



No 1/2/2018-समन्वय.

भारत सरकार
राष्ट्रीय अनुसूचित जन जाति आयोग

छठा तल, 'बी' विंग, लोक नायक भवन,
खान मार्किट, नई दिल्ली-110003
दिनांक: 8 मार्च, 2018

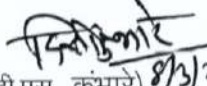
सेवा में,

1. श्री नन्द कुमार साय, माननीय अध्यक्ष,
2. सुश्री अनुसुईया उइके, माननीय उपाध्यक्ष,
3. श्री हरिकृष्ण डामोर, माननीय सदस्य,
4. श्री हर्षदभाई चुनीलाल वसावा, माननीय सदस्य,
5. श्रीमती माया चिंतामण ईवनाते, माननीय सदस्य,

विषय: राष्ट्रीय अनुसूचित जनजाति आयोग की दिनांक 23.2.2018 को 4:00 बजे सम्पन्न 102वीं बैठक में हुई चर्चा का कार्यवृत्त महोदय/महोदया.

मुझे उपर्युक्त विषय का उल्लेख करते हुए यह कहने का निदेश हुआ है कि आयोग की 102वीं बैठक आयोग के सम्मेलन कक्ष, लोकनायक भवन, नई दिल्ली में दिनांक 23.2.2018 को 4:00 बजे सपन्न हुई थी। बैठक की अध्यक्षता श्री नन्द कुमार साय, अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग द्वारा की गई। बैठक में हुई चर्चा का कार्यवृत्त की एक प्रति सूचना एवं अभिलेख हेतु संलग्न है।

भवदीय,


(डी.एस. कुंभारे) 8/3/2018
अवर सचिव

102वीं बैठक की कार्यवृत्त की एक प्रति निम्नलिखित अधिकारियों को इस अनुरोध के साथ अग्रेषित है कि बैठक में लिए गए निर्णयों पर की गई कार्रवाई के संबंध में जानकारी, प्रत्येक संबंधित एकक/कार्यालय द्वारा दिनांक 28.3.2018 तक अवश्य ही समन्वय एकक को भेज दी जाए।

1. उप सचिव (अनुसंधान एकक- I & II)
2. अवर सचिव (समन्वय, स्थापना एवं अनुसंधान एकक- IV)
3. सहायक निदेशक, (अनुसंधान एकक- II)
4. सहायक निदेशक, (राजभाषा एवं अनुसंधान एकक-I)
5. सहायक निदेशक (प्रशा. एवं अनुसंधान एकक- III)

प्रतिलिपि, 102वीं बैठक के कार्यवृत्त की प्रति सूचनार्थ अग्रेषित:

1. माननीय अध्यक्ष के निजी सचिव
2. माननीय उपाध्यक्ष के निजी सचिव
3. माननीय सदस्य (श्री एच.के.डी) के निजी सहायक
4. माननीय सदस्य (श्री एच.सी.वी) के निजी सचिव
5. माननीय सदस्य (श्रीमती एम.सी.आई) के निजी सहायक
6. सचिव के वरिष्ठ प्रधान निजी सचिव
7. संयुक्त सचिव के निजी सहायक
8. निदेशक/सहायक निदेशक/अनुसंधान अधिकारी, राष्ट्रीय अनुसूचित जनजाति आयोग के क्षेत्रीय कार्यालय, भोपाल/भुवनेश्वर/जयपुर/रायपुर/रांची/शिलांग।
9. आयोग की एनआईसी वेबसाइट पर डालने हेतु।



No.1/2/2018-Coord.
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi -110003
Dated: 8 March, 2018

To,

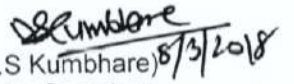
1. Shri Nand Kumar Sai, Hon'ble Chairperson
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri Harshadbhai Chunilal Vasava, Hon'ble Member
5. Smt. Maya Chintam Ivnate, Hon'ble Member

Subject: Summary Record of discussions of 102nd Meeting of National Commission for Scheduled Tribes (NCST) held on 23.2.2018 at 4:00 P.M.

Sir/Madam,

I am directed to refer to the above subject and to say that 102nd meeting of the National Commission for Scheduled Tribes was held on 23.2.2018 at 4:00 P.M Hrs. in the Conference Room of NCST at Lok Nayak Bhawan, New Delhi. The Meeting was presided over by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes. A copy of the Summary Record of discussions of meeting is enclosed for information and record.

Yours faithfully,


(D.S Kumbhare) 8/3/2018
Under Secretary

Copy of the Summary Record of discussions of 102nd meeting of NCST is forwarded to the following Officers with request that information about action taken on the decision taken in the meeting concerning each Unit/Office may be furnished to Coordination Cell by 28.3.2018 positively:

- (i) Deputy Secretary (RU-I & II)
- (ii) Under Secretary (Coordination, Estt. & RU-IV)
- (iii) Assistant Director (RU-II)
- (iv) Assistant Director (RU-I & OL)
- (v) Assistant Director (RU-III & Admin)

Copy of Summary Record of discussion of 102nd meeting is enclosed for information to:

1. PS to Hon'ble Chairperson, NCST
2. PS to Hon'ble Vice-Chairperson, NCST
3. PA to Hon'ble Member (Shri HKD), NCST
4. PS to Hon'ble Member (Shri HCV), NCST
5. PS to Hon'ble Member (Smt. MCI), NCST
6. Sr.PPS to Secretary, NCST
7. PA to Joint Secretary, NCST
8. Director/Assistant Director/Research Officer in Regional Office of NCST at Bhopal/Bhubaneshwar/Jaipur/ Raipur/ Ranchi/Shillong
9. NIC, NCST for uploading on the website.

राष्ट्रीय अनुसूचित जनजाति आयोग (एन.सी.एस.टी) की 102वीं बैठक में हुई चर्चा का कार्यवृत्त

(फाईल सं. 1/2/2018-समन्वय)

दिनांक : 23.02.2018

समय : 4.00 बजे

स्थान : सम्मलेन कक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग, छठा तल, लोकनायक भवन,
नई दिल्ली-110003

अध्यक्षता : श्री नन्द कुमार साय, माननीय अध्यक्ष।

प्रतिभागियों की सूची :


1. सुश्री अनुसुईया उइके, उपाध्यक्ष
2. श्री हर्षदभाई चुनीलाल वसावा, सदस्य
3. श्री मती माया चितामण इवनाते, सदस्य
4. श्री राघव चंद्रा, सचिव
5. श्री डी.एस. कुंभारे, अवर सचिव
6. श्री एस.पी. मीना, सहायक निदेशक
7. श्री आर.के. दुबे, सहायक निदेशक
8. श्री राजेश्वर कुमार, सहायक निदेशक
9. श्री आर.एस. मिश्र, व. अन्वेषक

आयोग की 102वीं बैठक दिनांक 26.2.2018 को 11 बजे निश्चयत हुई थी परंतु आवश्यक कारणों के कारण बैठक को दिनांक 23.2.2018 को अपराह्न 4 बजे आयोजित किया गया। बैठक के लिए निर्धारित कार्य सूची मर्दों पर चर्चा की गई और निम्नलिखित निर्णय लिए गए :

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| कार्यसूची मद सं0 1 Agenda Item No.1 | डब्लू.पी सिविल संख्या 2/18- समता आंदोलन समिति और अन्य बनाम भारतीय संघ और अन्य-अनुसूचित जातियों और अनुसूचित जनजातियों के बीच आरक्षण आदि के लाभ के दायरे से कीमी लेयर को निकालने के संबंध में। W.P (Civil) No. 2/18 filed by Samta Andolan Samiti and Others Vs. Union of India and Others-regarding exclusion of creamy layer from amongst SCs and STs from the purview of benefits of reservation etc. |
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(संख्या. कोर्ट केस/2/डी.ओ.पी.टी/2018/डब्लू.पी(सी)नं. 2/18/आरयू-1)

