

**PROCEEDINGS OF THE CHAIRMAN, SCRUTINY COMMITTEE FOR
VERIFICATION OF COMMUNITY CERTIFICATES UNDER THE
KERALA (SCHEDULED CASTES AND SCHEDULED TRIBES)
REGULATION OF ISSUE OF COMMUNITY CERTIFICATES ACT, 1996**

SC/ST DEVELOPMENT (G) DEPARTMENT

No.SCSTDD-G3/10/2024-SCSTDD Thiruvananthapuram, Dated: 02.12.2024

Sub:-	Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 - Scheduled Tribe (Malai Araya) claim of Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum. Anaswara T. Thomas – Rejected - Orders issued.
Ref:-	1. Judgment dated 06.10.2020 of the Hon'ble High Court in WP(C)No.1010/2020 filed by Dr.Aiswarya T. Thomas 2. Enquiry Report No. KTDS/1134/2023-V dated 29.04.2024 of the Vigilance Officer, KIRTADS. 3. Minutes of the Scrutiny Committee Meeting held on 06.11.2024.

ORDER

In the Judgment dated 06.10.2020 in WP(C)No.1010/2020, the Hon'ble High Court of Kerala directed the Scrutiny Committee to take a final decision regarding the caste status of Dr. Aiswarya T. Thomas, Thekkekkara, Karukachal, Kottayam district. Meanwhile, the Kerala State SC/ST Commission also directed the Scrutiny Committee to examine the caste status of Kum. Aswathy T. Thomas, sister of Dr. Aiswarya T. Thomas.

Accordingly, the Vigilance Cell of Kerala Institute of Research Training and Development Studies (KIRTADS) furnished anthropological enquiry report pertaining to the caste status of the claimants and their sister Kum. Anaswara T.Thomas. The enquiry revealed the following :-

1. Claimants' paternal grandfather Sri.Issac John, a native of Chelakombu, Kottayam district and paternal grandmother Smt.Annamma belong to Cheramar community converted to Christianity (OBC). Out of the marital union between them, two children were born viz. Sri.Thomas John (the claimants' father herein) and Sri.Johnson. Claimant's father Sri.Thomas John's baptism and betrothal ceremony was solemnized at CMS Church, Chelakombu, Kottayam district. And in his School Leaving Certificate his community status is entered as Cheramar X'ian. The genealogical and documentary evidences revealed that the claimants' father belongs to Scheduled Caste converted to Christianity which is included in the OBC list of Kerala.

2. Claimants' maternal grandfather, Sri.Kunjunju alias Ninan, native of Edamala, Kottayam district, later migrated to Arayanjalimannu, Pathanamthitta belongs to

the Scheduled Tribe Malai Araya community converted to Christianity and claimants' maternal grandmother Smt.Lilly P.N., native of Kurumbanmoozhi, near Arayanjalimannu, is an offspring of the Scheduled Tribe Ullada and Scheduled Caste Pulaya community. Claimants' mother Smt.T.K.Moly and siblings were born and brought up in the milieu and circumstances of the claimants maternal grandmother's Ulladan circumstances. The claimants' maternal grandfather's Scheduled Tribe Malai Arayan converted to Christianity community status is not followed by anyone in the family.

3. The claimants mother's school record shows that she belongs to Christian Malai araya community. But her siblings records show that they all belong to Hindu Ulladan community. Thus the claimants' mother and siblings were born and brought up under the Scheduled Tribe Ulladan milieu and circumstances.

4. The claimants' mother chose her marriage alliance from Scheduled Caste converted to Christianity Thomas John on 03.12.1992 and the marriage was held at groom's Church (ST. Andrews Anglican CSI Church, Chelakompu, Kottayam) ie, after marriage, the claimants' mother became a parishioner in their father's church and there is no relationship with maternal grandfather's Malai Arayan Community and parents of the claimants herein continued to reside in the same residence under the milieu and circumstances of the Scheduled Caste converted to Christianity.

