

**PROCEEDINGS OF THE SCRUTINY COMMITTEE
FOR VERIFICATION OF COMMUNITY CERTIFICATES**

No.36/G3/2021/SCSTDD

SC/ST Development (G) Department
Thiruvananthapuram, Dated: 25.06.2022

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| Sub:- | Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 - Scheduled Tribe (Irular) claim of Smt.Sangeetha.M.K, D/o.Smt.Kaliyatha, Kavundikkal (H), Kavundikkal.P.O, Agali, Mannarkkad Taluk, Palakkad – Accepted - Orders issued- Reg. |
| Ref:- | 1) Judgment dated 08.11.2021 of the Hon'ble High Court in W.P(C)No.24375/21 filed by Sangeetha M.K. |
| | 2) Enquiry Report No.KTDS 48/2022-V dated 04.04.2022 from the Vigilance Officer, KIRTADS. |
| | 3) Minutes of the Scrutiny Committee Meeting held on 24.05.2022. |

ORDER

Smt.Sangeetha.M.K, Kavundikkal, Agali, Palakkad has filed WP(C)No.24375/2021 before the Hon'ble High Court of Kerala seeking to quash Exhibit P7 order (Order No.C1-1108/21 issued by the District Collector, Palakkad) and to direct the 3rd respondent i.e. the Special Tahsildar, Tribal Taluk Office, Attappadi, Palakkad to issue a Caste Certificate to the petitioner as Hindu Irular (ST). As per Judgment read as 1st paper above, the Hon'ble High Court of Kerala disposed of the above Writ Petition directing the 2nd respondent (The District Collector, Palakkad) to consider the Ext.P8 representation submitted by the petitioner in the light of Exts. P1 to P6 and take appropriate decision in accordance with law within a period of two months. The District Collector, Palakkad sought guidelines for the issuance of Caste Certificate to Smt.Sangeetha.M.K. The matter was referred to the Vigilance Officer, KIRTADS for the anthropological study on the caste status of Smt.Sangeetha.M.K.

The Vigilance Cell of KIRTADS has furnished the anthropological enquiry report regarding the caste status of Smt.Sangeetha.M.K. The anthropological enquiry conducted by KIRTADS revealed the following:

Sri.Mayilswami, father of the claimant was a native of Thavalam, Agali, Palakkad District, who is said to be a member of Chetti community. He does not have a clear cut marital relationship with the Claimant's mother. Prior to his contact with the Claimant's mother he entered in to a martial union with another lady and he still maintains the relationship. The Claimant has no relationship with her father's family. And she is not aware about the other members of her father's family. The statement furnished by the Claimant's brother states the community status of the Claimant's father as Hindu Chettiyar. Thus, admittedly, the Claimant's father is said to be a member of Chetti community, which is a Non-Scheduled Tribe community of the State.

The maternal grandmother of the Claimant, Late Nagi, was a native of Kavundikkal settlement in Agali, Palakkad District, and she belonged to ST Irular community. She was married to Gandika, Esthiyoor, who also belongs to the same community. The settlement members and relatives of the Claimant viz., Parvathi, Resan (Pandari), Manappa (daughter of Gandika's sister), and Rangan (Mannookkaran) jointly furnished a statement and it states that, Gandika, S/o.Resan married Nagi (the Claimant's maternal grandmother) according to the customs of Irular community and they are lived in the Esthiyoor settlement for many years. Smt.Kaliyatha, mother of the claimant herein, completed her secondary education from Government High School, Agaly. In the Secondary School Leaving Certificate (SSLC) her religion and caste are entered as Hindu Irula ST.

Out of the relationship between Mayilswami and Kaliyatha, two children were born viz Venkitesan and Sangeetha (the Claimant herein). Venkitesan

completed his Secondary School education from St. Peters High School, Kookkampalayam, Thavalam, Agali. In the Secondary School Leaving Certificate (SSLC) his religion and caste are entered as Hindu Irula ST. Sangeetha did her school education from Model Residential High School, Attapady. In the Secondary School Leaving Certificate (SSLC) her religion and caste are entered as Hindu Irula. The above mentioned genealogical and documentary evidences clearly state that the Claimant and her sibling were born and brought up as members ST Irular community.

The Claimant is married to Vishnu.M, Mannarkad, who belongs to Hindu Chetti community, which is a Non-Scheduled Tribe community of the State.

The aforementioned genealogical and documentary evidence reveal that the Claimant is an offspring of an inter-community relationship, wherein her father belongs to Hindu Chetty community and mother to Hindu Irular community. While determining the social status of an individual who is an offspring of an inter community couple, for the purpose of fulfilling the Constitutional safeguards, as per the prevailing legal version, it has to be examined individually in the light of the existing facts and circumstances.