कार्मिक लोक शिकायत एवं पेंशन मंत्रालय, कार्मिक एवं प्रशिक्षण विभाग, ने अर्धशासकीय पत्र संख्या 36012/4/2018-Estt. (Res.) दिनांक 7.2.2018 जो एन.सी.एस.टी में दिनांक 12.2.2018 को प्राप्त हुआ, में समता आंदोलन समिति और अन्य बनाम भारत संघ और अन्य याचिका (सिविल) संख्या 2/2018 माननीय उच्चतम न्यायालय में दाखिल किए जाने के बारे में सूचित किया। पत्र में याचिका पर आयोग की टिप्पणी



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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मांगी गई। डब्लू.पी में अनुसूचित जातियों और अनुसूचित जनजातियों में से क्रीमी-लेयर को बाहर करने के संबंध में मुददा उठाया गया। (प्रति संलग्न)

1.2 आयोग ने प्रकरण पर विस्तृत चर्चा की और यह पाया कि अनुसूचित जनजातियों के समुदायों में अभी भी शिक्षा और आधुनिक तकनीक/समाज में उन्नति की दौड़ में पीछे है। जिसके परिणामस्वरूप केन्द्र सरकार तथा राज्य सरकारों के विभिन्न विभागों में अनुसूचित जनजातियों के लिए आरक्षित पद खाली है। यदि इनमें क्रीमी लेयर को निकाल दिया गया तो यह वर्ग और पिछड़ा/मंद हो जाएगा और अनुसूचित जनजातियों के लिए आरक्षित पदों की संख्या बढ़ेगी। किसी समुदाय को अनुसूचित जनजाति के रूप में विनिर्दिष्ट करने के लिए अपनाए जाने वाले पांच मानदण्डों में से "पिछड़ापन" एक मानदण्ड है। अनुसूचित जनजाति वर्ग में पिछड़े पन के कारण उनको न्याय दिलाने के लिए संविधान में व्यवस्था की गई है। यदि उनमें से क्रीमी लेयर को बाहर निकाला गया तो उनके साथ अन्याय होगा। इसलिए अनुसूचित जनजाति वर्ग में से क्रीमी लेयर को बाहर निकालने का आयोग समर्थन नहीं करता है।

(Commission deliberated in detail on the issue and observed that the Scheduled Tribes are still behind in the race for education and modern technique/advancement in society. As a result posts reserved for STs in the various Departments of Central Govt. and State Govts. are vacant. If creamy layer is excluded from amongst STs, then this society will be further retarded and the number of vacant posts reserved for STs will go up. "Backwardness" is one of the Five criteria followed for identification of a community as Scheduled Tribe. The provision of reservation for Scheduled Tribes have been made in Constitution due to their backwardness and for providing justice. If a creamy layer is excluded from among them it will be in-justice to them. Therefore, Commission does not support for exclusion of creamy layer from among STs).



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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| कार्यसूची मद सं0 2 | जनजातियों के कंसोर्टियम डेटा का संग्रह |
| Agenda Item No. 2 | Collection of data Consortium of Tribes. |

जनजातियों के बारे में जानकारी के अभाव तथा उनसे सम्बन्धित साहित्य की निराशाजनक प्रकृति को ध्यान में रखते हुए, उनके साहित्य को मजबूत किया जाए जिससे सुनिश्चित हो कि शोध और विश्लेषण के लिए उपलब्ध है। सचिव, राष्ट्रीय अनुसूचित जनजाति आयोग ने अर्ध शासकीय पत्र संख्या 1/Secy/Misc/2018/460 दिनांक 16.01.2018 द्वारा जनजातियों के कंसोर्टियम डेटा का संग्रह पर कांसेप्ट नोट, सचिव, संस्कृति मंत्रालय को अग्रसारित करते हुए निवेदन किया कि इस मामले में एंथोपोलोजिकल सर्वे आफ इंडिया (Anthropological Survey of India) तथा नेशनल आर्काइव्स (National Archives) को प्रोजेक्ट पर शीघ्र कार्य करने का निदेश दे।

2.1 एन.सी.एस.टी के अर्ध शासकीय पत्र के उत्तर में, संस्कृति मंत्रालय ने पत्र संख्या 18-1/2018-ए. एण्ड.ए दिनांक 12.02.2018 द्वारा निदेशक, एंथोपोलोजिकल सर्वे आफ इंडिया (Anthropological Survey of India), महानिदेशक, नेशनल आर्काइव्स (National Archives) तथा निदेशक, इंदिरा गांधी राष्ट्रीय मानव संग्रहालय, भोपाल को मामले में आवश्यक कार्रवाई हेतु टिप्पणी तथा जनजातियों पर उपलब्ध सामग्री भेजने का आग्रह किया है। पत्र की प्रति सचिव, राष्ट्रीय अनुसूचित जनजाति आयोग को सूचनार्थ भेजी है। (नोट एवं पत्रों की प्रतियां संलग्न हैं)

2.2 आयोग अवगत हुआ।

(Commission was aware)



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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| कार्यसूची मद सं० 3 | माननीय उच्चतम न्यायालय में डब्लू पी (सिविल) संख्या 76/2003 ए.स नागेन्द्र व अन्य बनाम कर्नाटक राज्य एवं अन्य के मामले में आयोग द्वारा कर्नाटक के मालेरु समुदाय का अनुसूचित जनजाति की स्थिति स्पष्ट करने के बारे में दाखिल की गई रिपोर्ट को रद्द करने हेतु। |
| Agenda Item No. 3 | To rescind the report of the NCST submitted before the Apex Court in W.P (Civil) No. 76 of 2003 A.S Nagendra & Ors. Vs State of Karnataka & Ors - regarding ST status of Maleru community of Karnataka. |

(RVS/2/2016/ STGKN/SEOTH/RU-IV)

इस संदर्भ में यह बताया जाता है कि रिट याचिका (सिविल) सं. 2003 की 76 ए. एस. नागेन्द्र व अन्य बनाम कर्नाटक राज्य व अन्य में माननीय शीर्ष न्यायालय के दिनांक 27.10.2004 के निर्देशों के अनुपालन में आयोग ने माननीय शीर्ष न्यायालय के समक्ष कर्नाटक के मलेरु अनुसूचित जनजाति समुदाय पर रिपोर्ट प्रस्तुत की। यह रिपोर्ट, आयोग द्वारा कर्नाटक राज्य सरकार के साथ परामर्श करने के बाद, सुनवाइयों, शिमोगा और चिकमगलूर के उपायुक्तों, भारत के महापंजीयक, भारतीय नृविज्ञान सर्वेक्षण की रिपोर्टों और आयोग के सदस्य की जांच रिपोर्ट के आधार पर तैयार की गई है। इस रिपोर्ट में यह वर्णित किया गया है कि मलेरु और मालेरु समुदाय, कर्नाटक राज्य में दो अलग-अलग समुदाय हैं और मालेरु समुदाय से संबंधित व्यक्ति, अनुसूचित जनजातियों के लिए देय लाभ उठाने के हकदार नहीं हैं। (रिपोर्ट के पृष्ठ 57-59 की प्रति संलग्न है)।

3.2 माननीय शीर्ष न्यायालय ने रिट याचिका (सिविल) सं. 2003 की 76 ए.एस. नागेन्द्र व अन्य बनाम कर्नाटक राज्य व अन्य में दिनांक 18.4.2013 के आदेश द्वारा इस मामले का निपटान किया, जो नीचे पुनः प्रस्तुत है:-

“विद्वान वरिष्ठ वकील (याचिकाकर्ता) ने याचिकाकर्ता के लिए कानून में उनके लिए उपलब्ध किसी अन्य उपचार को अपनाने की स्वतंत्रता के साथ, इस रिट याचिका को वापस लेने के लिए प्रार्थना की है।
उन्होंने यह भी प्रार्थना की है कि याचिकाकर्ता को राष्ट्रीय अनुसूचित जनजाति आयोग की रिपोर्ट का सामना करने की भी स्वतंत्रता प्रदान की जाए।
उक्त कथित स्वतंत्रता के साथ इस रिट याचिका को वापस लेने की अनुमति प्रदान की जाती है।”

