN)**

ANJAN KUMAR

Vs

... Appellant

UNION OF INDIA AND OTHERS

Respondents

Civil Appeal No.6445 of 2000 decided on February, 14<sup>th</sup> 2000.

A. Constitution of India -- Acts 342, 16 and 13 -- Scheduled Tribe (ST) -- Grant of Tribe certificate -- Claim in respect of made by offshoot of wedlock between a tribal woman and a non tribal man -- Maintainability -- Held, condition precedent for granting tribe certificate is that one must suffer disabilities wherefrom one belongs -- Hence, offshoot of the aforesaid wedlock cannot claim status of ST -- However, offshoots of wedlock between a tribal man and a non-tribal woman would attain the tribal status -- Circular issued by Govt. holding that children born out of marriage between a Scheduled Tribe woman and non - Scheduled Tribe man would be treated as members of ST community if the marriage is accepted by the community and children are treated as members of their own community, held, was of no assistance in the face of the constitutional provisions as well as on the facts of the case, namely, that the parents underwent a court marriage, petitioner was brought up in the city in the environment of forward community -- Casual visit to village, held, did not amount to acceptance by the tribal community -- Cordial relationship with tribal community not enough -- Scheduled Castes and Tribes - Constitution (Scheduled Tribes) Order, 1950 -- Scheduled Castes and Tribes - Caste Certificate.

B. Constitution of India -- Acts 342, 16 and 13 - Scheduled Tribe -- Acquisition of status of -- Claim in respect of, based on circular issued by Govt. in relation thereto -- Maintainability - Held, such circulars not law within the meaning of Art 13 -- Hence, could be of no assistance to the appellant in the face of the constitutional provisions - Administrative Law - Subordinate / Delegated Legislation - Circular - Status of - Held, is not law - Also cannot operate if contrary to constitutional provisions - Administrative Law -- Ultra vires - Circular contrary to constitutional provisions -- Can be of assistance - Scheduled Castes and Tribes - Status as a Scheduled Tribe.

C. Constitution of India - Arts, 341, 342, 15(4), 16(4) and 16(4-A) -- Object of, restated -

The sole question involved in the present appeal was whether the offshoot of the wedlock between a tribal woman and a non-tribal man could claim status of Scheduled Tribe and get the Scheduled Tribe certificate.

The appellant was the offshoot of the wedlock between L and K. Husband L belonged to a Forward Class whereas wife K belonged to a Scheduled Tribe. By an order dated 7-8-1992 a Scheduled Tribe certificate was issued to the appellant by SDM on the ground that the mother of the appellant belonged to Oraon Tribe which was recognised as a Scheduled Tribe in the State concerned. The appellant appeared for the Civil Service Examination conducted by the Union Public Service Commission claiming himself to be a Scheduled Tribe candidate. He was finally selected in the said examination. He was also allotted Indian Information Service Grade-A. However, the appellant did not receive any final posting order, which resulted in filing of many representations to the Union of India.

† From the Judgment and Order dated 3-12-1999 of the Madhya Pradesh High Court in LPA No. 138 of 1999.



Dismissing the appeal with costs, the Supreme Court.

**Held :**

The appellant is not entitled to get the Scheduled Tribe certificate.

(Para 16)

The condition precedent for granting tribe certificate is that one must suffer disabilities wherefrom one belongs. The offshoots of the wedlock of a tribal women married to a non tribal husband - Forward Class (Kayastha in the present case) cannot claim Scheduled Tribe status. The reason being that such offshoot was brought up in the atmosphere of Forward Class and he is not subjected to any disability. However, the situation will be different in a case where a tribal man marries a non tribal women. In that case the offshoots of such wedlock would obviously attain the tribal status.

(Paras 14 and 6)

*Valsamma Paul Vs Cochin University (1996) 3 SCC 545 : 1996 SCC (L&S) 772 (1996) 33 ATC 713, Relied on.*

*Muralidhar Dayandeo Kesekar Vs Vishwanath Pandu Barde, 1995. Supp (2) SCC 549 : R. Chandevaramappa Vs State of Karnataka. (1995) 6 SCC 309, cited*

The object of Articles 341, 342, 15(4), 16(4) and 16(4-A) is to provide preferential treatment for the Scheduled Castes and Scheduled Tribes having regard to the economic and educational backwardness and other disabilities wherefrom they suffer. So also, considering the typical characteristic of the tribal including a common name, a contiguous territory, a relatively uniform culture, simplistic way of life and a tradition of common descent, the transplantation of the outsiders as members of the tribe or community may dilute their way of life apart from the fact that such persons DO NOT SUFFER ANY DISABILITIES.

(Para 9)

The appellant has referred to a circular dated 4-3-1975 issued by the Government of India, Ministry of Home Affairs on the subject "Status of children belonging to the couple one of whom belongs to Scheduled Castes / Scheduled Tribes". He particularly referred to the portion when a Scheduled Tribe woman marries a non-Scheduled Tribe man, the children from such marriage may be treated as members of the Scheduled Tribe community, if the marriage is accepted by the community and the children are treated as members of their own community. Such circulars issued from time to time not being law within the meaning of Article 13 of the Constitution, it would be of no assistance to the appellant on the face of the constitutional provisions. Further, the facts of this case are however different with the facts in which the circular was sought to be clarified.

(Para 5)

The marriage of the appellant's mother a tribal woman to a Forward Class husband was a court marriage performed outside the village. Ordinarily, the court marriage is performed when either of the parents of bride or bridegroom or the community of the village objects to such marriage. In such a situation, the bride or the bridegroom suffers the wrath of the community of the village and runs the risk of being ostracised or excommunicated from the village community. Further the couple settled down in a city and their son, the appellant was also born and brought up in the environment of forward community. As such, the appellant did not suffer any disability from the society to which he belonged. The visits of the appellant to the village during recess/holidays and cordial relationship between the appellant and the village community would not amount to acceptance of the appellant by the village community. By no stretch of imagination, a casual visit to the relative in a village would provide the status of permanent resident of the village of acceptance by the village community as a member of the tribal community.

(Paras 6 and 7)

D. Constitution of India - Arts. 342, 341, 16, 15(4), 14 and 21 - Scheduled Castes / Scheduled Tribes - Claim of status of, by procuring fake / bogus caste / tribe certificate - Held, is a fraud under the Constitution - If one obtains appointment / admission from reserved quota on the basis of such bogus certificate, a meritorious reserved candidate may be deprived of reserved category for whom the post is reserved - This would lead to violation of Arts. 14 and 21 - SC/ST certificate is not a bounty to be distributed - To sustain the claim, one must show that he/she suffered disabilities - socially, economically and educationally cumulatively - Therefore, before issuing the caste / tribe certificate, the authority concerned is duty-bound to satisfy itself that the applicant suffered the aforesaid disabilities - Authority issuing such certificates in a routine manner would be committing a dereliction of constitutional duty - Fraud - Scheduled Castes and Tribes - Caste certificate.

(Paras 14 and 15)

*Kumari Madhuri Patil Vs Addl. Commr., Tribal Development*, (1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259; *Director of Tribal Welfare, Govt. of A.P. Vs Laveti Giri*, (1995) 4 SCC 32 : 1995 SCC (L&S) 914 : (1995) 30 ATC 166; *Punit Rai Vs Dinesh Chaudhary*, (2003) 8 SCC 204; *Valsamma Paul Vs Cochin University*, (1996) 3 SCC 545 1996 SCC (L&S) 772 : (1996) 33 ATC 713, relied on

E. Constitution of India -- Arts. 342 and 16 -- Scheduled Tribe -- Reservation for -- Woman of Forward Class marrying a tribal man -- Status of - If could be treated as tribal -- If entitled for appointment to post reserved for ST -- Held, such woman cannot automatically attain the status of tribal unless accepted by the community concerned -- Mode of the said acceptance, indicated -- Mere acceptance of the marriage by the community itself would not entitle such woman of claim the appointment to the post reserved for ST -- Service Law -- Reservation -- Scheduled Castes and Tribes -- Reservation (Para 6)

F. Words and Phrases - "Tribe" - Meaning of - Earlier decision of Supreme Court and certain books referred to in this regard - Constitution of India, Arts. 342, 15(4), 16(4) and (4-A) - Scheduled Castes and Tribes - Tribe - Meaning of (Para 8)

*State of Kerala Vs Chandramohanam*, (2004) 3 SCC 429 : 2004 SCC (Cri) 818, referred to *Dr. Jai Prakash Gupta : The Customary Laws of the Munda and the Oraon : Bhowmik, K.L. Tribal Inida : A Profile in Indian Ethnology*, referred to

W-M/ATZ/33838/CL

Advocates who appeared in this case :

M.N. Krishnamani, Senior Advocate (Rana Ranjit Singh and Samyajit Pani, Advocates, with him) for the Appellant:  
 Vikas Singh, Additional Solicitor General (Ashish Kumar, V.K. Verma and P. Parameswaran, Advocates, with him) for the Respondents :

Atul Jha, Nirmal Mittal, D.K. Sinha, Rajesh Srivastava and B.S. Banthia, Advocates for the State of Chhattisgarh

- |   |            |
|---|------------|
| Chronological list of cases cited   | on page(s) |
| 1. (2004) 3 SCC 429 : 2004 SCC (Cri) 818, <i>State of Kerala Vs Chandramohanam</i>  | 262 e      |
| 2. (2003) 8 SCC 204. <i>Punit Rai Vs Dinesh Chaudhary</i>   | 263f, 263g |
| 3. (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713. <i>Valsamma Paul Vs Cochin University</i>                       | 264a       |
| 4. (1995) 6 SCC. 309. <i>R. Chandevaram Vs State of Karnataka</i>   | 264g       |
| 5. (1995) 4 SCC 32 : 1995 SCC (L&S) 914 : (1995) 30 ATC 166 <i>Director of Tribal Welfare, Govt. of A.P. Vs Laveti Giri</i>   | 263fg      |
| 6. 1995 Supp (2) SCC 549, <i>Murlidhar Dayandeo Kesekar Vs Vishwanath Pandu Barde</i>   | 264fg      |
| 7. (1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259, <i>Kumari Madhuri Patil Vs Addl. Commr. Tribal Development</i> | 263g       |

The Judgment of the court was delivered by

H.K. Sema, J - The appellant Shri Anjan Kumar is the offshoot of the wedlock between Shri Lakshmi Kant Sahay. District Gaya in the State of Bihar and Smt. Angela Tigga who belongs to Scheduled Tribe community of Oraon Tribe, Village Pondi Potkona, Dist./Division Raigarh, State of Madhya Pradesh. By an order dated 7-8-1992 Scheduled Tribe certificate was issued to the appellant by S.D.M, Gaya on the ground that the mother of the appellant Smt. Angela Tigga belongs to Oraon Tribe which is recognised as a Scheduled Tribe in the State of Madhya Pradesh. The appellant appeared before the Civil Service Examination in 1991 conducted by the Union Public Service Commission claiming himself to be the Scheduled Tribe candidate. In the said examination he had passed the written test but could not qualify in the interview. He again appeared in the Civil Service Examination conducted by the Union Public Service Commission in the year 1992 and passed the written examination. In 1993 he was called for interview. The

result of the successful candidates was published and he stood at 759<sup>th</sup> rank in order of merit. He was also allotted Indian Information Service Grade-A. However, the appellant did not receive any final posting order, which had resulted in filing many representations to the Union of India. In one of the representations dated 14-9-1994 the appellant also stated that he belongs to Scheduled Tribe Category and his sub-caste is Oraon.