5. In the marital union between Sri.Thomas John and Smt.T.K.Molly, four children were born viz, Dr.Aiswarya T. Thomas (claimant-1 herein), Kum.Aswothy T. Thomas (claimant-2 herein), Kum.Anaswara T. Thomas (claimant-3 herein) and Sri.Ashok T. Thomas (brother of the claimants herein). The claimants' baptism ceremonies were held at the ST. Andrews Anglican CSI Church, Chelakompu, Kottayam (claimants's father's church). It is evident that the claimants' father practices Christianity and the above church is the parish church of the claimants' paternal kin persons.

6. The claimant-1, Dr.Aiswarya T. Thomas completed her primary education from P.T.P.M.L.P School, Kurumbanmoozhy. In the admission register maintained in the school, her name is entered as Aiswarya Mol T.S. and parent's name is entered as 'Soman-Father' and 'Bhaminy-Mother' and her community status is entered as 'Hindu Ullada'. In her Secondary School Leaving Certificate, community status is entered as Christian Malayaraya. Now she claims Malai Arayan status. One cannot claim different community status in different times which is only for grabbing constitutional safeguard. Claimant-1 completed her MBBS degree from Azeezia Institute of Medical Science and Research, Meeyannoor, Kollam. She is working as Assistant Surgeon/ Casualty Medical officer in Temporary post, in General Hospital, Changanassery, Kottayam district. Claimant-2, Kum.Aswothy T. Thomas completed her primary education from C.M.S.L.P.S. Chelakombu, Kottayam. In the admission register, her community status is entered as 'Xan Malayaraya' and now she has completed Library Science

course from Bishop College, Mavelilikara, Alappuzha district. Claimant-3, Kum.Anaswara T. Thomas completed her primary education from C.M.S.L.P.S. Chelakombu, Kottayam, and in the admission register, her community status is entered as 'Malayaraya'. The Claimants' brother Sri.Ashok T.Thomas completed his primary education from C.M.S.L.P.S, Chelakombu, Kottayam, and in the admission register his community status is entered as Christian and Malayaraya.

7. All claimants' claim ST Christian Malai Arayan is on the account of their maternal grandfather's community status only. The facts and evidences and anthropological moorings collected as part of the investigation show that the claimants herein were not born and brought up as member of Scheduled Tribe Christian Malai Arayan community in any stage of their inculturation.

8. The genealogical and documentary evidences revealed that the claimants were offspring of inter-caste married couple. Hence, the facts have been examined in the light of G.O.(Ms)No.109/2008/SCSTDD dated 20.11.2008 issued for determining caste status of offspring of inter-caste married couple. The order states that the Competent Authority who has to issue Scheduled Caste/Scheduled Tribe community certificate to the children born out of inter-caste married couple of which one of the parents is Scheduled Caste/Scheduled Tribe should ensure that the claimant is subjected to the same social disabilities and also following the same customs and traditions and the community has accepted that person to its fold as such. The Authority to issue the Caste Certificate should also ensure that;

i) each case shall be examined individually in the light of the existing fact and circumstances;

ii) the claimant has suffered disabilities – socially, economically and educationally; and

iii) the society has accepted the claimant to their original fold as one among them and is living in the same social tenet.

9. The evidences collected and in the local discreet enquiry revealed that, the claimants were not brought up in the cultural milieu of Scheduled Tribe Malai Arayan community as one among them. Therefore, the exposure to the cultural and social circumstances of Malai Arayan community was practically absent though their maternal kins belong to Malai Arayan Community. Findings of the local enquiry also revealed that the claimants were brought up and taken care by the paternal Kins in their residence, Chelakombu, Kottayam.

Based on the reports of KIRTADS, a Show Cause Notice was issued to the claimants to show cause as to why their claim for the Scheduled Tribe (Malai Arayan) community should not be rejected. The claimants have furnished their reply with documents. They produced the following certificates and documents to substantiate their claim.