3.3 शीर्ष न्यायालय के उक्त निर्देशों के अनुसरण में श्री रामामूर्ति वी.एस., बेंगलुरु ने विभिन्न अभ्यावेदनों में अलग अलग रांभर्गों के माध्यम से बताया कि मलेरु और मालेरु कर्नाटक राज्य में एक ही समुदाय हैं। राष्ट्रीय अनुसूचित जनजाति आयोग की रिपोर्ट के आधार पर मालेरु समुदाय के लोग जांचों और नौकरियों से बर्खास्तगी आदि के रूप में कठिनाई का सामना कर रहे हैं और उन्होंने माननीय उच्चतम न्यायालय को प्रस्तुत राष्ट्रीय अनुसूचित जनजाति आयोग की रिपोर्ट को रद्द करने की मांग की। उन्होंने सूचना का अधिकार



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4/8

अधिनियम के तहत आवेदनों एवं अपीलों के माध्यम से मलेरु समुदाय पर रिपोर्ट को रद्द करने के लिए आयोग द्वारा की गई कार्रवाई पर सूचना भी मांगी थी। श्री रामामूर्ति के पत्र दिनांक 28.04.2017 की प्रति संलग्न है।

3.4 आयोग ने प्रस्ताव को अगली बैठक के लिए स्थगित कर दिया।

(Commission deferred the proposal for next meeting of the Commission)

757

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


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| कार्य सूची मद संख्या 4 | राज्यों के जनजातीय उप योजना (टी.एस.पी) के सभी योजनाओं की विधिवत जांच तथा निगरानी जनजातीय सलाहकार परिषद द्वारा की जानी चाहिए। |
| Agenda Item No. 4 | All TSP programmes of the State Government should be duly vetted and be monitored by Tribes Advisory Council. |

(File No. 17/1/2018-Coord)

संविधान की पांचवी अनुसूची के भाग ख, पैरा 4 के प्रावधान के अनुसार, वर्तमान में जनजातीय सलाहकार परिषद आंध्र प्रदेश, छत्तीसगढ़, गुजरात, हिमाचल प्रदेश, झारखंड, मध्य प्रदेश, महाराष्ट्र, ओडिशा, राजस्थान, तेलंगाना राज्य जहां अनुसूचित क्षेत्र घोषित है तथा तमिल नाडु, उत्तराखंड एवं पश्चिम बंगाल राज्य जहां अनुसूचित क्षेत्र घोषित नहीं है, में गठित है। जबकि, टी.एस.पी के अंतर्गत, इन राज्यों को मिलाकर 23 राज्य हैं।

4.2 राज्यों के जनजातीय उप योजना (टी.एस.पी) की सभी योजनाओं की पुर्वानुमति, विधिवत जांच तथा निगरानी जनजातीय सलाहकार परिषद द्वारा की जानी चाहिए के प्रकरण पर आयोग ने अनुशंसा की कि सम्बन्धित राज्य सरकारो को तदनुसार कार्यवाही हेतु लिखें।

(The Commission recommends that all TSP programmes of the State Government should be prior approved, duly vetted and be monitored by Tribes Advisory Council (TAC) and accordingly addressed to State Government for taking appropriate action).


 नन्द कुमार साय/Nand Kumar Sai
 अध्यक्ष/Chairperson
 राष्ट्रीय अनुसूचित जनजाति आयोग
 National Commission for Scheduled Tribes
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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| कार्य सूची मद संख्या 5 | अनुसूचित क्षेत्रों के सभी नगरपालिका क्षेत्र अनुसूचित क्षेत्रों में बने रहना चाहिए और नगरपालिका क्षेत्रों में शामिल गांवों को भी अनुसूचित क्षेत्रों के रूप में बने रहना चाहिए। |
| Agenda Item No. 5 | All Municipal Areas in Scheduled Areas should continue to remain Schedule Areas and villages included in the Municipal areas should also continue to remain as Schedule Areas. |

(File No. 17/1/2018-Coord)

संविधान की पांचवी अनुसूची के भाग ग, पैरा 6 के प्रावधान के अनुसार, अनुसूचित क्षेत्र आंध्र प्रदेश, तेलंगाना, छत्तीसगढ़, गुजरात, हिमाचल प्रदेश, झारखंड, मध्य प्रदेश, महाराष्ट्र, ओडिशा तथा राजस्थान राज्यों में घोषित हैं। इन राज्यों के कुछ जिले सम्पूर्ण रूप से अनुसूचित क्षेत्र घोषित हैं।

5.2 अनुसूचित क्षेत्रों में निवास करने वाली अनुसूचित जनजातियों के समुदायों के विकास एवं कल्याण के लिए संविधान में विशेष प्रावधान निहित है। यदि अनुसूचित क्षेत्र से नगरपालिका अथवा गांव को अनुसूचित क्षेत्र से बाहर निकाल दिया गया तो उस क्षेत्र में निवास करने वाली अनुसूचित जनजाति के लोग संविधान में निहित प्रावधानों के लाभों से वंचित हो जाएंगे। अतः अनुसूचित क्षेत्रों के सभी नगरपालिका क्षेत्र अनुसूचित क्षेत्रों में बने रहना चाहिए और नगरपालिका क्षेत्रों में शामिल गांवों को भी अनुसूचित क्षेत्रों के रूप में बने रहना चाहिए ऐसी आयोग ने अनुशंसा की। सम्बन्धित राज्य सरकार अनुसूचित क्षेत्रों में से किसी भी नगरपालिका अथवा गांव को निकालने से पूर्व राष्ट्रीय अनुसूचित जनजाति आयोग का परामर्श/अनुमोदन लेना चाहिए।

(The special provisions envisages in the Constitution for welfare and development of the communities belonging to the Scheduled Tribes of the Scheduled Areas. If, Municipal Areas/Villages are de-scheduled from Scheduled Areas then the benefit of provision envisaged in the Constitution will be taken away from the STs of that areas. Hence, Commission recommends that all Municipal Areas in Scheduled Areas should continue to remain Scheduled Areas and villages included in the Municipal areas should also continue to remain as Scheduled Areas. The concerned State Government should take the prior approval/consultation of the NCST before any municipal areas/village is de-scheduled from the Scheduled Areas.)



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

7/8

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| कार्य सूची मद संख्या 6 | अध्यक्ष की अनुमति से कोई अन्य मद |
| Agenda Item No. 6 | Any other items with permission of the Chair |

The Hon'ble Vice-Chairperson and Member(s) stated that of land of Scheduled Tribes have been alienated without following due procedure in the States.

6.1 बैठक में यह निर्णय लिया गया कि सचिव, भूमि संसाधन, ग्रामीण विकास मंत्रालय को इस मुद्दे पर तथा भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 के कार्यान्वयन पर प्रस्तुत के लिए आमंत्रित किया जाए।

(In the meeting, it was decided that the Secretary, Land Resources, Ministry of Rural Development be invited for presentation on the issue as well as implementation of "Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013")



(नन्द कुमार साय)
अध्यक्ष,
राष्ट्रीय अनुसूचित जनजाति आयोग,
भारत सरकार
नई दिल्ली

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

No. 35012/4/2018-Estt. (Res-I)

Government of India

Ministry of Personnel, Public Grievances & Pensions
 Department of Personnel & Training
Establishment (Reservation-I) Section

North Block, New Delhi
 Dated February 20, 2018

OFFICE MEMORANDUM

Subject Writ Petition (C) No. 2 of 2018 – Samta Andolan Samit & Ors. Versus Union of India & Ors – Comments – regarding

The undersigned is directed to refer to this Department's DO letter of even no. dated 07.02.2018 on the above subject (copy enclosed) wherein Cabinet Secretary, Department of Personnel and Training, Department of Legal Affairs, Department of Social Justice & Empowerment, National Commission for Scheduled Castes and National Commission for Scheduled Tribes are the Respondents.

2. As per Court website, the hearing in this case is likely to be held on 05.03.2018.
3. It is requested that para-wise comments may please be provided to this Department at the earliest to enable preparation of a reply affidavit.