2. Having failed to receive any positive response from the respondents, he filed an Original Application before the Central Administrative Tribunal, Principal Bench, New Delhi being O.A No. 2291 of 1994, inter alia, seeking direction to the Union of India to allow the appellant to join training. In response to the notice issued by the Tribunal, the Union of India, by its letter dated 9-11-1994, conveyed to the Tribunal that the appellant has not been brought up in tribal environment and that his father is a non-tribal and, therefore, he cannot be treated as a Scheduled Tribe. Further, the Union of India, as directed by the Tribunal, conducted the enquiry into the question whether the appellant belongs to Scheduled Tribe community and the enquiry was conducted by the Additional District Collector, Jaispurnagar, District Raigarh, Madhya Pradesh and the report was submitted on 26-6-1995. The enquiry report obviously was against the appellant. After examining the enquiry report submitted as aforesaid, the Tribunal ultimately dismissed the Original Application No. 2291 of 1994 by order dated 12-12-1995. Aggrieved thereby the appellant filed a writ petition being C.W.P No. 647 of 1997 before the High Court of Madhya Pradesh at Jabalpur, inter alia, challenging the enquiry report submitted by the enquiry officer on the allegation of violation of the principles of natural justice in as much as no opportunity of hearing had been accorded to the appellant. The learned Single Judge of the High Court after perusing the records and the enquiry report, submitted by the enquiry officer, dismissed the Writ Petition by order dated 22-1-1999. The appellant thereafter carried an unsuccessful appeal before the Division Bench in L.P.A No. 138 of 1999, which was dismissed by the L.P.A Bench on 3-12-1999. Hence, the present appeal by special leave.

3. We have heard the parties at length.

4. The sole question which calls for determination in this appeal is, as to whether the offshoot of the tribal woman married to non-tribal husband could claim status of Scheduled Tribe and on the basis of which the Scheduled Tribe certificate could be given.

5. It is contended by Mr. M.N. Krishnamani, learned Senior Counsel that the enquiry officer conducted the enquiry behind the back of the appellant and therefore, the learned Single Judge as well as the Division Bench erred in law dismissing the petition/appeal by placing reliance on the enquiry report and the material collected during the course of the enquiry. He further contended that the marriage of mother of the appellant (Scheduled Tribe) and the father of the appellant (Kayastha) has been approved and accepted by the community of the village and the appellant has been transplanted into the Tribal community and therefore, he was entitled to the Scheduled Tribe certificate which was correctly granted. In this connection, he has referred to a Circular dated 4-3-1975 issued by the Government of India, Ministry of Home Affairs on the subject "Status of Children belonging to the couple one of whom belongs to Scheduled Castes / Scheduled Tribes". He particularly referred to the portion when a Scheduled Tribe woman marries a non-scheduled tribe man, the children from such marriage may be treated as members of the Scheduled Tribe community, if the marriage is accepted by the community and the children are treated as members of their own community. Such Circulars issued from time to time, being not law within the meaning of Article 13 of the Constitution, it would be of no assistance to the appellant on the face of the Constitutional provisions. Further, the facts of this case are however different with the facts in which the circular was sought to be clarified.

6. Undisputedly, the marriage of the appellant's mother (tribal woman) to one Lakshmi Kant Sahay (Kayastha) was a court marriage performed outside the village. Ordinarily, the court marriage is performed when either of the parents of bride or bridegroom or the community of the village objects to such marriage. In such a situation, the bride or the bridegroom suffers the wrath of the community of the village and runs the risk of being ostracised or excommunicated from the village community. Therefore, there is no question of such marriage being accepted by the village community. The situation will, however, stand on different footing in a case where a tribal man marries a non-tribal woman (Forward Class) then the offshoots of such wedlock would obviously attain the tribal status. However, the woman (if she belongs to a Forward Class) cannot automatically attain the status of tribal unless she has been accepted by the community as one of them, observed all rituals, customs and traditions which have been practised by

the tribals from time immemorial and accepted by the community of the village as a member of tribal society for the purpose of social relations with the village community. Such acceptance must be by the village community by a resolution and such resolution must be entered in the Village Register kept for the purpose. Often than not, such acceptance is preceded by feast/rituals performed by the parties where the elders of the village community participated. However, acceptance of the marriage by the community itself would not entitle the woman (Forward Class) to claim the appointment to the post reserved for the reserved category. It would be incongruous to suggest that the tribal woman, who suffered disabilities, would be able to compete with the woman (Forward Class) who does not suffer disabilities wherefrom she belongs but by reason of marriage to tribal husband and such marriage is accepted by the community would entitle her for appointment to the post reserved for the Scheduled Castes and Scheduled Tribes. It would be a negation of constitutional goal.

7. It is not disputed that the couple performed court marriage outside the village, settled down in Gaya and their son, the appellant also born and brought up in the environment of forward community did not suffer any disability from the society to which he belonged. Mr. Krishnamani, learned Senior Counsel contended that the appellant used to visit the village during recess/holidays and there was cordial relationship between the appellant and the village community, which would amount the acceptance of the appellant by the village community. By no stretch of imagination, a casual visit to the relative in other village would provide the status of permanent resident of the village or acceptance by the village community as a member of the tribal community.

8. The 'tribe' has been characterised by Dr. Jai Prakash Gupta in *the Customary Laws of the Munda and the Oraon* quoted by this Court in *State of Kerala Vs. Chandramohanam*,<sup>1</sup> (SCC at p. 432, para 4) as under :

"Tribe has been defined as a social group of a simple kind, the members of which speak common dialect, have a single Government and act together for such common purposes as warfare. Other typical characteristics include a common name, a contiguous territory, a relatively uniform culture or way of life and a tradition of common descent. Tribes are usually composed of a number of local communities e.g. bands, villages or neighbourhoods and are often aggregated in clusters of a higher order called nations. The term is seldom applied to societies that have achieved a strictly territorial organisation in large States but is usually confined to groups whose unity is based primarily upon a sense of extended kinship ties though it is no longer used for kin groups in the strict sense, such as clans".

Bhowmik, K.L in *Tribal India : A profile in Indian Ethnology* observed :

"Tribe in the *Dictionary of Anthropology* is defined as a social group, usually with a definite area, dialect, cultural homogeneity and unifying social organisation. It may include several subgroups, such as sibs or villages. A tribe ordinarily has a leader and may have a common ancestor, as well as patron deity. The families or small communities making up the tribe are linked through economic, social, religious, family, or blood ties". (SCC pp. 432-33, para - 4)

9. The object of Articles 341, 342, 15(4), 16(4) and 16(4-A) is to provide preferential treatment for the Scheduled Castes and Scheduled Tribes having regard to the economic and educational backwardness and other disabilities wherefrom they suffer. So also considering the typical characteristic of the tribal including a common name, a contiguous territory, a relatively uniform culture, simplistic way of life and a tradition of common descent, the transplantation of the outsiders as members of the tribe or community may dilute their way of life apart from such persons do not suffer any disabilities. Therefore, the condition precedent for a person to be brought within the purview of the Constitution (Scheduled Tribes) Order, 1950, one must belong to a tribe and suffer disabilities wherefrom they belong.

10. In *Kumari Madhuri Patil Vs Adl. Commnr., Tribal Development*<sup>2</sup> this Court denounced the practice of persons claiming benefits conferred on STs by producing fake, false and fraudulent certificates : (SCC p. 254, para 13)

"13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as

<sup>1</sup> 2004. 3 SCC 429 ; 2004 SCC CRI 818

<sup>2</sup> 1994. 6 SCC 241 ; 1994 SCC (L&S) 1949 : (1994) 28 ATC 259

enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate”.

11. Similar view was reiterated in *Director of Tribal Welfare, Govt. of A.P. Vs Laveti Giri*<sup>3</sup>. In the case of *Punit Rai Vs Dinesh Chaudhary*<sup>4</sup> this Court at P. 221. in para 39 observed as under.

“39. A person in fact not belonging to the Scheduled Caste, if claims himself to be a member thereof by procuring a bogus, caste certificate would be committing fraud on the Constitution. No court of law can encourage commission of such fraud”.

12. Further in *Punit Rai case*<sup>4</sup> in para 27, this Court observed that ; (SCC p. 219)

“27. The caste system in India is ingrained in the Indian mind. A person in the absence of any statutory law would inherit his caste from his father and not his mother even in a case of inter-caste marriage”.

13. In the case of *Valsamma Paul Vs Cochin University*<sup>5</sup> this Court again examined the entire gamut and came to the conclusion that the condition precedent for acquiring Scheduled Tribes certificate one must suffer the disabilities -- socially, economically and educationally. The facts of that case are important and may be recited in a nutshell. Two posts of Lecturers in Law Department of Cochin University were notified for recruitment, one of which was reserved for Latin Catholics (Backward Class Fishermen). The appellant was a Syrian Catholic ( a Forward Class). She married a Latin Catholic (Backward Class Fishermen) and had applied for selection as a reserved candidate. The University selected her on that basis and accordingly appointed her against the reserved post. Her appointment was questioned by another candidate by filing a writ petition praying for a direction to the University to appoint the petitioner in place of the appellant. The learned Single Judge allowed the Writ Petition. On appeal being filed before the Division Bench concerning the important question of Law a reference was made to the Full Bench. The Full Bench held that though the appellant was married according to the Canon Law, the appellant being a Syrian Catholic by birth (Forward Class), by marriage with the Latin Catholic (Backward Class Fishermen) is not member of that class nor can she claim the status as a Backward Class by marriage. On an appeal being preferred before this Court against the decision of the Full Bench this Court after referring to various decisions of this Court upheld the judgment of the Full Bench. This Court held in paras 33 and 34 as under: (SCC pp. 565-66)

“33. However, the question is : Whether a lady marrying a Scheduled Caste, Scheduled Tribe or OBC citizen, or one transplanted by adoption or an other voluntary act, ipso facto, becomes entitled to claim reservation under Article 15(4) or 16(4), as the case may be? It is seen that Dalits and Tribes suffered social and economic disabilities recognised by Articles 17 and 15(2). Consequently, they became socially, culturally and educationally backward; the OBCs also suffered social and educational backwardness. The object of reservation is to remove these handicaps, disadvantages, sufferings and restrictions to which the members of the Dalits or Tribes or OBCs were subjected and was sought to bring them in the mainstream of the nation’s life by providing them opportunities and facilities.

34. In *Muralidhar Dayandeo Kesakar Vs Vishswanath Pandu Barde*<sup>6</sup> and *R. Chandevaram Vs State of Karnataka*<sup>7</sup> this Court had held that economic empowerment is a fundamental right to the poor and the State is enjoined under Articles 15(3), 46 and 39 to provide them opportunities. Thus, education, employment and economic empowerment are some of the programmes the State has evolved and also provided reservation in admission into educational institutions, or in case of other economic benefits under Articles 15(4) and 46, or in appointment to an office or a post under the State under Article 16(4). Therefore, when a member is transplanted into the Dalits, Tribes and OBCs, he / she must of necessity also have had undergone the same handicaps and must have been

3. (1995) 4 SCC 32 : 1995 SCC (L&S) 914 : (1995) 30 ATC 166

5. (1996) 3 SCC 545 : 1996 SCC (L&S) 772 : (1996) 33 ATC 713

4. (2003) 8 SCC 204  
6. (1995) 6 SCC 309

subjected to the same disabilities, disadvantages, indignities or sufferings so as to entitle the candidate avail the facility of reservation. A candidate who had the advantageous start in life being born in Forward Caste and had march of advantageous life but is transplanted in Backward Caste by adoption or marriage or conversion, does not become eligible to the benefit of reservation either under Article 15(4) or 16(4), as the case may be. Acquisition of the status of Scheduled Caste, etc. by voluntary mobility into these categories would play fraud on the Constitution, and would frustrate the benign constitutional policy under Articles, 15(4) and 16(4) of the Constitution".