In the wake of the judgment dated 10.08.2005 in Indira Vs. State of Kerala (full bench of High Court of Kerala in WP(C)Nos.2483, 7039, 17317 of 2005 and connected cases), Government of Kerala vide G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008 ordered 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 same social disabilities and also following the same customs and traditions and community has accepted that person

to its fold as such. The above Government Order also stipulates that 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 tenets.

Thus, as per the existing rules a child born out of the inter-caste marriage, who claims the Scheduled Tribe status, should prove among other things that he/she is subjected to the social disabilities of the community to which he/she claims to belong.

The investigation reveals that the mother of the Claimant was born, brought up and living near the Kavundikkal Irula settlement in Agali as a member of the ST Irular community. The Claimant's father lives with his first wife at Thavalam, Agali. The Claimant, her sibling and mother have no relationship with his family members. The investigation also reveals that the Claimant and her brother were born and brought up in the Kavungal settlement as members of Irular community. She and her brother had not yet gone or stayed at her father's house. All the birth ceremonies of the Claimant and her brother had taken place at their mother's house as per the customary law of the ST Irular community. The Claimant and her brother spoke the Irular language well and are also aware about the social organization, customs and rituals of Irular community. Furthermore, the discreet local enquiry also reveals that the society and community identified them as members of Hindu Irular community as evident from the statement furnished by the Esthiyoor, hamlet members and relatives of the Claimant. All these clearly show the

Claimant's affinity towards ST Irular community. Thus, it is clear that the Claimant is very well localized and socialized in her mother's kith and kin and cultural milieu. The family of the Claimant has been residing in the same socio-cultural space where the mother of the Claimant has been born and brought up as a member of the Irular community.

Moreover, as per G.O(Ms)No.49/99/SCSTDD, Dated 06/05/1999, when a student intends to study with SC/ST benefits, he/she should produce the SC/ST community certificate in the first standard itself. Here, the Claimant has claimed the Hindu Irular status at during the time of her 1st standard education itself. The above mentioned descriptions clearly state that the Claimant's claims as a member of ST Irular community of the State can be allowed as per G.O. (MS)No.109/2008/SCSTDD, Dated: 20/11/2008. Thus, the Claimant's claim as ST Irular through her mother is genuine. Thus, the totality of the situation reveals that the Claimant fulfills the criteria to consider her as a member of Scheduled Tribe. In fact, based on the above observations the Claimant's claim as belongs to Scheduled Tribe Irular community can be conceded.

In view of the above facts, the enquiry conducted as per Act 11 of 1996 reveals the community status of Smt.Sangeetha.M.K, Kavundikkal, Agali, Mannarkad Taluk, Palakad District as ST Irular.

On going through the entire case records, the Scrutiny Committee meeting held on 24.05.2022 found that the Scheduled Tribe (Irular) claim of Smt.Sangeetha.M.K is genuine, as she fulfills all the conditions mentioned in G.O(Ms)No.109/08/SCSTDD dated 20.11.2008, for determining caste status of offspring of inter-caste married couple. The Committee also authorised the Chairman to issue Proceedings in the case.

After careful examination of the entire case records in accordance with the provisions of Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (Act 11/1996) and as per the provisions of G.O(Ms)No.109/08/SCSTDD dated 20.11.2008, the Scrutiny Committee hereby accept the Scheduled Tribe (Irular) claim of Smt.Sangeetha.M.K.



PRANABJYOTI NATH IAS
Chairman
Scrutiny Committee for Verification
of Community Certificates.

To,

- 1) Smt.Sangeetha.M.K, D/o.Smt.Kaliyatha, Kavundikkal (H), Kavundikkal.P.O, Agali, Mannarkkad Taluk, Palakkad – 678 581. (Registered with A/D)
- 2) The Advocate General, Kerala, Ernakulam (with C/L).
- 3) The Director, Scheduled Tribes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for Verification of Community Certificates)
- 4) The Director, Scheduled Castes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for Verification of Community Certificates)
- 5) The Director, KIRTADS, Chevayoor, Kozhikkode – 17. (Member, Scrutiny Committee for Verification of Community Certificates)
- ✓ 6) The Director, Information & Public Relations Department. (For Press Release)
- 7) The District Collector, Palakkad. (By registered post with A/D)
- 8) The District Tribal Development Officer, Palakkad.
- 9) The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode-17.
- 10) The Special Tahsildar, Tribal Taluk Office, Attappadi, Palakkad-678 582.
- 11) The Tahsildar, Taluk Office, Mannarkkad, Palakkad-678 001.
- 12) The Village Officer, Village Office, Agali, Palakkad- 678 581.
- 13) The Private Secretary to Hon'ble Minister (Welfare of SCST& BC).
- 14) The P.S to Secretary, SCST&BCDD.
- 15) Stock File
- 16) Office Copy.