Encl: As above



(G. Srinivasan)

Deputy Secretary to the Government of India
 Tele – 2309 3074

1. Department of Legal Affairs,
 (Shri Suresh Chandra, Secretary)
 Ministry of Law and Justice,
 Shastri Bhawan, New Delhi
2. Department of Social Justice and Empowerment,
 (Ms. G. Latha Krishna Rao, Secretary)
 Shastri Bhawan, New Delhi
3. Ministry of Tribal Affairs,
 (Ms. Leena Nair, Secretary)
 Shastri Bhawan, New Delhi

Copy for information to -

1. National Commission for Scheduled Castes,
 (Shri Arun Jha, Secretary)
 5th Floor, Lok Nayak Bhavan,
 Khan Market, New Delhi – 110 003
2. National Commission for Scheduled Tribes,
 (Shri. Raghav Chandra, Secretary)
 6th Floor, B-Wing, Lok Nayak Bhavan,
 Khan Market, New Delhi 110003
3. Shri M. K. Maroria, Additional Government Advocate
 Department of Legal Affairs, Central Agency Section
 Supreme Court of India, New Delhi – 110 001 – w.r.t. Central Agency Section's letter dated
 23.01.2018
4. Cabinet Secretariat
 (Shri K. J. Sibichan, Under Secretary)
 Rashtrapati Bhawan, New Delhi – w.r.t. OM No. A.60012/3/2018-CC dated 29.01.2018

26.9.18

11 मंत्रालयों को
 सूचना भेजने के लिए
 आदेश

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GYANENDRA DEV TRIPATHI, IAS
Joint Secretary
FC No. 2309 4276
Fax : 2309 2869
e-mail : jsst@nic.in



सत्यमेव जयते

कार्मिक एवं प्रशिक्षण विभाग
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
नॉर्थ ब्लॉक, नई दिल्ली-110001
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
'AND PENSIONS
NORTH BLOCK NEW DELHI-110001

DO No.36012/4/2018-Estt. (Res.)

Dated: February 7, 2018

Please find enclosed a copy of letter dated January 23, 2018 received from Department of Legal Affairs, Central Agency Section regarding the Writ Petition Civil No.2/2018 filed by Samta Andolan Samiti and Others Vs. UOI and Others. A copy of the WP is enclosed.

2. The Cabinet Secretariat, Department of Personnel and Training, Department of Legal Affairs, Department of Social Justice & Empowerment, National Commission for Scheduled Castes and National Commission for Scheduled Tribes are respondent Nos. 1 to 6 respectively. As you would notice the issue raised therein is exclusion of creamy layer from amongst SCs and STs from the purview of benefits of reservation etc. Though Ministry of Tribal Affairs are not a respondent, the subject of the Writ also concerns Scheduled Tribes and as such is relevant to subjects under the Ministry of Tribal Affairs.

3. It is requested that the parawise comments may please be provided to this Department at the earliest to enable this Department to prepare a common reply affidavit. It is also requested that the comments of National Commission for Scheduled Tribes, who are respondent No.6, may also be obtained.

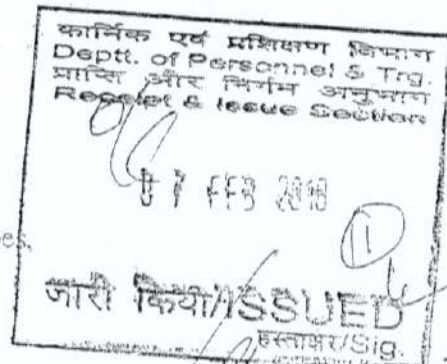
Yours sincerely,

Sd/-
(Gyanendra Dev Tripathi)

Shri Anoop Srivastavaa,
Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi

Copy for information to:

Shri A.K. Agarwal,
Secretary,
National Commission for Scheduled Tribes,
6th Floor, B Wing,
Lok Nayak Bhawan, Khan Market,
New Delhi



(Gyanendra Dev Tripathi)

7/2/2018



F. No. 18-1/2018-A&A
Government of India
Ministry of Culture
A&A Section

8

Shastri Bhawan, New Delhi
Dated the 12th February, 2018

To,

1. The Director General, National Archives of India, Janpath, New Delhi.
2. The Director, Anthropological Survey of India, 27, Jawaharlal Nehru Road, Kolkata-700016
3. The Director, Indira Gandhi Rashtriya Manav Sangrahalaya, Post Bag No.2, Shamla Hills, Bhopal-462013

Subject: Concept Note on collection of Data Consortium of Tribes-regarding

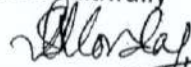
Sir,

I am directed to forward herewith a copy of D.O letter No.1/Secy/Misc/2018/460 dated 16.01.2018 received from the Secretary, National Commission for Scheduled Tribes (NCST), New Delhi enclosing therewith a Concept Note on collection of data Consortium of Tribes. The Secretary, National Commission for Scheduled Tribes has desired to make a list of all available literature on tribes under various subject heads including themes such as (i) Tribes in ancient Indian literature, (ii) Literature about tribes written by British and colonial rulers, (iii) History of tribal discontent and (iv) Tribal policy in official files and documents.

2. You are requested to kindly furnish your comments alongwith list of available material on tribes to this Ministry for further necessary action in this matter.

Encl: As above

Yours faithfully


S.C. Mondal
12/2/18

Under Secretary to the Government of India
Tel/Fax: 23382158

Copy to: The Secretary, National Commission for Scheduled Tribes (NCST), New Delhi for information.



D.O. No.1/Secy/Misc/2018/460

16th January, 2018.

Dear *Shri Singh,*

Kindly refer to the Concept Note of collection of Data Consortium of Tribes (copy enclosed).

2. Keeping in view the acute lack of information about tribes and the dispersed nature of literature relating to them, there is need to consolidate their literature and to ensure that it is available for further research and analyses.

3. I would, accordingly, urge you to direct the National Archives of India and Anthropological Survey of India (ASI) to work together to list all available literature on tribes under various heads. The subject heads, for instance, could include the following themes:

- Tribes in ancient Indian literature.
- Literature about tribes written by British and colonial rulers.
- History of tribal discontent.
- Tribal policy in official files and documents.

4. The National Commission for Scheduled Tribes (NCST) would very much like to associate with this project and guide in whatsoever capacity you would like to have. Meanwhile, you may direct Anthropological Survey of India to start working with National Archives to get this this project kick started.

Kind regards,

Yours sincerely,
Raghav Chandra
(Raghav Chandra)

Shri Raghvendra Singh,
Secretary,
Ministry of Culture,
Shastri Bhawan,
New Delhi.

CONCEPT NOTE

Data Consortium

In its inaugural volume, the People of India Project, which the Anthropological Survey of India had undertaken in the late 1980s and the early 1990s, identified 4,635 communities, well marked and demarcated, of which 461 belonged to the list of the Scheduled Tribes. It rightly noted the unevenness of information available on these communities. Whilst some of them impressed the researcher with the volume of data available on them, the others were equally conspicuous because of lack of information. In its volumes, the People of India Project rendered information about each of these communities, as succinctly as possible. However, as internet and web resources were not available at that time, the Project principally relied upon the material available in libraries, which was complemented with field studies carried out with different communities of people across the country. It did make an effort to tap the unpublished sources (in the form of dissertations, project reports, manuscripts), but accessibility to these varied from one geographical area to the other, and was also dependent upon the individual investigators carrying out the data-collection exercise on a particular set of communities.

One of the common observations of the researchers and planners concerned with tribal societies in India is the acute lack of background information on them, besides the fact that it is of uneven quality. Thus, from different corners, we hear two interrelated comments – first, the sheer lack of information on these communities which makes the task of thinking and planning about them difficult; and second, whatever is available is largely from the pens of the colonial administrators and anthropologists, which gives the impression as if nothing has been done in independent India, which in any case is not true. It is correct that the colonial scholars did write a lot on the communities in India, but after that a lot of work was done by Indian writers and investigators, but this material lies widely dispersed.