14. In view of the catena of decisions of this Court, the questions raised before us are no more *res-integra*. The condition precedent for granting tribe certificate being that one must suffer disabilities wherefrom one belongs. The offshoots of the wedlock of a tribal woman married to a non-tribal husband -- Forward Class (Kayastha in the present case) cannot claim Scheduled Tribe status. The reason being such offshoot was brought up in the atmosphere of Forward Class and he is not subjected to any disability. A person not belonging to the Scheduled Castes or Scheduled Tribes claiming himself to be a member of such caste by procuring a bogus caste certificate is a fraud under the Constitution of India. The impact of procuring fake/bogus caste certificate and obtaining appointment / admission from the reserved quota will have far-reaching grave consequences. A meritorious reserved candidate may be deprived of reserved category for whom the post is reserved. The reserved post will go into the hands of non-deserving candidate and in such cases it would be violative of the mandate of Articles 14 and 21 of the Constitution.

15. The Scheduled Caste and Scheduled Tribe certificate is not a bounty to be distributed. To sustain the claim, one must show that he/she suffered disabilities - socially, economically and educationally cumulatively. The authority concerned, before whom such claim is made, is duty-bound to satisfy itself that the applicant suffered disabilities socially, economically and educationally before such certificate is issued. Any authority concerned issuing such certificates in a routine manner would be committing a dereliction of constitutional duty.

16. In the result, there is no merit in this appeal and it deserves to be dismissed with costs. The tribe certificate dated 7-8-1992 procured by the appellant by misrepresentation of the facts is quashed and set aside.

17. The appeal is dismissed with costs.

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**  
**AT HYDERABAD**

**(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY THE FIRST DAY OF AUGUST  
TWO THOUSAND AND THREE**

**PRESENT**

**THE HON'BLE MR. JUSTICE E. DHARMA RAO**

**WRIT PETITION NO. 21045 OF 2001**

**BETWEEN**

**Vikram Chandra Sanyasi Raju**

**... Petitioner**

**and**

1. The Commissioner of Tribal Welfare,  
Govt. of A.P., Telugu Samkshema Bhavan,  
Masab Tank, Hyderabad.
2. The Revenue Divisional Officer, Parvathipuram,  
Vizianagaram Dist.
3. Govt. of A.P. Rep. by its Secretary,  
Social Welfare Dept., A.P. Secretariat, Hyderabad

**Respondents**

Petition under Art. 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ in the nature of writ of mandamus declaring the action of the first respondent - Commissioner of Tribal Welfare in conducting an enquiry by proceedings Lr. Rc.No. 1024/93/TRI-VC-8, Dt. 27-3-1998 as bad and one without jurisdiction.

**FOR THE PETITIONER : MR. M. VIDYA SAGAR, ADVOCATE**

**FOR THE RESPONDENTS : THE GOVT. PLEADER FOR SOCIAL WELFARE**

**THE COURT MADE THE FOLLOWING : ORDER**

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION NO. 21045 OF 2001

ORDER :

This writ petition is filed aggrieved of the action of the first respondent - Commissioner of Tribal Welfare in conducting enquiry in proceedings Rc.No.1024/93/TRI-VC-8 dated 27-3-1998 with regard to the social status of late L.N. Sanyasi Raju, father of the petitioner, who was a former Member of Legislative Assembly and Zamindar of Salur Mandal of Vizianagaram District, claiming social status of Konda Dora, falling under Scheduled Tribe Community.

It is averred that in the year 1983, the Government attempted to disturb petitioner's claim and genuineness as a member of the Scheduled Tribe community by issuing a Memo No. 3249/F2/80-1 dated 9-12-1980 stating that late L.N Sanyasi Raju and others do not belong to Scheduled Tribes. The said Memo was challenged in Writ Petition No. 1782 of 1983 which was allowed quashing the memo and confirming the social status of Sri L.N Sanyasi Raju and his blood relations as Member of the Scheduled Tribe Community i.e. Konda Doras. Aggrieved of the said order, the Government preferred W.A No.9 of 1986 and a Division Bench of this court upholding the social status of the Salur Hill Zamindari families as Scheduled Tribes, dismissed the same. Thus the order has become final. Thereafter no attempt was made by the respondent Government to disturb the social status of the petitioner. It is also averred that in the year 1991 and 1992, further enquiries were made and the petitioner was given caste certificate as Scheduled Tribes and his claim as such was never negated. While things stood thus, in the month of April, 2000, when the petitioner applied for issuance of caste certificate, the Revenue Divisional Officer, Parvathipuram. Since no action was taken by the Revenue Divisional Officer, the petitioner approached High Court and filed W.P No. 16499 of 2001 and a learned Single Judge of this court by order dated 9-7-2001 disposed of the writ petition directing the petitioner to submit an application before the Revenue Divisional Officer, Parvathipuram for the said purpose and the Revenue Divisional Officer was directed to conduct an enquiry after giving an opportunity to the petitioner and issue caste certificate within a period of three weeks from the date of the receipt of a copy of the order. In compliance of the same, the petitioner submitted an application to the Revenue Divisional Officer on 5-9-2001. It is alleged that while enclosing report submitted by the Commissioner of Tribal Welfare in Rc.No. 1024/93/TRI-VC-8 dated 27-3-1998, directed the District Collector to enquire into the matter and to cancel the social status certificate granted to the blood relations of late L.N. Sanyasi Raju. It is contended that the Government has no authority to direct the Tribal Welfare and forwarded the report to the District Collector to proceed with the matter. The Government directed the District Collector to enquire into the social status of the blood relations of late L.N. Sanyasi Raju, keeping in view the report submitted by the Commissioner, Tribal Welfare, dated 27-3-1998 on the ground that by that time the said L.N Sanyasi Raju died. If any enquiry is conducted by the Commissioner, Tribal Welfare, it is behind the back of the petitioner to deprive him of the privileges conferred on him as a member of the Scheduled Tribe Community.

It is further submitted that the enquiry was conducted by the Revenue Divisional Officer purely on the report of the Commissioner, Tribal Welfare is also evident from the fact that the District Collector, Vizianagaram cancelled the social status certificate of one of the blood relatives of the petitioner i.e. Kumari S. Aruna Kumari by proceedings Rc. No. 1030/95-C-7, dated 3-10-1999. This writ petition is filed assailing the power and jurisdiction of the Government to direct the Commissioner, Tribal Welfare, to conduct enquiry and in turn the Commissioner, Tribal Welfare submitted enquiry report against the social status of the petitioner, his father and blood relations. In support of his contention, learned counsel relied on a decision of this court in P. KRANTHI Vs GOVERNMENT OF ANDHRA PRADESH AND OTHERS<sup>1</sup> where in a learned Single Judge of this court has held that the Commissioner of Tribal Welfare has no role to play either at the stage of issue of Community Certificate or cancellation of the Community Certificate. Therefore, for all these reasons, the petitioner seeks a writ of mandamus declaring the action of the first respondent - Commissioner, Tribal Welfare, in conducting enquiry and submitting report through Letter Rc. No. 1023/93/TRI-VC-8 dated 27-3-1998 is without jurisdiction, illegal and bad in law.



In reply to the above said contentions raised by the petitioner, the respondents have filed their counter affidavit taking objection with regard to the maintainability of the writ petition on the ground that the petitioner has earlier filed Writ Petition No. 4646 of 1999 challenging the proceedings of the State in Memo No. 290/CV.2/83-47 dated 12-12-1998 wherein the Government informed the District Collector, Vizianagaram that the social status of the late L.N. Sanyasi Raju had to be decided in accordance with law and as per the rules issued in GO Ms. No. 58 dated 12-5-1997 and also keeping in view the report of the Commissioner of Tribal Welfare dated 27-3-1998. As stated earlier, late Sri L.N Sanyasi Raju is father of the petitioner herein. The W.P. No. 4646 of 1999 was dismissed on 30-4-1999 and Writ Appeal No. 1189 of 1999 preferred there from by the petitioner was also dismissed on 24-8-1999. It is pertinent to note that the report submitted by the Commissioner, Tribal Welfare dated 27-3-1998 and the consequential proceedings directing the District Collector, Vizianagaram, to enquire into the social status of father of the petitioner in Memo No. 290/VC.2/83-47 dated 12-12-1998 were subject matter of consideration before the High Court both in Writ Petition and Writ Appeal. The petitioner now assails the correctness jurisdiction, authority and power of the Commissioner, Tribal Welfare to conduct enquiry on the basis of the report of the Commissioner, Tribal Welfare, directing the District Collector to enquire and decide the social status of the father and blood relations of the father of the petitioner. It is further submitted that the benefits under the status of Scheduled Tribes, enjoyed by the petitioner, if any, is only due to misleading the official and hiding the fact that the original status as hill Zamindars are Kshatriya. It is further asserted in the counter affidavit that when the petitioner failed in his attempts to succeed in his claim, now resorted to question the report of the Commissioner, Tribal Welfare, in the present writ petition, which is not permissible in law, as such the writ petition is liable to be dismissed in limine.

Nothing concrete is made out in the reply affidavit filed by the petitioner. The fact remains that the impugned order assailed in this writ petition stood to the judicial scrutiny of this court before a learned Single Judge in Writ Petition 4646 of 1999 and also Writ Appeal No. 1189 of 1999. Reasons best known to the petitioner, no mention was made by the petitioner about these writ proceedings instituted earlier. That apart, in Writ Appeal No. 1189 of 1999, which was directed against the order of the learned Single Judge directing the District Collector to make an enquiry in accordance with law, with regard to the social status of L.N. Sanyasi Raju, father of the petitioner herein, a Division Bench of this court by order dated 24-8-1999 observed as under :

*".....Thus in view of the rules referred to above, we are of the considered view that no interference in the impugned order is called for the District Collector shall be at liberty, in case he comes to the conclusion of the doubtful nature of the community certificate issued, to refer the matter to the Committee constituted under the said Rule. It is only in case of doubt and after obtaining the opinion of the Committee that the District Collector should take a final decision with respect to the cancellation of the community certificate of the appellant. Any observation made on fact by this court will not be taken notice of either by the District Collector or the Committee or any other authority while determining the social status.*

*With the above observations, the writ appeal is disposed of. No costs .....*"

Surprisingly, the petitioner herein has suppressed the above material facts having crucial bearing on the subject. Viewed from any angle either on merits of the case or the fact the impugned proceedings already stood to judicial scrutiny by a Learned Single Judge and a Division Bench, I am of the considered view that the petitioner has not come to the court with clean hands. In view of the above discussion, no relief can be granted to the petitioner and the writ petition is liable to be dismissed and is accordingly dismissed. No order as to costs.

Sd/-

**P. KRISHNA MURTHY**

**Asst. Registrar**

**//TRUE COPY//**

**SECTION OFFICER**

- To
1. The Commissioner of Tribal Welfare, Govt. of A.P., Telugu Samkshema Bhavan, Masab Tank, Hyd.
  2. The Revenue Divisional Officer, Parvathipuram, Vizianagaram Dist.
  3. The Secretary, Govt. of A.P., Social Welfare Dept., A.P. Secretariat, Hyderabad.
  4. 2 C.D. Copies
  5. Two CCs to the Govt. Pleader for Social Welfare, High Court of A.P., Hyderabad(OUT)

**B.R.D.**

**High Court**

**Dt. 1-8-2003**

**ORDER**

**W.P.No. 21045 OF 2001**

**DISMISSING THE WRIT PETITION  
WITHOUT COSTS**

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPEAL NOS. 4413 - 4414 OF 2003**

**Sobha Hymavathi Devi**

... Appellant

**Setti Gangadhara Swamy & Ors**

Respondents

**Judgment**

**P.K. Balasubramanyan, J.**

1. The election of the appellant from Srinagavarapukota DX SCHEDULED TRIBE. Assembly constituency in Vizianagaram District of Andhra Pradesh to the legislative assembly in the elections of the year 1999 was challenged under the Representation of the People Act before the High Court of Andhra Pradesh in three Election Petitions. Two of them were by defeated candidates and one of them by a voter in the constituency. The election petition (E.P. No. 25 of 1999) filed by one of the defeated candidates abated due to the death of the petitioner therein during the pendency of the election petition in the High Court. The other two election petitions were allowed by the High Court upholding the challenge to the election of the appellant on the ground that the appellant was not qualified to contest from a constituency reserved for Scheduled Tribe Candidates. Thus the election of the appellant was set aside. Aggrieved thereby, the appellant has filed these appeals under Section 116 A of the Representation of the People Act, 1951.