- Certificate from St.Peters CSI Church Edamala showing that her maternal grand father's father, Sri.Thalappara Kuruvila Devasia (Kuruvila) belongs to Scheduled Tribe Malai Arayan Community converted to Christianity.

- A Letter from Oorumoopan (Sri.K K Johnson), Edamala, Kottayam stating that Sri.Kunjunju Alias Ninan (claimants grand father) belongs to Malai Arayan Community.
- The caste certificate of Sri.Kunjunju Alias Ninan (claimants grand father) issued by the Tahsildar, Ranni Taluk showing that he belongs to Malai Arayan Community.
- Medical Certificates from Medical College Hospital, Kottayam, Mental Health Centre, Thiruvananthapuram showing Sri.Thomas John's (claimants' father) Psychiatric disorder.
- The Birth certificates of the claimants, Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas.
- The Death Certificate of the Sri.Thomas John (claimants' father).
- The Community Certificate issued temporarily by the Tahsildar, Changanassery Taluk to Kum.Anaswara T.Thomas (claimant-3).
- Marriage Certificate of Smt.T.K. Molly & Sri. Thomas John (Claimant's father and mother) issued by the Anglican Church, Chelakompu, Kottayam (claimants' father's Church).
- A written statement given by claimant's maternal grandmother, Smt.Lilly P.N. showing that they belong to Malai Arayan community.

The reply given by the claimants was forwarded to the Vigilance Cell of KIRTADS for furnishing their remarks.

Meanwhile, the claimants submitted a request letter to Additional Chief Secretary, SC/ST Department seeking resolution of their caste verification issues, as they are encountering challenges related to employment and education.

The case was placed before the Scrutiny Committee in the meeting held on 06.11.2024. The claimants Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas along with their counsel were heard.

The counsel for the claimants requested for granting more time to comprehend the case in detail and to adduce evidence to prove their Scheduled Tribe (Malai Arayan) claim as he is new to the issues pertaining to their claim. The request was denied. However the committee have given the opportunity to claimants for adducing their arguments why their claim for the members of Scheduled Tribe (Malai Arayan) community should not be rejected. The arguments adduced are as follows:-

- Dr. Aiswarya T. Thomas, the first claimant explained that she got admission to M.B.B.S. course as per the Scheduled Tribe (Malai Arayan) status in 2012. In 2019, Scheduled Tribe (Malai Arayan) certificate was required after being included in the ranked list for the post of the Assistant Surgeon prepared by the Kerala Public Service Commission. But her request for issuing the certificate was rejected by the Tahsildar, Changanassery.
- Claimants described the family background and their father's psychiatric conditions and illness which made them leave their mother's native place

and were forced to stay at their father's residence where they have been attending the rituals and practicing the customary traits of Scheduled Caste (Cheramar) converted to Christianity (OBC) community.

- Dr. Aiswarya T. Thomas, the first claimant gave the reply to the statement in the anthropological report of KIRTADS about community status during the admission in the first standard that it was her maternal grandmother Smt.Lilly who entered her name in the School record as Aiswarya Mol T.S. and also erroneously entered parent's name as Soman and Bhaminy. Smt.Bhaminy is the alias name of the her mother Molly. Sri.Soman is the claimant's maternal grandmother Lilly's brother. The claimant's Maternal grandmother wrongly entered father's name as Soman instead of Thomas John.
- They also pointed out the Malai Arayan status of their maternal grandfather (Sri. Kunjunju Alias Ninan) with relevant documents.

The Vigilance Officer pointed out the following facts :-

“In the Admission register of First claimant, Dr. Aiswarya T. Thomas, her community status is entered as Hindu Ullada, and in the School Leaving Certificate, it is entered as Christian Malayaraya. Now she claims for Malai Arayan status. One cannot claim different community status in different times and this is only for grabbing constitutional safeguard specially earmarked for the down trodden. There is no consistency in their claims. Sole base of their claim for Scheduled Tribe (Malai Arayan) status is on their maternal grandfather only. The facts and evidences and anthropological moorings collected as part of the investigation show that the claimants herein were not born and brought up as a member of Scheduled Tribe (Malai Arayan) community in any stage of their inculturation. Claimants herein are born and brought up as members of Scheduled Caste converted to Christianity.”