While there may be a grain of truth in both these submissions, two facts stand out, the authenticity of which both fieldworkers and researchers can

aver. First, a bulk of information on Indian communities, not just tribal, is available in unpublished reports (dissertations, project reports, manuscripts) in various university libraries. It was hoped that the national institutions (such as Indian Council of Social Science Research, [ICSSR] or Indian Council of Historical Research [ICHR], and many others) would make the abstracts of these works available to us by coordinating with the libraries situated in different parts of the country. Some of these institutions did start this work, but it was not carried on with the degree of regularity that was expected, with the result that information is available about some of these publications and for some years. There are serious gaps in the information.

Second, in the last thirty years or so, a phenomenal increase has been witnessed in the rise of publications in local languages, especially those listed in the Eighth Schedule of the Constitution of India. These publications are not just popular articles meant for the common mass of people, but quite a few of them are well researched, taking into consideration references which are locally available. Undoubtedly, an increase in these publications is clearly related to the issues of community identity.

There is another aspect. Today, India has 705 Scheduled Tribes, constituting 8.6 per cent of the total population of the country. The social category of tribe was a colonial invention. This term was employed for the communities of people which were largely isolated, inhabiting mountains, forests, coastal areas, and had scant interaction with the outside world. The colonial powers and their institutions tried to 'domesticate' them, evangelising them, often forcefully, and allowing the markets and its commercial forces to encroach upon their territories. As expected, the communities resisted the onslaught on their cultures, but often they had to succumb to the structures of dominance. This however does not imply that all the colonial officers supported the policy of controlling the tribes; in fact, some of them dissented from the state approach. J.H. Hutton, for instance, who was the Political Agent, Naga Hills, during the early twentieth-century, favoured a more autonomous existence for the hill tribes, for this would safeguard their culture, saving them from deterioration.

The colonial administration gave credence to written instructions, print

media, documentation of facts and information, writing of memoirs and essays, since they thought that all this would aid in what they called the 'enlightened administration'. This material, available in our archives, is of great value in building up the story of the encounter of the tribal people with the powerful colonial rule. This period when tribes were 'opened up' - their lands usurped and authority diminished - led to a gradual crystallisation of their identity.

Both historians and anthropologists study tribes, but from different points of view and with different academic interests. Nevertheless, they use the same empirical material (primary and secondary data). Now, students of other social science disciplines have also started pursuing tribal studies. A common observation of various Committees and Commissions set up to plan for tribes is the lack of empirical data about them, as a result of which they are constrained to enter into the alley of conjectures. For instance, for constructing the population estimates of communities, our benchmark is the Census of India, 1901 or 1931, from where we start our demographic projections. Also, we do not have reasonable information about the material that is available on each of the tribal communities, and where it lies scattered. Needless to say, this information is quintessential for micro-planning of these communities - a separate programme of development for each one of them or for a cluster of communities sharing the same set of characteristics.

Against this backdrop, it is imperative that different institutions concerned with the study and welfare of different institutions come together to build up the 'data-consortia' where widely scattered information can be brought at one place for serving the interests of researchers, planners, and administrators. Such institutions will bring at one place the historical and contemporary information about tribal communities, to which may be added new information as it becomes available. In course of time, this information may be digitised and be made accessible to the public domain. The project may begin with tribes but in course of time, it may cover other communities of the country.

This is indubitably a large task. A humble beginning may be made by bringing the institutions of National Archives, National Commission of

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Scheduled Castes, and the Anthropological Survey of India to pool in their resources to fulfill this endeavour. We shall also plan a way of getting access to the unpublished material on tribal people from different libraries.



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RUL

**Report
of the
National Commission for Scheduled
Tribes**

in

W.P.(Civil) No. 76 of 2003

A.S. Nagendra & Ors.

Vs

State of Karnataka & Ors.

- (vii) While Maalerus are vegetarians, the Malerus are non-vegetarians. They eat even chatni (souce) made from roasted ants which are collected from the hills and forests.
- (viii) Maalerus reside in rural areas and are mostly agriculturists on the contrary Malerus live in huts in forests and generally hunt for their livelihood.

9. Views of the Commission

9.1.1 **The first claim of the Petitioners** that the 'Maleru' (sic Maaleru) community with its traditional occupation of 'Temple Servants' has been recognized as Scheduled Tribe and included in the Constitution (Scheduled Tribes) Order, 1950 is not established at all. No documentary evidence has been brought forward by the Petitioners to substantiate their claim in this regard. On the contrary, there is every reason to believe that only the Malerus living in forests and on hills with their occupation as hunting and gathering of forest produce alone would have been included in the Constitution (Scheduled Tribes) Order, 1950. The 'Malerus' (sic Maaleru) with their traditional occupation as 'Temple Servants' living in villages and towns did not and do not have any characteristics [mentioned below Para 8.1.4] which are associated with declaration of a community as a Scheduled Tribe under Article 342 of the Constitution of India and, therefore, there is no reason to believe that the Parliament would have approved the inclusion of this community (i.e. Maleru, sic-Maaleru) in the list of Scheduled Tribes. Moreover, the veracity of this claim of the Petitioners is strongly negated by a series of documentary evidence (referred to under Para 8.4.2).

9.1.2 **The second claim of the Petitioners** that Maleru and Maaleru are the one and the same community and that the difference between the two is only of spellings is based on a few documents (referred to in Para 8.4.3.1) in which there is

Comm/11/1111
 K. N. SINGH
 Joint Secretary

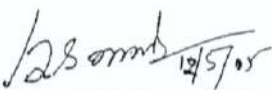
no reference to a community called 'Maaleru'. These arguments of the Petitioners are untenable and do not legally lend themselves to credence and acceptance. That there is no mention of the community called 'Maaleru' in certain documents does not in any way prove the non-existence of that community particularly, when the veracity of the claim of the Petitioners is strongly negated by a number of documents produced by the Respondent No.1 (Govt. of Karnataka) and Respondent No.5 (Sahitya Akademi) [briefly referred to in Paras 8.4.3.3 to 8.4.3.5], the report of the Deputy Commissioner, Shimoga, and Deputy Commissioner, Chikmagalur (Para 8.4.3.7) and the findings of the Inquiry Report by a Member of this Commission (Para 8.4.3.8) and also the position stated in Para 8.4.3.6 (where the verifying agencies of the respective employing organizations of the Petitioners except in case of A.S. Nagendra have reported that they belong to Maaleru community of outcaste Brahmins) which overwhelmingly establish that Maleru and Maaleru are two separate communities with distinct social, cultural and religious characteristics.

9.2.1 In view of the above position the Commission is of the firm view that:

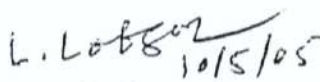
- (i) Maleru and Maaleru are two separate communities with distinct social, cultural and religious characteristics and the claim of the Petitioners that Maleru and Maaleru represent the one and the same community is not correct and, therefore, the members of the community called 'Maaleru' are not entitled for benefits meant for the members of 'Maleru' by virtue of its recognition as Scheduled Tribes and inclusion in Constitution (Scheduled Tribes) Order, 1950.
- (ii) The community called 'Maleru' appears at Sl.No.5 of the list of Scheduled Tribes in respect of the then Mysore State in the Constitution (Scheduled Tribes) Order, 1950 and there is no mention of the

community called 'Maaleru' in that Order and, therefore, the members of the Maaleru community are not entitled to avail of the benefits meant for members of Scheduled Tribes. In view of this position, all the Petitioners except Shri A.S. Nagendra, Petitioner No.1 in respect of whom the process of verification of the community which he belongs to is not yet complete, are not entitled to continue in service in their respective organizations as the verification reports made available to the respective organizations clearly reveal that they belong to Maaleru which is a community of outcaste Brahmins and not to Maleru community.

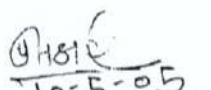
9.2.2 Several provisions have been incorporated in the Constitution for safeguarding and promoting the interests of Scheduled Tribes in various spheres by accelerating the pace of their educational and socio-economic development to enable them to join the national mainstream. The Commission is, therefore, very keen that the State should ensure that the benefits meant for the members of Scheduled Tribes are not taken away by those who do not belong to Scheduled Tribe as has been done in the instant case by taking advantage of phonetic and spelling similarities in the name of the two communities i.e. 'Maleru' (which figures in the 1950 Presidential Order) and 'Maaleru' who are outcaste Brahmins and by no means a Scheduled Tribe.