2. The question that fell for decision before the High Court in the Election Petitions filed under Section 81 read with Section 100 of the Act and that falls for decision before us, is whether the appellant belongs to a Scheduled Tribe and hence qualified to contest the election from a constituency reserved for a Scheduled Tribe. According to the Election Petitioners, the appellant belonged to a forward community, Patnaik Sistu Karnam, while according to the appellant, she belongs to the Bhagatha Community, which was a notified Scheduled Tribe. The High Court, on evaluation of the pleadings and the evidence adduced before it, came to the conclusion that the appellant was a Patnaik Sistu Karnam and was not a member of Bhagatha Community, a Scheduled Tribe Community. It was thus that the election of the appellant was set aside. The High Court posed the question whether the Election Petitioners have established that the appellant did not belong to Bhagatha Community as claimed by her and on coming to the conclusion that they have established that she belonged to the Patnaik Sistu Karnam community and further finding that the said community was not a Scheduled Tribe granted the relief to the Election Petitioners. What is contended in these appeals on behalf of the appellant, is that the said finding by the High Court was not justified and the appellant was entitled to be treated as belonging to Bhagatha Community, a Scheduled Tribe.

3. Certain facts are not in dispute. One Sobha Rama Raju belonged to Bhagatha Community. He had two wives. Mallamma and Gowramma. Through Mallamma he had a daughter Simhachalam. The appellant is the daughter of Simhachalam. According to the Election Petitioners, Simhachalam had married one Murahari Rao belonging to the Patnaki Sistu Karnam caste and in that wedlock, was born the appellant and five other children. The appellant admitted that she was the daughter of Simhachalam through Murahari Rao. But she pleaded that she and five of her siblings, were the illegitimate children of Murahari Rao, a Patnaik Sistu Karnam and Simhachalam of the Bhagatha Community. Simhachalam had earlier married Ladda Appala Swamy who belonged to the Bhagatha Community and that marriage was never terminated and there was no marriage between Simhachalam and Murahari Rao, though there was intimacy and cohabitation between them resulting in progeny, six in all including herself all.

To add strength to her contention, the appellant also raised a plea that Murahari Rao had himself earlier married his sister's daughter Kalavathi and that marriage had also not been terminated and therefore, there was no possibility of Murahari Rao, her father formally marrying Simhachalam, her mother. The appellant further pleaded that she had married one Appala Raju, her maternal uncle belonging to the Bhagatha Community and being the wife of a person belonging to a Scheduled Tribe, she was also entitled to be treated as belonging to the Scheduled Tribe. Thus she had the status of a Scheduled Tribe and hence was qualified to contest the election from a constituency reserved for Scheduled Tribes. The Election Petitioners, on the other hand, denied that Simhachalam had earlier married Ladda Appala Swamy as alleged by the appellant and also denied that Murahari Rao, her father, had earlier married Kalavathi as claimed by the appellant. They pleaded that Murahari Rao and Simhachalam were married and all the six children including the appellant were born to them in a lawful wedlock. The High Court on the evidence came to the conclusion that there was no evidence to establish that the mother of the appellant Simhachalam had earlier married Ladda Appala Swamy.

It further held that the even if there was any such marriage, the same must be taken have been terminated before Simhachalam started living with Murahari Rao. The High Court held that Murahari Rao had married Simhachalam, the mother of the appellant, and six legitimate children were born to Murahari Rao and Simhachalam. Since a child took the caste of her father, the appellant had to be considered a Sistu Karnam and could not be considered to be a member of the Bhagatha Community. The High Court also held that the appellant had failed to establish that there was a marriage between Murahari Rao and Kalavathi as alleged by her. There was, thus, no impediment in Murahari Rao formally and legally marrying Simhachalam and begetting six children through her. It then considered the question whether by virtue of the marriage of the appellant with Appala Raju, her maternal uncle who belonged to the Bhagatha Community, she could be considered to be a member of the Bhagatha Community, a Scheduled Tribe. The High Court, based on a decision of this court held that she could not claim the benefit of reservation to contest from a reserved constituency merely because of her marriage to Scheduled Tribe when her self belonged to a Forward Community. It was on these finding that the challenge it the election of the appellant was up held.

4. Before the Trial court PWs, I to II were examined on behalf of the election petitioner in addition to marking exhibits A.1 to A.6 on behalf of the appellant, RWs. 1 to 10 were examined and exhibits B.1 to B.35 were marked. Exhibits X.1 to X.32 were marked through witnesses summoned. The evidence on the side of election petitioners was to the effect that the father of the appellant had married Simhachalam, the mother of the appellant that they were living together, that they had begotten six children including the appellant; that they were recognized as husband and wife in the village and that the children were brought up as Sistu Karnams and not as persons belonging to the Bagatha Community. On behalf the appellant, her father, her mother, her husband, Kalavathai, the alleged wife of Murahari Rao, the brother of Kalavathi, father of Kalavathi, and three others were examined in addition to she herself getting examined. Simhachalam and Murahari Rao, the mother and father of the appellant, even while admitting parenthood, tried to give evidence that they were never formally married. And attempt was made by the other relatives to support that story. But the Trial Court, on a proper appreciation of the evidence, in the light of the circumstances disclosed and the admissions made by these witnesses, came to the conclusion that the plea of absence of marriage between Murahari Rao and Simhachalam could not be accepted in the light of the evidence available and in the light of the long cohabitation and the birth of six children including the appellant and the presumption arising there from.

5. We were taken elaborately through the Judgment of the High Court, the pleadings and the evidence of the witnesses examined on either side with particular reference to the evidence of the appellant has RW1, her father RW-2, her mother, RW-7 & RW-4,8 and 10 Kalavathi, her brother and father. On going through the evidences of these witnesses, we are inclined to agree with the conclusion of the High Court that there are enough admissions in the evidence of these witnesses which clearly go to prove that Murahari Rao and Simhachalam, the parents of the appellant long cohabited together begot children and were recognized as husband and wife by the Community. This especially in the contest of the documentary evidence adduced in the high court which were again brought to our notice by learned council for the respondents. In short we find that the finding of the High Court that Murahari Rao and Simhachalam were married and the six children including the appellant were born in that wedlock and that it was not possible to hold that there was only a concubinage and the six children including the appellant were born out of that

relationship and out of wedlock is unexceptionable. Similarly, we also do not find much merit in the challenge to the finding that the appellant had failed to prove that Simhachalam had earlier married Ladda Appala Swamy or that there was any subsisting relationship between Simhachalam and Ladda Appala Swamy which could stand in the way of a valid marriage between Murahari Rao and Simhachalam. Equally, we find that the finding rendered by the High Court that the appellant had failed to show that her father Murahari Rao had earlier married Kalavathi, his sister's daughter, is also fully justified especially if one were to read the evidence of the Kalavathi, her brother, her father and RW-9 examined on behalf of the appellant.

6. We find the conclusion that there was a valid marriage between Murahari Rao, the father of the appellant and Simhachalam, the mother of the appellant, stands strengthened by the presumption available in law arising out of the long cohabitation of Murahari Rao and Simhachalam. The Privy Council in MOHABBAT ALI KHAN Vs. MUHAMMAD IBRAHIM KHAN AND OTHERS. AIR 1929 PC 135, held that the law presumes in favour of marriage and against concubinage, when a man and a woman have cohabited continuously for a number of years. This Court in GOKAL CHAND Vs. PARVIN KUMARI AIR 1952 SC 231, held that continuous cohabitation of a man and a woman as husband and wife and their treatment as such for a number of years may rise the presumption of marriage.

But the presumption which may be drawn from long cohabitation is rebuttable, and if there are circumstances which weaken or destroy that presumption, the Court cannot ignore them. We must say that on the evidence here, including the documentary evidence relied on by the High Court, the presumption arising from long cohabitation of Murahari Rao and Simhachalam of a valid marriage between them, gets strengthened and there is no, material circumstance which can be said to rebut such presumption arising from long cohabitation. The arising of a presumption, through rebuttable, has also been noticed by this court in S.P.S. BALASUBRAMANYAM Vs SURUTTAYAN ALIAS ANDALLPADAVACHL AND OTHERS (1994) I SOC 460. AND IN RANGANATH PARMESHWAR PANDITRAO MALI AND ANOTHER Vs EKNATH GAJANAN KULKARNI AND ANOTHER, (1996) 7 SCC 681 we may also incidentally notice that even assuming that there was any earlier marriage between Simhachalam, the mother of the appellant and Ladda Appala Swamy at a time when Simhachalam was allegedly eight years old the same also can be presumed to have been terminated especially in the context of the subsequent long cohabitation of Murahari Rao and Simhachalam and the evidence on the side of the appellant herself that the alleged marriage between Simhachalam and Ladda Appala Swamy was when Simhachalam was eight years old that the said marriage was never consummated and that Simhachalam had left Ladda Appala Swamy immediately after marriage and had never lived with him. It is undisputed that divorce was permitted in the community. In this context the ratio of the decision in RAJA RAM Vs. DEEPA BAI (1973 MPL 1 626) could be applied. Thus, on the whole, we agree with the finding of the High Court that there was a valid marriage between Murahari Rao and Simhachalam, the father and the mother of the appellant and that the appellant was a legitimate daughter of that union.

7. 1. Learned counsel for the appellant, in spite of her efforts, could not show any serious flaw in the appreciation of evidence by the High Court while coming to the conclusion that there was a marriage between Murahari Rao and Simhachalam. Learned counsel could not successfully challenge the finding of the High Court that the appellant could not prove that her mother Simhachalam was earlier married to Ladda Appala Swamy and that marriage was subsisting or that the father of the Appellant Murahari Rao had earlier married Kalavathi and that marriage was subsisting. Learned counsel, no doubt, contended that the appellant must be treated to be an illegitimate daughter of Murahari Rao and Simhachalam and if so treated, the appellant could be considered to be a person of the caste of her mother and so viewed could be considered to belong to Bhagatha Community, a Scheduled Tribe. Learned counsel further contended that in any view, since the appellant had married Appala Raju, a person belonging to the Bhagatha Community, and she having been brought up as a member of the Bhagatha Community and accepted by that community as a member thereof, her status as a member of the Bhagatha Community had to be upheld especially in the context of the certificate issued to her by the concerned authority under the Andhra Pradesh (Scheduled Caste, Scheduled Tribe & Backward Caste) Regulation of issue of Community Certificate Act, 1993.

