



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

SPEED POST

Case File No. SO/1/2019/STGKN/DEOTH/RU-IV

Dated: 26.07.2019

To,

1 The Chief Secretary,  
Government of Karnataka,  
Secretariat,  
Bengaluru (Karnataka).

2. The Principal Secretary,  
Department of Social Welfare,  
Government of Karnataka,  
Secretariat, Bengaluru,  
(Karnataka).

**Sub:** Proceedings of the Sitting taken by Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 09.07.2019 in the matter of Shri S.M. Rajpalli, Advocate, President, Hyderabad Karnataka Gond, Rajgond, Kadukurub, Jejukurub Association, Gulbarga regarding harassment of Gond Kurubas ST community in the State of Karnataka and non grant of power to identify of caste certificate to Rajgond and Gond ST Members to Gond Dharmguru Shri Siddaiah Adhunik Odeyar.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 09.07.2019 under the Chairmanship of Miss Anusuiya Uikey, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days for placing the same before the Hon'ble Vice-Chairperson, NCST.

Yours faithfully,

(Y.K. Bansal) 26/7/19

Research Officer

Encl: As above

Copy for taking similar action to:

The Director,  
Karnataka State Tribal Research Institute,  
1540, Kuvempunagara North,  
Kuvempu Nagara,  
Mysuru, Karnataka 570022

Copy for information to:

1 Shri Siddhaiah Odeyar,  
Vishwa Manava Mula Adivasi,  
Gond Dharm Guru  
Sri Siddaya Adhunic Wadeyar Top Gali,  
Taluka - Humnabad,  
District - Bidar - 585 304 (Karnataka).

2 Shri S.M. Rajpalli,  
Advocate & President,  
Hyderabad Karnataka Gond Rajgond  
Kadukurub, Jenukurub (ST) Association,  
H. No. 42, Bhagya Nagar,  
Gulbarga - 585 106 (Karnataka).

5879-83  
30/7/19  
जारी किया  
ISSUED



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Case File No. SO/1/2019/STGKN/DEOTH/RU-IV

**PROCEEDINGS OF SITTING HELD ON 09.07.2019 CHAIRED BY MISS ANUSUIYA UIKEY, HON'BLE VICE-CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI SIDDAIAH ADHUNIK ODEYAR, BIDAR KARNATAKA REGARDING HARASSMENT OF GOND KURUBAS ST COMMUNITY IN THE STATE OF KARNATAKA AND NON GRANT OF POWER TO IDENTIFY OF CASTE CERTIFICATE TO RAJGOND AND GOND ST MEMBERS.**

Date of sitting: 09.07.2019

List of officers present in sitting is Annexed

The petitioner Shri Siddaiah Adhunik Odeyar, Bidar Karnataka vide his representation dated 05.03.2019 has submitted the grievances before the Commission regarding harassment of Gond Kurubas ST community in the State of Karnataka and non grant of power to identify of caste certificate to Rajgond and Gond ST members.

It has been alleged that the Director Social Welfare Bangalore, Government of Karnataka and the then Hon'ble Chief Minister late Shri Devaraj Aras had issued circular dated 03.09.1975-76 to the Deputy Commissioner, Gulbarga Division and Deputy Commissioner, Belgaum Division to issue the castes certificate to the members belonging to Rajgond and Gond community of Karnataka State whose declared ST on the basis of identification from Dharma Guru Shree Siddaiah Adunik Odeyar of Karnataka State Bangalore. The circular dated 03.09.1975-76 issued by the Director, Social Welfare was still valid but the State Government has withdrawn the instructions and Dharma Guru of the Gond Tribe was deprived to identify the tribal people for issuance of caste certificate.

The Division Sangha ST Association members has requested to kindly recognize their Gond Dharma Guru services and issue power identification of Caste Certificate to identity the Gond candidates.

2. The NCST vide its notices dated 07.03.2019 and 22.04.2019 sought a report from the Chief Secretary, Government of Karnataka and the Principal Secretary, Department of Social Welfare, Government of Karnataka. But, no report was received. Thereafter, a sitting was fixed on 09.07.2019 to have a discussion with State Government of Karnataka in the matter.

3. In sitting, Director, TRI, Mysuru (on behalf of Secretary, Social Welfare Department, Karnataka) appeared. The petitioner was also present.

4. In sitting, the petitioner has raised his grievances of issue of all the validity certificates kept pending since 5 years contrary to the rules of the validity procedure and without taking any proper action to the applicants who have applied for validity certificates belong to the Gond, Rajgond, Kadu Kuruba, Jenu Kuruba Scheduled Tribe candidates though submission with all the relevant documentary proof for issue of validity certificates and also prolonging the matter for one or the other reason for the purpose of delaying tactics and harassment. In this

  
सुश्री अनुसुइया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



regard, there are 20 pending validity certificate applications issued by the Joint Director, Social Welfare, Gulbarga. There is alleged delaying issue of Gond, Rajgond, Kadu Kuruba, Jenu Kuruba Scheduled Tribe caste certificates by the Tahsildhar, Gulbarga District and non disposal of pending Court cases in the caste certificate matters. In addition, the State Government has snatched power to identify the caste certificate of Gond and Rajgond from the Gond Dharma Guru Shree Siddaiah Adhunik Odeyar on the basis of Director, Social Welfare, Bangalore letter No. DSW/EMP/PR.258/75-76 dated 03.09.1975.