(Buduru Srinivasulu)

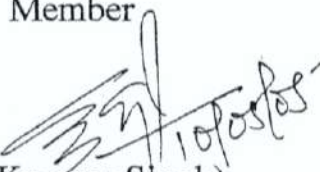
Member


(Lama Lobzang)

Member


(Prem Bai Mandavi)

Member


(Kunwar Singh)
Chairman

226/CP/2017
15/5/2017

SECRET
Date: 28-04-2017

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From
Ramamurthy, V.S.
Senior citizen and Information Activist,
No.422, 9th 'A' Main, Kalyana Nagara, Bengaluru - 560 043
Mob: 94484 52752, email: vsrmsv@gmail.com

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To
Hon'ble Shri Nand Kumar Sai ji,
Chairperson, National Commission for Scheduled Tribes,
6th Floor, B-Wing, Lokanayak Bhavan, Khau Market, New Delhi-110 003

Sir,

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Maleru community has been declared as Scheduled Tribe (ST) vide the Constitution (Scheduled Tribes) Order, 1950 dated 06-09-1950. The name Maleru has been mentioned as मालेरु in Hindi and notified in the Gazette of India. In the Census documents, it is mentioned as ಮಾಲೇರು in Kannada which is the same as मालेरु in Hindi.

However, authorities in Karnataka without any documents insist that Maleru represents another community by name मलेरु. Such a community has never existed. As a result, they are writing the name मालेरु as Maaleru. Effectively, they have created two wrong community names viz. Maaleru and मलेरु. As a consequence, the members of मालेरु community who have availed benefit as Maleru (ST) have been put to acute harassment, alleging that we are not मलेरु. In reality, Maaleru is nothing but the vernacular expression of Maleru (ST) and not a different community. Thus, मलेरु and Maaleru are wrong translations. To alleviate the same, our community approached the Hon'ble Supreme Court in 1989 through Writ Petition No. 11894/1985. The Hon'ble Supreme Court decided that since the state Govt. have decided to constitute a committee vide G.O. of 23-1-1986 to ascertain whether Maleru and Maaleru are different, no penal action shall be taken against the members of Maleru 'sic' Maaleru. However, in spite of passage of 30 years, the Govt. of Karnataka have not obtained the report of the committee. Recently they have replied that the

papers related to the deliberations of the committee have been destroyed. They have not taken steps to re-constitute the committee.

In the meanwhile, unable to bear the continued harassment, some members of our community again approached the Apex court through the W.P. No. 76/2003. Consequently, the Apex Court ordered the National Commission for Scheduled Tribes (NCST) to investigate. The NCST has submitted its report for Scheduled Tribes (NCST) to investigate. The NCST has submitted its report concluding that Maleru and Maaleru are different and the later is not a scheduled tribe. In reality, the NCST has compiled its report entirely on the basis of the false inputs furnished by the State Govt. due to wrong perception. Their field visit is a lightening visit to a pre-determined hill top.

In 2013, the Apex Court afforded the petitioners the liberty to ASSAIL this report. From then onwards, our community have submitted several appeals and representations to NCST, Ministry of Tribal Affairs, Govt. of India and the Govt. of Karnataka. However, the state authorities are continuing the harassment instead of appropriately addressing the core issue.

The core issue is that a community by name हारे have never existed (copy attached). In the judgments of Nityananda Sharma and Another vs. State of Bihar and Others, 1996 (3) SCC 576, Prabhat Kumar Sharma vs. UPSC Appeal No.5483 of 2000, the Apex Court have taken cognizance of the pre-1950 valid documents such as the report of H.H.Risley and decided that Lohara and Lohara are different.

Drawing a parallel, I would like to seek your benevolent attention that in all such standard works such as Risley, Edgar Thurston, Census reports of 1901, 1911 etc. only one community i.e. Maleru 'sic' Maaleru is indicated whereas हारे has never been mentioned or described which goes to prove that हारे is an imaginary community and a translation ghost. Some literature has cropped up particularly after 1960 that claim to describe हारे community. In reality, we have proved that these are all plagiarism, misrepresentation and mixing up of descriptions of different communities by incompetent writers.

The NCST has been completely non responsive to numerous appeals and representations. The NCST report must be rescinded because their report is

flawed on two counts, both of which are grave. Firstly, they have completely failed to furnish a credible evidence for the existence of ಮಲೇರು community before 1950 or after. Secondly, they have wrongly portrayed another community by name Malaikudi as the so called ಮಲೇರು. Moreover, even this Malaikudi presence is recorded only from 1962 in the Mysore province and never before 1950.

In addition, in the NCST report, 2 other so called literature has been cited. One is the description furnished by H.V.Nanjundayya and L.K.Ananthakrishna Iyer. This description is really the plagiarism of the description of another community called Hasalaru furnished by Edgar Thurston. Another description has been provided by A.A.D.Luiz which is some other community in which statistics of ಮಲೇರು community has been forged and presented as another ಮಲೇರು. Hence, this is **FORGERY**. In conclusion, all the so called authoritative texts that supposedly describe the moorings of ಮಲೇರು community are nothing but **FORGERY, PLAGIARISM, MISREPRESENTATION and hence completely BOGUS**. Hence, in the light of our appeals as part of the liberty to ASSAIL the report, NCST should set in motion a proper mechanism to arrive at the correct position by accurately accounting for the two lapses.

The fact is in the NCST report, it has been documented that the name Maleru has been sourced from the 1901 Mysore Census list Animist Forest & Hill Tribes at Sl.No.99 which is actually ಮಾಲೇರು = ಮಲೇರು. However, in its final observation, NCST has mentioned that Maleru is ಮಲೇರು. Thus, NCST has contradicted its own conclusion. Actually, the inclusion of ಮಲೇರು in the list of TRIBES in the census indicates the horrible social, economic condition and geographical isolation of this community in those days. A small section of this community were temple servants and hence ಮಲೇರು has also been mentioned as traditional occupation temple servants. Instead of appreciating this fact, NCST has indulged in bogus misinterpretation that they are two different communities. This could be a consequence of **fake secularism**.

In the last 3 years our community has directed its efforts to examine as much Census documents as possible which included the work of H.H.Risley, Thurston, V.R.Thyagaraja Aiyar etc which neither lists nor describes ಮಲೇರು.

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More than our study, Edgar Thurston has not mentioned or described the existence of ಮಲೇರು community. Thurston has been acknowledged as an authority in ethnography and anthropology by courts, in particular the Apex court. He has studied Census documents, toured South India, consulted and corresponded with other experts and produced several volumes as "Castes and Tribes of Southern India". He has nowhere described another ಮಲೇರು community. Hence, we are confident that a dispassionate verification of these documents will undoubtedly reveal the truth that ಮಲೇರು community was only declared as Maleru (Scheduled Tribe) in 1950. Kindly note the evidence below:

| Mysore Census of 1901 | | Constitution (Scheduled Tribe) Order, 1950 issued on 06.09.1950 |
|---------------------------|---|---|
| The so called group name. | Name of the so called sub-Tribe. | |
| Íraliga | Hasalaru ಹಸಲರು | Hasalaru |
| | Illigaru ಇಲ್ಲಿಗರು, Íraliga ಈರಲಿಗ | Iruliga |
| | Máleru ಮಾಲೇರು = ಮಲೇರು | Maleru ಮಲೇರು |
| | Sóliga ಸೋಲಿಗ | Soligaru |
| Kuruba | ----- | Jenu Kuruba |
| | Áne ಆನೆ, Bévína ಬೇವಿನ, Kolli ಕೊಳ್ಳಿ, Kádu ಕಾಡು, Kádupújári ಕಾಡುಪೂಜಾರಿ | Kadu-Kuruba |


Actually, the state Govt. (No. ಸಕಇ 184 ಎಸ್‌ಎಡಿ 2015 dated 18-7-2016 – copy attached) and the Civil Right Enforcement Directorate which is falsely initiating action on our community has admitted that they have no document to prove the existence of a community by name ಮಲೇರು and they have no documents to prove that such a different ಮಲೇರು was included in the ST list as Maleru in 1950.