8. Elaborating her argument learned counsel for the appellant contended that even though the appellant was born to Murahari Rao, a Sistu Karnam, she was still being treated as a member of the Bhagatha Community to which her



was recognized by the community thereafter as a member of the backward community, was held to enable a non-backward to claim reservation in terms of Articles 15(4) or 16(4) of the Constitution. Their Lordships after noticing BHOOBUN MOVEE Vs RAM KISHORE, (1865) 10 MIA 279, and LULLOOBHOY BAPPOOBHOY CASSIDASS MOOLCHUND Vs CASSIBAI, (1879-80) 71A 212, held that a woman on marriage becomes a member of the family of her husband and thereby she becomes a member of the caste to which she has moved. The caste rigidity breaks down and would stand as no impediment to her becoming a member of the family to which the husband belongs and to which she gets herself transplanted. Thereafter, this Court noticed that recognition by the community was also important. Even then, this Court categorically laid down that the recognition of a lady as a member of a backward community in view of her marriage would not be relevant for the purpose of entitlement to reservation under Article 16(4) of the Constitution for the reason that she as a member of the forward caste, had an advantageous start in life and a marriage with a male belonging to a backward class would not entitle her to the facility of reservation given to a backward community. The High Court has applied this decision to a seat reserved in an election in terms of Article 332 of the Constitution. We see no reason why the principle relating to reservation under Articles 15(4) and 16(4) laid down by this Court should not be extended to the constitutional reservation of a seat for a Scheduled Tribe in the House of the People or under Article 332 in the Legislative Assembly. The said reservations are also constitutional reservations intending to benefit the really underprivileged and not those who come to the class by way of marriage. To the extent the decision in *Horo* (supra) can be said to run counter to the above view, it cannot be accepted as correct. Even otherwise, in the absence of evidence on the relevant aspects regarding marriage in tribal form and acceptance by the community, the decision in *Horo* (supra) cannot come to the rescue of the appellant. On a consideration of the relevant aspects, we are of the view that whether it be a reservation under Articles 15(4) or 16(4) or 330 and 332, the said reservation would benefit only those who belong to a Scheduled Caste or Scheduled Tribe and not those who claim to acquire the status by marriage, like the appellant in this case. Thus, in our view, the High Court was fully justified in coming to the conclusion that the appellant could not claim the right to contest a seat reserved for a Scheduled Tribe in terms of Article 332 of the Constitution of India merely by virtue of her marriage to a person belonging to a Scheduled Tribe.

Even otherwise, in the absence of evidence on the relevant aspects regarding marriage in tribal form and acceptance by the community, the decision in *Horo* (Supra) can not come to the rescue of the appellant. On a consideration of the relevant aspects, we are of the view that whether it be a reservation under Articles 15(4) or 16(4) or 330 and 332, the said reservation would benefit only those who belong to a Scheduled Caste or Scheduled Tribe and not those who claim to acquired the status by marriage, like the appellant in this case. Thus, in our view, the High Court was fully justified in coming to the conclusion that the appellant could not claim the right to contest a seat reserved for a Scheduled Tribe in terms of Article 332 of the Constitution of India merely by virtue of her marriage to a person belonging to a Scheduled Tribe

11. What remains is the argument based on the certificates allegedly issued under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993. The High Court has not accepted the certificates as binding for the reason that the evidence showed that the certificates were issued based on the influence exercised by the appellant as a member of the Legislative Assembly, one after another, immediately on an application being made and without any due or proper enquiry. We are impressed by the reasons given by the High Court for not acting on these certificates. That apart, a reference to Section 3 of the Act would indicate that a certificate there under, in so far as it relates to elections, is confined in its validity to elections to local authorities and co-operative institutions. It does not embrace an election to the Legislative Assembly or to the Parliament. Therefore, in any view of the matter, it cannot be said that the High Court, exercising jurisdiction under The Representation of The people Act in an Election Petition is precluded from going into the question of status of a candidate or proceeding to make an independent inquiry into that question inspite of the production of a certificate under the Act. At best, such a certificate could be used in evidence and its evidentiary value will have to be assessed in the light of the other evidence let in an election Petition. Therefore, nothing turns on the factum of a certificate being issued by the concerned authority under the Act of 1993. We are also satisfied as the High Court was satisfied, that no proper inquiry preceded the issuance of such a certificate and such a certificate was issued merely on the say so of the appellant. We have, therefore, no hesitation in overruling this argument raised on behalf of the appellant.

12. Before we part with this case, we wish to express our dismay at the extent to which a person would go to sustain her seat in the legislature. The appellant brands her five siblings and herself as bastard and her mother a concubine. We desist from making any further observations on this aspect.

13. On an anxious reconsideration of all relevant aspects we are satisfied that the High Court was right in declaring the election of the appellant to the concerned Legislative Assembly of Andhra Pradesh invalid. We, therefore confirm that decision of the High Court and dismiss these appeals with costs.

SD/-

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(R.C. LAHOTI)

SD/-

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(G.P. MATHUR)

SD/-

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(P.K. BALASUBRAMANYAN)

NEW DELHI  
JANUARY 28, 2005





# ANNEXURES

## ANNEXURE - 1

### District wise Major Tribes in Andhra Pradesh

	Sl. No.	Name of the District	1961	1971	1981	1991	2001
1		<b>Srikakulam District</b>					
	1	Gadaba	12729	12418	947	1063	1054
	2	Jatapu	62686	74128	19318	23137	24725
	3	Khond	5983	3386	1769	2381	2511
	4	Savara	67137	78236	62355	78985	92165
	5	KondaDora	32221	30384	4929	535	5398
	6	Yerukula	2631	3589	1753	2707	3199
	7	Kotia	271	1969	11194	15961	19818
2		<b>Vizianagaram District</b>			872	1278	1498
	1	Bagata	-	-	15202	17538	19502
	2	Gadaba	-	-	66348	81088	93519
	3	Jatapu	-	-	303	839	63
	4	Kammara	-	-	37772	45033	51517
	5	Konda Dora	-	-	3424	3943	3530
	6	Manne Dora	-	-	3078	4483	5425
	7	Mooka Dora	-	-	8	832	4
	8	Porja	-	-	17827	24310	29005
	9	Savara	-	-	4721	6379	7267
3	10	Yerukula				106653	130301
		<b>Visakhapatnam District</b>	53933	71305	86331		
	1	Bagata	8858	12251	11148	14039	15133
	2	Gadaba	-	-	5273	8950	7684
	3	Goud	11544	15375	17694	21679	22045
	4	Kammara					

	Sl. No.	Name of the District	1961	1971	1981	1991	2001	
4	5	Khondh	15764	30804	37021	62321	81755	
	6	Konda Dora	44754	58202	83963	114605	134109	
	7	Porja	9292	12357	15717	23061	29550	
	8	Kotia	10737	15840	19210	23340	28552	
	9	Muka Dora	7860	10898	14267	24806	30060	
	10	Valmiki	19653	24146	34187	42432	52360	
	11	Yerukula	2270	3187	2276	3744	6266	
			<b>East Godavari District</b>					
	1	Kammara	11973	13335	15988	19228	17690	
	2	Konda Dora	8030	11924	10778	11450	12216	
	3	Konda Reddi	30706	37726	41685	61916	67793	
5	4	Valmiki	2482	4818	8102	12061	12737	
	5	Koya	23330	23655	30263	38744	45372	
	6	Yerukula	7488	9011	11220	15268	16924	
			<b>West Godavari District</b>					
	1	Koya	24084	28467	33336	42133	49528	
	2	Nayak	472	674	3702	5679	2099	
	3	Yanadhi	2815	3539	4672	5838	7127	
	4	Konda Reddi	3970	4262	4521	5549	6964	
	5	Yerukula	7057	8002	11639	15268	18152	
			<b>Krishna District</b>					
	6	1	Yanadi	6622	8370	9650	13471	15225
2		Yerukula	14479	17850	22582	28847	32445	
3		Sugali	15536	20836	28771	41687	53232	
			<b>Guntur District</b>					
1		Chenchu	3213	5031	5338	8233	9791	
2		Yanadi	35270	9495	39185	47412	51088	
3		Yerukula	38416	1085	52315	62889	68349	
4		Sugali	17271	27045	38327	59171	76825	
7								

	Sl. No.	Name of the District	1961	1971	1981	1991	2001
8		<b>Prakasam District</b>					
	1	Chenchu	-	4465	5689	7819	10413
	2	Yanadi	-	28880	40521	50298	61011
	3	Yerukula	-	15643	20959	26339	29042
9	4	Sugali	-	5585	7937	12667	16290
		<b>Nellore District</b>					
	1	Yanadi	117504	118601	158057	186914	213187
10	2	Yerukula	13047	10121	15303	20393	24289
		<b>Chittur District</b>					
11	1	Yanadi	32342	38355	48058	65526	81773
	2	Yerukula	8509	12438	13705	19401	23161
	3	Sugali	8616	1155	15198	18070	22274
12		<b>Kadapa District</b>					
	1	Yanadi	8062	8717	12658	16794	23570
	2	Yerukula	8316	9366	13102	15369	18399
13	3	Sugali	5893	7874	11065	14541	18257
		<b>Ananthapur District</b>					
	1	Yanadi	360	419	959	1177	1133
14	2	Yerukula	14067	19328	25102	33259	36279
	3	Sugali	34007	43345	55319	75790	87727
		<b>Kurnool District</b>					
15	1	Yanadi	992	529	817	702	616
	2	Yerukula	11754	12940	18341	24174	28666
	3	Sugali	11941	12778	16290	22901	30235
	4	Chenchu	5837	2832	3775	5585	7282
16		<b>Mahabubnagar District</b>					
	1	Sugali	-	-	130911	198531	246810
	2	Yerukula	-	-	17461	18897	21039
17	3	Chenchu	4611	5353	5989	7346	8272

	Sl. No.	Name of the District	1961	1971	1981	1991	2001
<b>15</b>		<b>Rangareddy District</b>					
	1	Sugali	-	-	62489	89509	123753
	2	Yerukula	-	-	7041	10418	11340
	3	Chenchu	-	-	1593	2378	2706
<b>16</b>		<b>Hyderabad District</b>					
	1	Sugali	-	-	7116	12618	17145
	2	Yerukula	-	-	3816	6594	6595
<b>17</b>		<b>Medak District</b>					
	1	Sugali	-	-	58072	80170	118642
	2	Yerukula	-	-	8937	11843	13264
<b>18</b>		<b>Nizamabad District</b>					
	1	Sugali	-	-	82349	110496	142355
	2	Yerukula	-	-	4660	6150	5409
<b>19</b>		<b>Adilabad District</b>					
	1	Sugali	-	-	55213	77263	103303
	2	Gond/Naikpodu	93334	117478	138642	181549	200944
	3	Kolam	16459	26277	20892	40310	45437
	4	Koya	1210	11230	18505	18101	27203
	5	Thoti	429	1131	1066	1792	1043
	6	Andh	1468	2404	5038	7006	9622
<b>20</b>		<b>Karimnagar District</b>					
	1	Sugali	-	-	27137	48960	51157
	2	Yerukula	-	-	9432	12833	13215
	3	Gond/Naikpodu	11817	14730	15418	4501	13275
	4	Koya	1210	880	1917	3806	6084
<b>21</b>		<b>Warangal District</b>					
	1	Sugali	-	-	218391	297737	368446
	2	Koya	9539	25901	39824	49189	61909
	3	Yerukula	-	-	14248	18162	19774
	4	Gond/ Naikpodu	22639	16058	9203	6812	4131

	Sl. No.	Name of the District	1961	1971	1981	1991	2001
22		<b>Khammam District</b>			157972	218127	271373
	1	Sugali	-	-	8241	12028	13328
	2	Yerukula	-	-	3391	6463	16203
	3	Gond/Naikpodu	14858	8483	230481	294389	359582
	4	Koya	150209	186181	4593	5690	7252
	5	Konda Reddi	-	-	2469	17620	11869
23	6	Nayak	1889	2160			
		<b>Nalgonda District</b>			181093	255769	320959
	1	Sugali	-	-	1099	15794	18531
	2	Yerukula	-	-	676	664	992
	3	Chenchu	377	362			

