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PUC is letter No. 12026/6/2006-C & LM.I dated 3/10/2008 and enclosures from the Joint Director, Govt. of India, Ministry of Tribal Affairs, Shastri Bhavan, New Delhi-I regarding legal views on the caste status of such offsprings where one spouse is a non-Scheduled Tribe with reference to then Ministry of Home Affairs' letter No.39/37173-SCTJ, dated 4th March, 1975 and 21st May, 1977.

It is stated that the matter has been further examined in view of a recent judgment 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 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 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.

Furthermore, the Supreme Court has stated that the 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. 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.

The Ministry has requested that these instructions may be circulated among the authorities empowered to issue ST Certificates. Therefore, if approved, we may endorse PUC and enclosure to the Deputy Commissioner, Nicobars/South Andaman /North Middle Andaman Districts, (authorities empowered to issue ST Certificates) for further action at their end. Accordingly a draft letter is putup for approval please.

Research Officer (J)
(C. F. No.: TG-RG)

Assistant Commissioner (TW)

Secretary (TW)

AC (TW)

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