The central Govt. have repeatedly informed that Maleru is मालेरु. The Karnataka State Commission for Scheduled Castes and Scheduled Tribes has indicated that मलेरु is a PRINT MISTAKE and the correct version of Maleru is मालेरु. This was upheld by the Karnataka Revenue Secretary. Now the hitch is that the Karnataka Social Welfare Secretary (SWS) is unwilling to ratify the same. Hence, the authorities are not issuing the caste certificates. SWS falsely claims that central Govt. has asked for an ethnographic study of the so called two communities (F.No.12026/3/2009C&LM-I_dt12-4-2016, & No.SWD 230 SAD 2016 dt.31-3-2017 – copies attached). They have ordered the Karnataka State Tribal Research Institute (KSTRI), Mysuru to do an ethnographic study of the so called two communities. KSTRI have carried out a field study and realized that मालेरु only have been given the ST facility all along and मलेरु never existed. Therefore, conclusion of this study has been scuttled. Instead they are misusing NCST's false report and continuing to harass us.

Therefore, I request you to order state Govt. to avoid using the wrong conclusion of NCST and clarify that Maleru is मालेरु on the basis of valid documents or quickly conclude the so called study to conclude that मालेरु are the Maleru scheduled tribes. This is the spirit of the Apex Court order of liberty to assail the NCST report. Also kindly order them that further harassment of this community must forthwith cease till they conclude the study of KSTRI. Also I request you to initiate criminal action on the officials of CRED for wrong actions on this community inspite of protection by the Govt., Court and CRED.

Thanking you sir,

Yours faithfully,


(Ramamurthy. V.S.)



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

RPAD

ಸಂಖ್ಯೆ: ಸಕಇ 184 ಎಸ್‌ಎಡಿ 2015

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ
ವಿಕಾಸಸೌಧ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18.07.2016

ಇಂದ:

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,
ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ,
ಬೆಂಗಳೂರು.

ಇವರಿಗೆ:

ಶ್ರೀ ವಿ.ಎಸ್.ರಾಮಮೂರ್ತಿ,
ನಂ.422 ರಶ್ಮಿ, 9ನೇ, ಎ ಮುಖ್ಯ ರಸ್ತೆ,
ಕಲ್ಯಾಣ ನಗರ, ಬೆಂಗಳೂರು-43.

ಮಾನ್ಯರ:

ವಿಷಯ: ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005ರಡಿ ಮಾಹಿತಿ ಒದಗಿಸುವ ಬಗ್ಗೆ.
ಉಲ್ಲೇಖ: ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ ಸಕಇ 184 ಎಸ್‌ಎಡಿ 2015, ದಿ: 24.08.2015.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ತಾವು ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮದಡಿ ಸಲ್ಲಿಸಿರುವ ದಿನಾಂಕ: 20.06.2016 ಮೇಲ್ಕನವಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ನೆದರಿ ಮೇಲ್ಕನವಿಯು ಒಂದು ದಿನಾಂಕ: 37.07.2016ರ ಅರ್ಜಿಯ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಕೋರಿರುತ್ತೀರಿ. ಸದರಿ ಅರ್ಜಿಯಲ್ಲಿ "ಮಲೇರು ಜನಾಂಗ 1950ಕ್ಕಿಂತ ಮೊದಲು ಮೈಸೂರು ಪ್ರಾಂತ್ಯದಲ್ಲಿ ಇದ್ದರು ಮತ್ತು ಇದೇ ಜನಾಂಗವನ್ನು Maleru ಎಂಬ ಹೆಸರಿನಲ್ಲಿ ಪರಿಶಿಷ್ಟ ವರ್ಗದಲ್ಲಿ ಸೇರಿಸಲಾಯಿತು ಎಂಬುದಕ್ಕೆ 1950ರ ಅಥವಾ ಅದಕ್ಕಿಂತ ಮುಂಚಿನ ದಾಖಲೆಯನ್ನು ಒದಗಿಸುವುದು. 1950ರಿಂದಲೂ ಮೊದಲು Maleru ಎಂಬ ಜನಾಂಗ ಅಂದಿನ ಮೈಸೂರು ಪ್ರಾಂತ್ಯದಲ್ಲಿ ಇದ್ದರು ಎಂಬುದಕ್ಕೆ ಜನಗಣತಿ ದಾಖಲೆಯನ್ನು ಒದಗಿಸುವುದು ಅಥವಾ ತಾವು ಕನ್ನಡದಲ್ಲಿ ಮಲೇರು ಎಂದು ಬರೆಯುವಾಗ ಜನಾಂಗ 1950ಕ್ಕಿಂತ ಮೊದಲು ಅಂದಿನ ಮೈಸೂರು ಪ್ರಾಂತ್ಯದಲ್ಲಿ ಇದ್ದರು ಎಂಬುದಕ್ಕೆ ದಾಖಲೆಗಳನ್ನು ಒದಗಿಸುವುದು ಹಾಗೆಯೇ ದಿನಾಂಕ: 27.07.1977ರ ಅಧಿಸೂಚನೆಯನ್ವಯ ಮಲೇರು (Maleru) ಜನಾಂಗವು ಪರಿಶಿಷ್ಟ ಪಂಗಡದ ಪಟ್ಟಿಯಲ್ಲಿ ಇರುತ್ತದೆ ಎಂಬ ಕುರಿತು ತೀರ್ಮಾನಕ್ಕೆ ಬರಲು ಅವಲಂಭಿತವಾದ ಹಾಗೂ ಪರಿಶೀಲಿಸಿದ ದಾಖಲೆಗಳು, ವರದಿಗಳು, ಜನಗಣತಿಯ ದಾಖಲೆಗಳು ಮುಂತಾದವುಗಳ ಪ್ರತಿಯನ್ನು ಒದಗಿಸುವುದು.

ಕೋರಲಾದ ಮಾಹಿತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ 1950ರ ಅಥವಾ ಅದಕ್ಕಿಂತ ಹಿಂದಿನ ದಾಖಲೆಗಳು ಹಾಗೂ ದಿನಾಂಕ: 27.07.1977ರ ಅಧಿಸೂಚನೆಯನ್ವಯ ಮಲೇರು (Maleru) ಜನಾಂಗವು ಪರಿಶಿಷ್ಟ ಪಂಗಡದ ಪಟ್ಟಿಯಲ್ಲಿ ಇರುತ್ತದೆ ಎಂಬ ಕುರಿತು ತೀರ್ಮಾನಕ್ಕೆ ಬರಲು ಅವಲಂಭಿತವಾದ ಹಾಗೂ ಪರಿಶೀಲಿಸಿದ ದಾಖಲೆಗಳು, ವರದಿಗಳು, ಜನಗಣತಿಯ ದಾಖಲೆಗಳು ಲಭ್ಯವಿಲ್ಲವೆಂದು ತಿಳಿಸಲಾಗಿದೆ.

ತಮ್ಮ ನಂಬುಗೆಯ,


(ಕೆ.ಪಿ. ರಾಮು)

ಸರ್ಕಾರದ ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿ
ಹಾಗೂ ಮೇಲ್ಕನವಿ ಪ್ರಾಧಿಕಾರ,
ಸಮಾಜ ಕಲ್ಯಾಣ ಇಲಾಖೆ.