**ANNEXURE - 2**

**District wise Population of ANDH Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	31	15	1
2	Vizianagaram	-	-	33	45	1
3	Visakhapatnam	-	-	463	210	1
4	East Godavari	-	-	29	68	-
5	West Godavari	-	-	33	16	-
6	Krishna	-	-	70	9	3
7	Guntur	-	-	21	5	-
8	Prakasham	-	-	27	1	-
9	Nellore	-	-	20	-	-
10	Chittoor	-	-	-	9	17
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	-	15	16
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	3	14	-
15	Ranga Reddy	-	-	13	10	10
16	Hyderabad	-	1	58	744	25
17	Medak	-	-	1	7	-
18	Nizamabad	-	-	25	21	6
19	Adilabad	1468	2404	5038	7006	9622
20	Karimnagar	-	-	107	15	33
21	Warangal	-	-	19	8	-
22	Khammam	-	-	1	7	-
23	Nalgonda	-	-	-	3	-

**District wise Population of BAGATA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	1198	274	377	645	263
2	Vizianagaram	-	-	872	1278	1498
3	Visakhapatnam	53933	71305	86331	106653	130301
4	East Godavari	14	14	82	209	542
5	West Godavari	9	-	15	57	50
6	Krishna	-	-	-	27	19
7	Guntur	-	-	12	13	4
8	Prakasham	-	10	1	1	13
9	Nellore	-	24	204	37	7
10	Chittoor	-	11	12	10	1
11	Kadapa	-	-	18	-	5
12	Ananthapur	-	19	8	-	50
13	Kurnool	-	-	2	7	27
14	Mahabubnagar	-	-	1	4	21
15	Ranga Reddy	-	-	9	367	305
16	Hyderabad	-	-	13	54	52
17	Medak	-	-	-	15	54
18	Nizamabad	-	-	-	18	12
19	Adilabad	-	-	13	158	31
20	Karimnagar	-	-	2	15	16
21	Warangal	-	-	-	8	8
22	Khammam	-	-	21	12	21
23	Nalgonda	-	-	11	98	164



**District wise Population of BHIL Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	3	3	-
2	Vizianagaram	-	-	13	18	-
3	Visakhapatnam	-	-	17	92	5
4	East Godavari	-	-	5	5	-
5	West Godavari	-	-	1	2	-
6	Krishna	-	-	-	5	-
7	Guntur	-	-	18	6	-
8	Prakasham	-	-	1	4	-
9	Nellore	-	-	-	-	4
10	Chittoor	-	-	13	1	-
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	1	1	-
13	Kurnool	-	-	1	1	-
14	Mahabubnagar	12	38	1	1	-
15	Ranga Reddy	-	-	8	10	16
16	Hyderabad	25	131	43	17	20
17	Medak	-	45	6	5	-
18	Nizamabad	-	-	1	2	-
19	Adilabad	46	66	117	58	45
20	Karimnagar	-	257	1	59	158
21	Warangal	-	16	1	10	70
22	Khammam	-	-	7	12	43
23	Nalgonda	-	7	-	-	70

**District wise Population of CHENCHU Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	50	99	109	145	222
2	Vizianagaram	-	-	30	186	85
3	Visakhapatnam	51	64	101	142	278
4	East Godavari	129	288	354	539	690
5	West Godavari	402	465	600	1028	1452
6	Krishna	493	571	894	1488	1575
7	Guntur	3213	5031	5338	8233	9791
8	Prakasham	-	4465	5689	7819	10413
9	Nellore	225	290	299	135	281
10	Chittoor	747	2103	683	586	64
11	Kadapa	83	222	122	435	588
12	Ananthapur	8	10	37	17	103
13	Kurnool	5837	2832	3775	5585	7282
14	Mahabubnagar	4611	5353	5989	7346	8272
15	Ranga Reddy	-	-	1593	2378	2706
16	Hyderabad	579	907	21	78	40
17	Medak	41	10	84	194	431
18	Nizamabad	59	133	2851	220	482
19	Adilabad	20	76	231	637	892
20	Karimnagar	50	96	1089	849	1795
21	Warangal	521	698	544	2043	700
22	Khammam	113	103	88	122	98
23	Nalgonda	377	362	676	664	992

**District wise Population of GADABA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	12729	12418	947	1063	1054
2	Vizianagaram	-	-	15202	17538	19502
3	Visakhapatnam	8858	12251	11148	14039	15133
4	East Godavari	251	294	423	411	331
5	West Godavari	-	-	-	-	8
6	Krishna	1	145	4	39	10
7	Guntur	-	-	-	2	11
8	Prakasham	-	-	-	1	-
9	Nellore	-	-	1	-	1
10	Chittoor	1	-	2	8	-
11	Kadapa	-	-	-	1	-
12	Ananthapur	-	-	-	2	1
13	Kurnool	-	-	-	1	-
14	Mahabubnagar	-	-	-	3	-
15	Ranga Reddy	-	-	2	-	-
16	Hyderabad	-	-	-	7	2
17	Medak	-	-	-	1	6
18	Nizamabad	-	-	-	1	-
19	Adilabad	-	-	1840	1	-
20	Karimnagar	-	-	2	6	1
21	Warangal	-	-	-	1	-
22	Khammam	-	-	-	1	4
23	Nalgonda	-	-	-	1	-
		-	-	-	1	14

**District wise Population of GOND Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	74	86	116
2	Vizianagaram	-	-	4	52	26
3	Visakhapatnam	-	-	38	141	71
4	East Godavari	-	-	163	175	107
5	West Godavari	-	-	352	8	1893
6	Krishna	-	-	41	309	193
7	Guntur	-	-	53	12	36
8	Prakasham	-	-	1	19	89
9	Nellore	-	-	2	25	32
10	Chittoor	-	-	39	33	43
11	Kadapa	-	-	-	-	17
12	Ananthapur	-	-	-	6	23
13	Kurnool	-	-	5	8	10
14	Mahabubnagar	54	49	3	1	20
15	Ranga Reddy	-	-	35	295	402
16	Hyderabad	269	397	154	127	258
17	Medak	43	-	6	58	81
18	Nizamabad	643	289	-	1328	13971
19	Adilabad	93334	117478	138642	181549	200944
20	Karimnagar	11817	14730	15418	14501	13275
21	Warangal	22639	16058	9203	6812	4131
22	Khammam	14858	8483	3391	6463	16203
23	Nalgonda	23	5	14	50	9

**District wise Population of GOUDU Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	182	-	92	541	50
2	Vizianagaram	-	-	586	718	7
3	Visakhapatnam	3128	-	5273	8950	7684
4	East Godavari	53	-	1732	486	7
5	West Godavari	29	-	1148	319	1
6	Krishna	-	-	-	-	-
7	Guntur	-	-	-	-	-
8	Prakasham	-	-	-	-	-
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	-
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	-	-	-
15	Ranga Reddy	-	-	-	-	-
16	Hyderabad	-	-	-	-	-
17	Medak	-	-	-	-	-
18	Nizamabad	-	-	-	-	-
19	Adilabad	-	-	-	-	-
20	Karimnagar	-	-	-	-	-
21	Warangal	-	-	-	-	-
22	Khammam	-	-	-	-	-
23	Nalgonda	-	-	143	265	-

District wise Population of *HILL REDDI* Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	2	17	-
2	Vizianagaram	-	-	3	58	-
3	Visakhapatnam	-	-	11	129	3
4	East Godavari	-	-	5	11	-
5	West Godavari	-	-	7	1	-
6	Krishna	-	-	1	7	4
7	Guntur	-	-	-	30	-
8	Prakasham	-	-	-	-	21
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	1
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	7	5	-
13	Kurnool	-	-	-	17	-
14	Mahabubnagar	-	-	8	87	-
15	Ranga Reddy	-	16	-	1	28
16	Hyderabad	-	-	30	6	9
17	Medak	-	98	-	-	-
18	Nizamabad	-	38	-	8	-
19	Adilabad	-	1	1	17	-
20	Karimnagar	-	-	-	10	5
21	Warangal	1	-	-	9	-
22	Khammam	3871	4120	324	19	6
23	Nalgonda	1	33	-	-	-

**District wise Population of JATAPU Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	62686	74128	19318	23137	24725
2	Vizianagaram	-	-	66348	81088	93519
3	Visakhapatnam	106	154	231	130	129
4	East Godavari	2	816	10	13	5
5	West Godavari	-	-	6	3	80
6	Krishna	-	-	24	-	77
7	Guntur	-	-	40	108	-
8	Prakasham	-	-	28	37	4
9	Nellore	-	12	49	1	3
10	Chittoor	-	-	4	57	-
11	Kadapa	-	-	3	6	-
12	Ananthapur	-	-	2	1	-
13	Kurnool	-	-	70	15	-
14	Mahabubnagar	-	-	49	8	-
15	Ranga Reddy	-	-	3	10	30
16	Hyderabad	-	-	30	29	9
17	Medak	-	-	-	6	14
18	Nizamabad	-	-	61	24	1
19	Adilabad	-	-	115	84	12
20	Karimnagar	-	-	21	7	-
21	Warangal	-	-	62	20	-
22	Khammam	-	-	23	13	1
23	Nalgonda	-	-	9	7	4

**District wise Population of *KAMMARA* Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	477	633	252	199	170
2	Vizianagaram	-	-	303	339	69
3	Visakhapatnam	11544	15375	17694	21679	22045
4	East Godavari	11972	13335	15988	19228	17690
5	West Godavari	635	603	297	607	397
6	Krishna	-	-	52	124	458
7	Guntur	-	77	194	148	586
8	Prakasham	-	21	359	263	225
9	Nellore	-	488	66	136	378
10	Chittoor	-	1053	75	82	114
11	Kadapa	-	282	47	63	58
12	Ananthapur	-	1435	17	102	626
13	Kurnool	-	2377	20	297	230
14	Mahabubnagar	-	-	62	66	53
15	Ranga Reddy	-	-	6	88	653
16	Hyderabad	-	-	34	239	234
17	Medak	-	-	4	44	108
18	Nizamabad	-	-	116	61	103
19	Adilabad	-	-	303	291	263
20	Karimnagar	-	-	103	25	114
21	Warangal	-	-	60	74	133
22	Khammam	-	-	313	337	232
23	Nalgonda	-	-	53	121	71



**District wise Population of KATTUNAYAKAN Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	2	3	1
2	Vizianagaram	-	-	-	1	-
3	Visakhapatnam	-	-	46	27	-
4	East Godavari	-	-	1	50	6
5	West Godavari	-	-	7	-	-
6	Krishna	-	-	15	312	6
7	Guntur	46	161	23	6	10
8	Prakasham	-	22	16	-	-
9	Nellore	3	4	-	5	12
10	Chittoor	13	26	167	27	11
11	Kadapa	-	46	-	-	-
12	Ananthapur	-	10	-	-	14
13	Kurnool	-	20	-	12	-
14	Mahabubnagar	-	-	4	136	27
15	Ranga Reddy	-	-	-	8	12
16	Hyderabad	-	-	55	5	15
17	Medak	-	-	-	1	-
18	Nizamabad	-	-	-	-	-
19	Adilabad	-	-	6	-	-
20	Karimnagar	-	-	31	29	22
21	Warangal	-	-	-	-	7
22	Khammam	-	-	21	5	5
23	Nalgonda	-	-	2	14	10
		-	-	-	2	3