The Scrutiny Committee examined the entire case in detail in accordance with the provisions of Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (Act 11/1996), in the light of the relevant documents, claimants' representations and their adduced arguments in the hearing and the enquiry report and remarks of the Expert Agency.

The investigation conducted under the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (Act 11/1996) by the KIRTADS revealed that the claimants viz. Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas are members of Scheduled Caste converted to Christianity community, which is included in the OBC list of the State. All the evidences collected as part of the investigation under the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (Act 11/1996) clearly show that the claimants were not brought up in the residence, milieu and circumstances of their maternal

grandfather's Malai Arayan community. Rather they were brought up and identified as one among their paternal kins' Cheramar community and the claimants have not suffered disabilities, socially, educationally and economically as per G.O.(Ms)No.109/2008/SCSTDD dated 20.11.2008. Their claim for Scheduled Tribe Malai Araya community status is against the facts. The claimants failed to present evidences against the findings of KIRTADS to substantiate their claim as belong to Scheduled Tribe Malai Arayan community. The claimants did not succeed to disprove the findings and conclusion of the Expert Agency either. As per Section 10 of Act 11/1996, the burden of proving that he belongs to such Caste or Tribe shall be on the claimant themselves.

On going through the entire case records and after detailed deliberations, especially keeping in view of the important points/aspects, the Scrutiny Committee **did not find the claim** of Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas for the Scheduled Tribe Malai Arayan community **genuine** and however, the Committee is of the view that they actually belong to Scheduled Caste converted to Christianity which is included in the OBC list of the State and hence, the OBC status is their rightful and legitimate claim.

In this backdrop, the Scrutiny Committee decided to reject the Scheduled Tribe (Malai Arayan) claim of Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas and to cancel all the Scheduled Tribe certificates issued to them by the competent authority concerned. The Committee also authorized the Chairman to issue Proceedings in this line.

In the circumstances, orders are hereby issued, rejecting the Scheduled Tribe (Malai Arayan) claim of Dr.Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas and their siblings if any, and also directing the competent authorities concerned to cancel all the Scheduled Tribe certificates issued to them. Government will take appropriate further action under the relevant provisions of Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act,1996 (Act 11 of 1996).

Puneet Kumar

PUNEET KUMAR IAS

Chairman,

Scrutiny Committee for verification
of Community Certificates.

To

1. Dr. Aiswarya T. Thomas, Kum.Aswathy T. Thomas, Kum.Anaswara T. Thomas, Thekkekara, Karukachal, Kottayam (Registered with A/D)

2. The Director, Scheduled Tribes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for verification of Community Certificates)
3. The Director, Scheduled Castes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for verification of Community Certificates)
4. The Director, KIRTADS, Chevayoor, Kozhikkode – 17. (Member, Scrutiny Committee for verification of Community Certificates).
5. The Principal Secretary, Higher Education Department.
6. The Chairman, SC/ST Commission, Ayyankali Bhavan, Thiruvananthapuram.
7. The Secretary, Kerala Public Service Commission, Thiruvananthapuram.
8. The Advocate General of Kerala, Ernakulam.
9. The Commissioner for Entrance Examinations, Thiruvananthapuram (Chairman, Screening Committee for verification of Community Certificates).
10. The Director, Medical Education, Thiruvananthapuram.
11. The District Collector, Kottayam.
12. The Director, Information & Public Relations Department. (For Press Release)
13. The District Scheduled Tribe Development Officer, Kottayam
14. The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode-17.
15. The Tahsildar, Changanassery Taluk.
16. The Private Secretary to Hon'ble Minister for Welfare of SCST & BCD.
17. The P.A to Additional Chief Secretary, SCST & BCDD.
18. Stock File.
19. Office Copy.