37.07.2016

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KARNATAKA GOVERNMENT

No.ಸಕಇ 184 ಎಸ್‌ಎಡಿ 2015

Karnataka Government Secretariat
Vikasa Soudha
Bengaluru, dated 18-07-2016

From
Secretary to Government,
Social Welfare Department,
Bengaluru

To
Shri V.S.Ramamurthy,
No.422, Rashmi, 9th A Main Road,
Kalyana Nagara, Bengaluru-43

Sir,

Sub: Furnishing information under RTI rule 2005

Ref: Govt. Letter No.ಸಕಇ 184 ಎಸ್‌ಎಡಿ 2015 dated 24.08.2015

With reference to the above, your appeal dated 20.06.2016 under RTI rule was examined wherein you have sought information on your application dated 30.07.2016. In the said application you have sought information that “ಮಲೇರು (ಮಲೇರು) community had existed before 1950 in the province of Mysore and that the same community was included as Maleru in the scheduled tribe and the documents prior to 1950 or before. Census documents before 1950 to establish that Maleru community existed in the then Mysore province or the community which you write as ಮಲೇರು (ಮಲೇರು) in Kannada existed in the Mysore province before 1950 as well as the documents, reports and Census documents relied upon for the claim that the ಮಲೇರು (Maleru) community is included in the Scheduled Tribe list as per notification dated 27.07.1977”.

It is hereby informed that documents are not available regarding the information sought about the documents prior to or the year 1950 and as per the Notification dated 27.07.1977 that ಮಲೇರು (Maleru) is included in the Scheduled Tribes and the documents, reports and Census documents relied upon to arrive at the said conclusion.

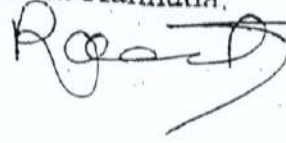
Yours sincerely,

Sd/-

(K.V.Rama)

Joint Secretary to the Government
and appellate authority,
Social Welfare Department

English translation of the State Govt. letter in Kannada.



02/04/16

F. No. 12026/3/2009-C&LM-I
Government of India
Ministry of Tribal Affairs
(C&LM-I Division)

Shastri Bhawan, New Delhi-01
Dated: 12th April, 2016

To,
The Principal Secretary,
Social Welfare Department,
Government of Karnataka,
Vikasa Soudha,
Bangalore-560001

Subject: Correction in name of "Maleru" मालेरु (In Hindi version), Scheduled
Tribe of Karnataka State.

Sir,

Please refer to the Social Welfare Department, Government of Karnataka letter
No. SWD 168 SAD 2015 dated 6-2-2016 regarding correction in Hindi version of
मालेरु as मालेरु. ST entry 34 list of STs of Karnataka.

'Maleru' community was listed at Sl.No. 5 in list of STs of the then State of
Mysore vide "the Constitution (STs) Order, 1950 dated 6-9-1950. Hereafter, 'Maleru'
community was listed at Sl.No. 8 in list of STs of the then State of Mysore, vide the
SCs & STs Orders (Amendment) Act, 1956 dated 25-9-1956 and the name of 'Maleru'
was written as मालेरु... in Hindi version of the said Act published on 26-11-1974.
'Maleru' with area restriction entered at Sl.No. 8 Item No. 1 in list of STs of the then
State of Mysore, vide the SCs & STs Lists (Modification) Order Act, 1956 dated 29-10-
1956. 'Maleru' listed at Sl.No. 34 in list of STs of Karnataka State, vide the SCs & STs
Orders (Amendment) Act, 1976 dated 18-9-1976 published in the Gazette on 20-9-1976
and the name of 'Maleru' has been written as मालेरु... in Hindi version of the said Act
as on 1-10-1979.

It is pertinent to mention that as per Article 348 of the Constitution and also the
Apex Court in its decision dated 19-10-2006 in C.A. No. 5483 of 2000 in matter of
Prabhat Kumar Sharma Vs UPSC and Others held that "english continues to remain the
authoritative text in respect of Acts of Parliament".

In this context, copy of following representation / grievance petition received in
this Ministry, which are self explanatory, are enclosed :-

- (a) Representation dated 16-1-2016 along with enclosures received from Shri
Ramamurthy V.S., number 422,9th A Main Kalyana Nagar, 1st Stage,
Bangalore.
- (b) Representation dated 28-1-2016 received from Shri D. Nagendrappa, State
President, National Conferdreation of Bahujan Organization, Hassan
(Karnataka).
- (c) Representation dated 25-3-2016 received from Shri Ramamurthy V.S.,
number 422,9th A Main Kalyana Nagar, 1st Stage, Bangalore.
- (d) Grievance petition bearing registration No. MTRBL/E/2016/00078 dated 25-
3-2016 of Shri Ramamurthy V.S., number 422,9th A Main Kalyana Nagar, 1st
Stage, Bangalore.

Co

- (e) Grievance petition bearing registration No. MTRBL/E/2016/00083 dated 29-3-2016 along with representation dated 29-3-2016 addressed to Hon'ble Prime Minister, received from Shri Ramamurthy V.S., number 422, 9th A Main Kalyana Nagar, 1st Stage, Bangalore.

In view of the above, and with reference to the letter of Government of Karnataka No. SWD -168 SAD 2015 dated 6-2-2016 referred above, State Government may furnish a detailed proposal with recommendation, justification and ethnographic report for processing the proposal as per extant modalities.

Yours faithfully,



(Biswaranjan Sasmal)

Director

Ph: 011-23070508

Copy to -

- 1) Shri Ramamurthy V.S., No. 422, 9th A Main, Kalyana Nagar, 1st Stage, Bangalore-560043.
- 2) Shri D. Nagendrappa, State President, National Confederation of Bahujan Organization, No. 12, Sunanda Nilaya, Vijayanagara, 2nd Stage, Belur, Hassan-573201 (Karnataka).
- 3) DS, C&LM-II Division, Ministry of Tribal Affairs, August Kranti Bhawan, New Delhi, w.r.t. O.M. No. 19020/1/2016-C&LM-II dated 5-4-2016.
- 4) Consultant, PC Division, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi w.r.t. grievance petition bearing registration No. MTRBL/E/2016/00078 dated 25-3-2016 and MTRBL/E/2016/00083 dated 29-3-2016.

GOVERNMENT OF KARNATAKA

NO: SWD 230 SAD 2016

Karnataka Government Secretariat,
Vikas Soudha,
Bangalore, Dated: 31.03.2017

From,

Secretary to Government
Social Welfare Department
Vikas Soudha
Bangalore

To,

Sri V.S Ramamurthy,
No.422, Rashmi,
9th A Main, Kalyananagara,
Bangalore-560043.

Subject: Karnataka Information Commission - Case No.KIC
12851 APL 2015.

As per the Orders dated 15-12-2016, of the Karnataka Information Commission, in respect of the above said subject, we would like to information the following:

1. In the constitution (Scheduled Tribes) order 1950 dated 06/09/1950 part XI Mysore the only one "MALERU" caste is included in the ST list. (Copy is enclosed). In this Order there were no two Maleru castes in the ST list. The description of "Maleru" and the caste of claimant "Maaleru" is enclosed for your information. It is clear from the description about the Maleru Tribe and other caste called "Māleru"(read as Maaleru).
2. In the Case No.5483/2000 Prabhat Kumar Sharma V/s UPSC and others, the Hon'ble Supreme Court directed that the English version has to be taken as authenticated version with regard to the Central Acts. As per Article 341 and 342 of constitution of India, the list of SC/ST has been published in English. The constitution bench of Honourable Supreme Court in its decision dated: 28/11/2000 in case no 652/2000. State of Maharashtra v/s Millind and others has held as under. "The ST order must be read as it is. It is not even permissible to say that Tribe, Sub-tribe, part of group or any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes orders if they are not so specifically mentioned in it".
3. However, in the Hindi Notification published by Government of India it was mentioned as मालेरु

4. The Government of India in turn vide letter No;F.no;12026/3/2009-C&LM-1 dated;12.04.2016 asked the State Government to conduct ethnographic study to correct the Hindi Version etc. and the study is assigned now to the Director, Tribal Research Institute, Mysore. The study report is yet to be received by the Government. Once, the study report is received, the same will be forwarded to the Government of India for their consideration.
5. In the light of providing all these facts, you are requested to allow the subject rests as it is till a decision is taken by the Government of India.

Yours faithfully,

Rajashri H. Kulakarni

(Rajashri H. Kulakarni)
Under Secretary to Government-2,
and Public Information Officer
Social Welfare Department.
P. NO-22054592.