**District wise Population of KOLAM Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	1	12	3
2	Vizianagaram	-	-	62	80	4
3	Visakhapatnam	-	-	352	466	7
4	East Godavari	-	-	11	27	-
5	West Godavari	-	-	-	11	-
6	Krishna	-	-	4	2	-
7	Guntur	-	-	-	-	-
8	Prakasham	-	-	1	-	-
9	Nellore	-	-	-	1	-
10	Chittoor	-	-	-	14	-
11	Kadapa	-	-	-	1	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	-	4	-
14	Mahabubnagar	-	-	7	51	24
15	Ranga Reddy	-	-	59	34	42
16	Hyderabad	64	55	254	11	10
17	Medak	-	-	27	82	29
18	Nizamabad	6	-	20892	40310	45437
19	Adilabad	16459	26277	154	25	111
20	Karimnagar	-	-	2	110	-
21	Warangal	202	147	15	13	4
22	Khammam	-	19	-	-	-
23	Nalgonda	-	-	-	-	-

**District wise Population of KONDA DHORA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	32221	30384	4929	5035	5398
2	Vizianagaram	-	-	37772	45033	51517
3	Visakhapatnam	44759	58202	83963	114605	134109
4	East Godavari	8030	11924	10778	11450	12216
5	West Godavari	1309	543	630	715	1043
6	Krishna	479	481	830	1061	1518
7	Guntur	-	3	51	6	13
8	Prakasham	-	1	1	98	110
9	Nellore	25	1	46	15	36
10	Chittoor	88	3	66	34	31
11	Kadapa	-	4	5	5	-
12	Ananthapur	-	10	1	36	6
13	Kurnool	-	-	-	22	2
14	Mahabubnagar	-	-	-	12	-
15	Ranga Reddy	-	-	-	36	93
16	Hyderabad	-	-	13	36	12
17	Medak	-	-	11	123	2
18	Nizamabad	-	-	1	5	-
19	Adilabad	-	-	-	5	-
20	Karimnagar	-	-	2	44	14
21	Warangal	-	-	1	6	5
22	Khammam	-	-	21	376	158
23	Nalgonda	-	-	114	608	91
		-	-	-	3	7

District wise Population of *KONDA KAPU* Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	452	157	191	1433	128
2	Vizianagaram	-	-	179	1449	115
3	Visakhapatnam	16334	25103	8224	4965	1855
4	East Godavari	12601	12502	16106	8441	8071
5	West Godavari	98	235	351	474	145
6	Krishna	217	81	1088	1307	827
7	Guntur	39	31	352	823	36
8	Prakasham	-	-	216	21	20
9	Nellore	-	-	202	5519	44
10	Chittoor	65	1	108	417	47
11	Kadapa	-	9	41	55	-
12	Ananthapur	-	7	41	170	40
13	Kurnool	17	-	69	21	12
14	Mahabubnagar	-	-	5	3	10
15	Ranga Reddy	-	-	217	742	59
16	Hyderabad	-	-	276	2625	143
17	Medak	-	-	35	54	14
18	Nizamabad	-	-	20	854	-
19	Adilabad	-	-	39	70	9
20	Karimnagar	-	-	3	227	14
21	Warangal	-	-	50	4897	19
22	Khammam	-	-	215	172	170
23	Nalgonda	-	-	10	158	2

**District wise Population of KONDA REDDI Tribe in A.P. - 1961 to 2001**

<i>Sl</i> No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	1	-	37	22	7
2	Vizianagaram	-	-	-	45	8
3	Visakhapatnam	684	672	2715	1202	632
4	East Godavari	30706	37726	41685	61916	67793
5	West Godavari	3970	4262	4521	5549	6964
6	Krishna	52	45	559	1607	156
7	Guntur	24	21	79	54	31
8	Prakasham	-	4	18	44	128
9	Nellore	2	47	41	20	23
10	Chittoor	-	-	41	50	43
11	Kadapa	-	-	15	-	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	14	15	-
14	Mahabubnagar	-	-	25	20	-
15	Ranga Reddy	-	-	-	22	17
16	Hyderabad	-	-	11	56	18
17	Medak	-	-	-	4	3
18	Nizamabad	-	-	15	8	-
19	Adilabad	-	-	2	28	-
20	Karimnagar	-	-	17	8	11
21	Warangal	-	-	283	18	6
22	Khammam	-	-	4593	5690	7252
23	Nalgonda	-	-	11	13	4

**District wise Population of KONDH Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	5983	3386	1769	2381	2511
2	Vizianagaram	-	-	199	345	340
3	Visakhapatnam	15764	30804	37021	62321	81755
4	East Godavari	1	-	52	170	303
5	West Godavari	6	-	23	59	31
6	Krishna	-	-	11	35	46
7	Guntur	-	-	31	11	7
8	Prakasham	-	-	12	11	21
9	Nellore	-	-	-	21	1
10	Chittoor	-	-	-	3	3
11	Kadapa	-	-	36	1	-
12	Ananthapur	-	1	26	19	4
13	Kurnool	-	184	7	8	13
14	Mahabubnagar	-	-	-	22	1
15	Ranga Reddy	-	-	10	59	72
16	Hyderabad	-	-	22	79	17
17	Medak	-	-	3	4	-
18	Nizamabad	-	-	16	39	19
19	Adilabad	-	-	14	679	81
20	Karimnagar	-	-	1	31	31
21	Warangal	-	-	21	55	21
22	Khammam	-	-	130	249	1
23	Nalgonda	-	-	-	27	46

**District wise Population of KOTIA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	271	1969	11194	15961	18918
2	Vizianagaram	-	-	659	693	492
3	Visakhapatnam	10737	15840	19210	23340	28552
4	East Godavari	-	59	98	45	34
5	West Godavari	-	-	17	12	18
6	Krishna	-	-	55	38	41
7	Guntur	-	-	3	38	5
8	Prakasham	-	-	-	7	6
9	Nellore	-	16	-	5	-
10	Chittoor	-	-	-	13	1
11	Kadapa	-	-	4	-	-
12	Ananthapur	-	1	-	2	5
13	Kurnool	-	3	-	22	10
14	Mahabubnagar	-	-	-	20	-
15	Ranga Reddy	-	-	3	118	49
16	Hyderabad	-	-	30	582	26
17	Medak	-	-	5	11	37
18	Nizamabad	-	-	-	10	8
19	Adilabad	-	-	7	388	32
20	Karimnagar	-	-	-	97	105
21	Warangal	-	-	71	26	50
22	Khammam	-	-	104	142	7
23	Nalgonda	-	-	6	21	12

**District wise Population of KOYA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	3	986	46	212	122
2	Vizianagaram	-	-	349	328	779
3	Visakhapatnam	124	5057	1238	1485	4227
4	East Godavari	23330	23655	30263	38744	45372
5	West Godavari	24084	28467	33336	42133	49528
6	Krishna	91	104	360	431	1306
7	Guntur	212	224	651	601	862
8	Prakasham	-	14	279	325	593
9	Nellore	173	258	138	21	109
10	Chittoor	117	620	99	120	114
11	Kadapa	13	46	124	36	31
12	Ananthapur	18	82	319	448	155
13	Kurnool	73	120	85	2184	2356
14	Mahabubnagar	-	226	320	219	113
15	Ranga Reddy	86	1036	649	2164	4394
16	Hyderabad	-	4	508	537	1936
17	Medak	-	163	50	693	332
18	Nizamabad	10815	11230	18505	18101	27203
19	Adilabad	1210	880	1917	3806	6084
20	Karimnagar	9539	25901	39824	49189	61909
21	Warangal	150209	186181	230481	294389	359582
22	Khammam	49	72	105	243	606
23	Nalgonda					



**District wise Population of KULIA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	4	19	-
2	Vizianagaram	-	-	6	44	2
3	Visakhapatnam	58	143	186	134	225
4	East Godavari	8	2	10	10	7
5	West Godavari	13	3	7	9	-
6	Krishna	-	-	1	1	4
7	Guntur	-	-	12	8	-
8	Prakasham	-	-	48	-	4
9	Nellore	-	-	-	-	-
10	Chittoor	6	36	2	2	2
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	4	23	19	3
13	Kurnool	-	-	-	19	-
14	Mahabubnagar	-	-	2	1	-
15	Ranga Reddy	-	-	5	10	12
16	Hyderabad	-	-	21	23	4
17	Medak	-	-	4	3	-
18	Nizamabad	-	-	1	1	59
19	Adilabad	-	-	40	34	15
20	Karimnagar	-	-	-	14	13
21	Warangal	-	-	13	26	13
22	Khammam	-	-	29	130	-
23	Nalgonda	-	-	-	-	5

**District wise Population of MALI Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	380	289	401	44	7
2	Vizianagaram	-	-	230	259	62
3	Visakhapatnam	1048	1638	1717	2417	2420
4	East Godavari	-	12	3	3	6
5	West Godavari	1	35	10	11	4
6	Krishna	-	-	1	5	7
7	Guntur	-	-	7	9	-
8	Prakasham	-	-	-	1	-
9	Nellore	-	-	-	2	-
10	Chittoor	14	-	4	4	3
11	Kadapa	-	4	2	1	-
12	Ananthapur	-	-	13	9	-
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	87	160	4
15	Ranga Reddy	-	-	-	-	-
16	Hyderabad	-	-	-	-	-
17	Medak	-	-	-	-	-
18	Nizamabad	-	-	-	-	-
19	Adilabad	-	-	-	-	-
20	Karimnagar	-	-	-	-	-
21	Warangal	-	-	-	-	-
22	Khammam	-	-	-	-	-
23	Nalgonda	-	-	-	-	-

**District wise Population of MANNE DORA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	3143	2310	258	266	364
2	Vizianagaram	-	-	3424	3943	3530
3	Visakhapatnam	3683	4289	4081	4582	4978
4	East Godavari	1357	2237	223	2199	2097
5	West Godavari	1	62	26	-	-
6	Krishna	-	-	3	458	-
7	Guntur	-	-	17	1025	-
8	Prakasham	-	-	1	6	-
9	Nellore	4	-	-	58	-
10	Chittoor	265	398	4	7	-
11	Kadapa	-	-	-	30	-
12	Ananthapur	-	75	3	21	-
13	Kurnool	23	1	3	215	-
14	Mahabubnagar	-	-	1	1274	-
15	Ranga Reddy	-	-	13	1516	21
16	Hyderabad	-	-	50	63	6
17	Medak	-	-	79	430	-
18	Nizamabad	-	-	8	14	7
19	Adilabad	-	-	-	-	-
20	Karimnagar	-	-	8396	4725	2442
21	Warangal	-	-	114	74	2344
22	Khammam	-	-	62	313	-
23	Nalgonda	-	-	118	60	-
		-	-	2	30	-

**District wise Population of MUKHA DORA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	2124	2271	9	15	19
2	Vizianagaram	-	-	3078	4483	5425
3	Visakhapatnam	7860	10898	14267	24806	30060
4	East Godavari	21	-	13	10	15
5	West Godavari	-	1	13	5	2
6	Krishna	-	-	1	9	16
7	Guntur	-	-	5	9	-
8	Prakasham	-	-	3	6	-
9	Nellore	-	-	6	20	-
10	Chittoor	-	-	4	16	-
11	Kadapa	-	-	-	1	-
12	Ananthapur	-	-	1	16	-
13	Kurnool	-	65	-	9	-
14	Mahabubnagar	-	-	5	8	-
15	Ranga Reddy	-	-	11	2	60
16	Hyderabad	-	-	21	54	8
17	Medak	-	-	2	18	-
18	Nizamabad	-	-	-	77	7
19	Adilabad	-	-	-	19	15
20	Karimnagar	-	-	5	10	2344
21	Warangal	-	-	33	12	11
22	Khammam	-	-	18	23	1
23	Nalgonda	-	-	2	52	-