5. The Director, TRI has submitted a written report in the matter and further apprised to the Commission that in the year 1994, the Hon'ble Supreme Court in the case of Kum. Madhuri Patil & Another Vs. Addl. Commissioner, Tribal Development & others reported in AIR 1995 SC 94 has laid down the law and the guidelines how the caste & validity certificates pertaining to Scheduled Castes & Scheduled Tribes has to be verified and issued to the candidates belonging to the Scheduled Castes & Scheduled Tribes in order to prevent fake and misuse of the social status certificate. The said law was laid down by the Hon'ble Supreme Court because of the fact that for issuance of caste and validity certificates, the legislature of the respective States have not framed any statute for the said purpose. Since, the Hon'ble Supreme Court has noticed that the area is grey, in order to meet the ends of social justice and also in order to prevent the misuse of fake caste certificates at the hands of non-SC/ST unscrupulous persons.

It is relevant to submit that the then Hon'ble Chief Minister of Karnataka might have issued a Circular dated 03.09.1975 for the purpose of identification of Gond community. However, subsequently, the State Government has enacted a statute called "the Karnataka Scheduled Castes, Scheduled Tribes & other Backward Classes (Reservation of Appointment, etc.) Act, 1990" (hereinafter referred to as the Act for brevity) and Rules thereunder were framed in the year 1992, which came into force w.e.f. 22.04.1993. Thereafter in the light of the law laid down by the Hon'ble Supreme Court, the State Government has amended the Act and Rules in the matter of issuance of caste and validity certificates. In the light of this subsequent development, the Circular dated 03.09.1975 has become obsolete. In view of the above statute covering the field, if any person claiming as Gond community, which is notified as Scheduled Tribe under Article 342 of the Constitution of India, the burden of proof that he/she or his/her parents or his/her guardian belongs to Scheduled Tribes, lies upon them.

The State Government has constituted a sub-committee under the Chairmanship of Loksabha member and Minister Shri Srinivasa Prasad and the letter dated 22.05.1993 stating that the role played by Dharmaguru in issuance of the Gond caste certificate of identification of the Gond and Kurubas are synonyms is unsustainable for the reason that under sub-clause (2) of Article 342 of the Constitution of India, the State Government or any authority or Courts or Tribunals has no power to modify or vary or to declare any caste as a synonyms of the Scheduled Caste/Schedule Tribe notified in the Presidential notification.

6. The case was discussed in detail. The Commission observed that it is a serious case wherein the issuance of ST caste certificates is being denied to the Gond and Rajgond ST community members of Gulbarga District. No validity certificates are also being issued and pending since last 5 or more years despite submission of all relevant documents by the Gond,



Rajgond ST community members. The Commission felt that the issues raised by the petitioners need to be sorted out immediately as in absence of ST community certificates, their rights of reservation in services, education and other benefits of the Government schemes being denied. In this regard, the District Commissioner, Gulbarga who is the competent authority in the issuance of ST caste certificate matters should rightly address all the grievances and there should be no denial of constitutional rights to Gond and Rajgond ST community members of Gulbarga District. During the sitting, the petitioner has submitted two more representations in this regard and a copy of the same were handed to the Director, TRI for consideration and submission of report.

7. The Commission therefore, recommends that the Principal Secretary, Social Welfare Department, Karnataka and District Commissioner, Gulbarga will consider all the grievances raised by the petitioner and will take immediate action to resolve the grievances. The Deputy Commissioner, Gulbarga will also ensure that there should be no denial of issuance of ST caste certificate to Gond and Rajgond ST community members of Gulbarga District. The Social Welfare Department and District authority concerned will also decide all the pending validity of community certificate in a time bound manner of three months. At the same time the petitioners are advised to meet the authority concerned for their grievances and the concerned officers will provide hearing to the petitioners. A report on the petitioner's representation handed over during the sitting will be submitted to the Commission within 30 days.

8. An action taken report on the recommendation of the Commission should be submitted within 30 days from the receipt of the Proceedings.

\*\*\*\*\*

*Anusuiya*  
सुश्री अनुसुइया उइके/Miss Anusuiya Uikey  
उपाध्यक्ष/Vice Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. SO/1/2019/STGKN/DEOTH/RU-IV

List of participants

NCST

1. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson (In chair)
2. Shri Gaurav Kumar, PS to Hon'ble VC
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R. Meena, Sr. Investigator

Officers of Government of Karnataka

Prof. T.T. Basavanagouda, Director, TRI, Mysuru.

Petitioner

Shri Laxman Rao Police Patil, Advocate