## District wise Population of NAYAKS Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	34	-	45	44	52
2	Vizianagaram	-	-	55	33	38
3	Visakhapatnam	499	1137	254	155	117
4	East Godavari	8	-	8	33	47
5	West Godavari	472	674	3702	5679	2099
6	Krishna	-	-	-	-	-
7	Guntur	-	-	-	-	-
8	Prakasham	-	-	-	-	-
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	-
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	-	-	-
15	Ranga Reddy	-	-	-	-	-
16	Hyderabad	-	-	-	-	-
17	Medak	-	-	-	-	-
18	Nizamabad	-	-	-	-	-
19	Adilabad	-	-	-	-	-
20	Karimnagar	-	-	-	-	-
21	Warangal	-	-	-	-	-
22	Khammam	-	-	-	-	-
23	Nalgonda	1889	2160	2469	17620	11869
		-	-	-	-	-

**District wise Population of PARUHAN Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	3	18	-
2	Vizianagaram	-	-	19	47	-
3	Visakhapatnam	-	-	4	135	13
4	East Godavari	-	-	5	10	-
5	West Godavari	-	-	13	1	-
6	Krishna	-	-	3	27	-
7	Guntur	-	-	4	23	-
8	Prakasham	-	-	1	204	-
9	Nellore	-	-	-	6	-
10	Chittoor	-	-	1	5	2
11	Kadapa	-	-	-	2	-
12	Ananthapur	-	-	4	9	3
13	Kurnool	-	-	1	7	-
14	Mahabubnagar	-	8	30	60	-
15	Ranga Reddy	-	-	153	152	355
16	Hyderabad	357	921	1627	2851	2619
17	Medak	-	23	19	13	6
18	Nizamabad	-	7	33	31	12
19	Adilabad	-	-	13743	16667	20595
20	Karimnagar	9344	10385	295	35	42
21	Warangal	-	4	18	28	63
22	Khammam	-	59	18	23	14
23	Nalgonda	-	-	18	33	-

### District wise Population of *PORJA* Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	37	-	3	28	1048
2	Vizianagaram	-	-	8	832	4
3	Visakhapatnam	9292	12357	15717	23061	29550
4	East Godavari	21	-	645	10	1800
5	West Godavari	-	-	57	27	-
6	Krishna	-	-	8	5	4
7	Guntur	-	-	337	-	-
8	Prakasham	-	-	1	-	-
9	Nellore	-	-	-	4	-
10	Chittoor	-	-	-	1	28
11	Kadapa	-	-	-	1	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	-	-	-
15	Ranga Reddy	-	-	-	31	67
16	Hyderabad	-	-	-	1	60
17	Medak	-	-	13	7	19
18	Nizamabad	-	-	-	3	-
19	Adilabad	-	-	22	3	22
20	Karimnagar	-	-	16	84	22
21	Warangal	-	-	-	4	5
22	Khammam	-	-	3	7	-
23	Nalgonda	-	-	5	13	36
		-	-	-	6	4

District wise Population of *REDDI DORA* Tribe in A.P. - 1961 to 2001.

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	3	22	9	11	2
2	Vizianagaram	-	-	37	29	1
3	Visakhapatnam	3021	4862	5047	2928	1643
4	East Godavari	-	4	12	17	9
5	West Godavari	-	54	-	6	-
6	Krishna	14	143	8	370	3
7	Guntur	18	-	11	727	4
8	Prakasham	-	2	-	8	-
9	Nellore	4	-	6	162	-
10	Chittoor	28	167	-	81	8
11	Kadapa	11	-	-	7	-
12	Ananthapur	2	-	-	23	3
13	Kurnool	31	-	8	16	-
14	Mahabubnagar	-	-	1	153	-
15	Ranga Reddy	-	-	6	30	32
16	Hyderabad	-	-	14	43	4
17	Medak	-	-	-	131	-
18	Nizamabad	-	-	2	85	-
19	Adilabad	-	-	102	465	-
20	Karimnagar	-	-	6	63	10
21	Warangal	-	-	16	201	-
22	Khammam	-	-	2	48	2
23	Nalgonda	-	-	-	73	-




**District wise Population of RONA, RENA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	1	-	-	6	-
2	Vizianagaram	-	-	2	14	-
3	Visakhapatnam	22	-	85	27	4
4	East Godavari	-	12	-	29	-
5	West Godavari	-	-	2	43	4
6	Krishna	-	-	12	7	-
7	Guntur	-	-	4	7	-
8	Prakasham	-	-	2	-	-
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	-
11	Kadapa	-	-	1	114	100
12	Ananthapur	-	-	-	10	-
13	Kurnool	-	-	1	7	50
14	Mahabubnagar	-	-	-	6	-
15	Ranga Reddy	-	-	1	5	-
16	Hyderabad	-	-	-	3	1
17	Medak	-	-	-	34	1
18	Nizamabad	-	-	98	3	-
19	Adilabad	-	-	4	2	-
20	Karimnagar	-	-	9	13	-
21	Warangal	-	-	-	3	40
22	Khammam	-	-	3	10	-
23	Nalgonda	-	-	9	15	-
		-	-	-	3	-

**District wise Population of SAVARA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	67137	78236	62355	78985	92165
2	Vizianagaram	-	-	17827	24310	29005
3	Visakhapatnam	262	114	661	308	340
4	East Godavari	178	779	226	117	103
5	West Godavari	466	991	140	267	210
6	Krishna	-	736	196	51	122
7	Guntur	130	294	337	195	129
8	Prakasham	-	29	92	291	82
9	Nellore	6	17	30	5	25
10	Chittoor	6	-	6	1	62
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	2	6	5
13	Kurnool	-	31	30	41	31
14	Mahabubnagar	-	-	1	13	15
15	Ranga Reddy	-	-	1	181	507
16	Hyderabad	-	-	42	186	39
17	Medak	-	-	1	90	40
18	Nizamabad	-	-	7	27	-
19	Adilabad	-	-	1	23	13
20	Karimnagar	-	-	54	22	68
21	Warangal	-	-	11	23	-
22	Khammam	-	-	74	75	3
23	Nalgonda	-	-	5	248	15

## District wise Population of *SUGALI* Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	20	1	55	235	43
2	Vizianagaram	-	-	35	276	49
3	Visakhapatnam	5	-	635	416	822
4	East Godavari	73	68	675	305	455
5	West Godavari	6250	3243	3597	6097	723
6	Krishna	15536	20836	28771	41687	53232
7	Guntur	17271	27045	38327	59171	76285
8	Prakasham	-	5585	7937	12667	16290
9	Nellore	162	174	196	561	572
10	Chittoor	8616	11515	15198	18070	22274
11	Kadapa	5893	7874	11065	14541	18257
12	Ananthapur	34007	43345	55319	75790	87727
13	Kurnool	11941	12778	16290	22901	30205
14	Mahabubnagar	-	-	130911	198531	246810
15	Ranga Reddy	-	-	62489	89509	123753
16	Hyderabad	-	-	7116	12618	17145
17	Medak	-	-	58072	80170	118642
18	Nizamabad	-	-	82349	110496	142355
19	Adilabad	-	-	55213	77263	103303
20	Karimnagar	-	-	27137	48960	51157
21	Warangal	-	-	218391	297737	368446
22	Khammam	-	-	157972	218127	271373
	 Nalgonda	-	-	181093	255769	220959

District wise Population of *THOTI* Tribe in A.P. - 1961 to 2001

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	-	-	-	-	-
2	Vizianagaram	-	-	-	-	-
3	Visakhapatnam	-	-	-	-	-
4	East Godavari	-	-	-	-	-
5	West Godavari	-	-	-	-	-
6	Krishna	-	-	-	-	-
7	Guntur	-	-	3	-	-
8	Prakasham	-	-	-	-	-
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	-
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	10	1	1	-
14	Mahabubnagar	-	-	-	-	-
15	Ranga Reddy	34	288	15	213	21
16	Hyderabad	-	-	3	368	89
17	Medak	18	-	40	343	281
18	Nizamabad	429	1131	1066	1792	1043
19	Adilabad	21	176	145	482	450
20	Karimnagar	-	67	121	270	154
21	Warangal	43	104	17	1	-
22	Khammam	1	9	9	184	36
23	Nalgonda					

**District wise Population of VALMIKI Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	218	3	99	19	14
2	Vizianagaram	-	-	360	693	941
3	Visakhapatnam	19653	24146	34187	42432	52360
4	East Godavari	2482	4818	8102	12061	12737
5	West Godavari	-	-	76	92	122
6	Krishna	-	-	-	-	-
7	Guntur	-	-	-	-	-
8	Prakasham	-	-	-	-	-
9	Nellore	-	-	-	-	-
10	Chittoor	-	-	-	-	-
11	Kadapa	-	-	-	-	-
12	Ananthapur	-	-	-	-	-
13	Kurnool	-	-	-	-	-
14	Mahabubnagar	-	-	-	-	-
15	Ranga Reddy	-	-	-	-	-
16	Hyderabad	-	-	-	-	-
17	Medak	-	-	-	-	-
18	Nizamabad	-	-	-	-	-
19	Adilabad	-	-	-	-	-
20	Karimnagar	-	-	-	-	-
21	Warangal	-	-	-	-	-
22	Khammam	-	-	-	-	-
23	Nalgonda	1	-	117	539	640
		-	-	-	-	-

**District wise Population of YENADI Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	293	696	598	359	435
2	Vizianagaram	-	-	356	220	239
3	Visakhapatnam	107	95	216	345	508
4	East Godavari	1614	1707	2449	2808	3446
5	West Godavari	2815	3539	4672	5838	7127
6	Krishna	6022	8370	9650	13471	15225
7	Guntur	35270	9495	39185	47412	51088
8	Prakasham	-	28880	40521	50298	61011
9	Nellore	117504	118601	158057	186914	213187
10	Chittoor	32342	38355	48058	65526	81773
11	Kadapa	8062	8717	12658	16794	23570
12	Ananthapur	360	419	959	1177	1133
13	Kurnool	992	529	817	702	616
14	Mahabubnagar	-	-	111	53	22
15	Ranga Reddy	-	-	50	524	325
16	Hyderabad	-	-	295	713	182
17	Medak	-	-	137	373	72
18	Nizamabad	-	-	151	354	399
19	Adilabad	-	-	52	106	106
20	Karimnagar	-	-	102	112	203
21	Warangal	-	-	481	678	393
22	Khammam	-	-	574	629	727
23	Nalgonda	-	-	295	323	380

**District wise Population of YERUKULA Tribe in A.P. - 1961 to 2001**

Sl. No.	Name of the District	1961	1971	1981	1991	2001
1	Srikakulam	2651	3589	1753	2707	3199
2	Vizianagaram	-	-	4721	6379	7267
3	Visakhapatnam	2270	3187	2276	3744	6266
4	East Godavari	7488	9011	11229	14340	16924
5	West Godavari	7057	8002	11639	15268	18152
6	Krishna	14479	17850	22582	28847	32445
7	Guntur	38406	1085	52319	62889	68349
8	Prakasham	-	15643	20959	26339	29042
9	Nellore	13047	10121	15303	20393	24289
10	Chittoor	8509	12438	13705	19401	23161
11	Kadapa	8316	9366	13102	15369	18399
12	Ananthapur	14067	19328	25102	33259	36279
13	Kurnool	11754	12940	18341	24174	28666
14	Mahabubnagar	-	-	17461	18897	21039
15	Ranga Reddy	-	-	7041	10418	11340
16	Hyderabad	-	-	3816	6594	6595
17	Medak	-	-	8937	11843	13264
18	Nizamabad	-	-	4660	6150	5409
19	Adilabad	-	-	1270	2070	2526
20	Karimnagar	-	-	9432	12833	13215
21	Warangal	-	-	14248	18162	19774
22	Khammam	-	-	8241	12028	13328
23	Nalgonda	-	-	1099	15794	18531









## TO OUR CONTRIBUTORS

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- Editor