

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

No.3934327/G3/2019/SCSTDD

SC/ST Development (G) Department
Thiruvananthapuram, Dated: 19.10.2022

Sub:-	Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 - Scheduled Tribe (Malai Arayan) claim of Smt.Dinya Mathew, Puliyammackal House, Irumbupalam, Padicup P.O., Idukki – Rejected - Orders issued - Reg.
Ref:-	Enquiry Report Nos.V.19/2013/Rej/ST-3 dated 21.11.2013 of the Vigilance Officer, KIRTADS.

ORDER

Smt.Dinya Mathew, Puliyammackal House, Irumbupalam, Padicup P.O., Idukki was an applicant for B.Ed Course-2013 under the quota reserved for Scheduled Tribes. The Screening Committee rejected her application based on the anthropological enquiry report of KIRTADS. The anthropological enquiry conducted by the Vigilance Cell of KIRTADS revealed the following:

Late Varkey, Melukavu, Kottayam, the paternal grandfather of Smt.Dinya Mathew (claimant herein) belongs to Christian Malai Arayan community. The Certificate from CSI Christ Cathedral, Melkavu proves the same. He was married with late Eliyamma, who also belongs to the same community. In this marital union three children were born viz. Sri.Kunjachan, Sri.Mathew Varkey (father of the claimant herein), and Smt.Pennamma alias Mumthaz. Sri.Kunjachan is married with Smt.Kunjumol, who belongs to Christian Malai Arayan community. Smt.Pennamma alias Mumthaz married to Sri.Haneef, who belongs to Muslim community. Thus admittedly claimant's father belongs to Christian Malai Arayan community.

The maternal grandfather of the claimant, Sri.Thomas Vellilankal, Adimali, Idukki, belongs to Christian Roman Catholic Community. He is married with Smt.Mariyamma, who also belongs to the same community. In this marital union,

six children were born viz. Smt.Mary, Smt.Sally Thomas (claimant's mother herein), Sri.Thankachan, Sri.Joy, Smt.Lisy and Smt.Christina.

Smt.Mary is married to Sri.Joy, Thodupuzha, Idukki, who belongs to the Christian Roman Catholic community. Sri.Thankachan is married with Smt.Valsala, who belongs to Christian Jacobite community. Sri.Joy is married with Smt.Sindhu, who belongs to the same community. Smt.Lisy is married to Sri.Saji, Adimali, Idukki, who also belongs to the same community. Smt.Christina is married to Sri.Poly Kambillikandam, who belongs to the Christian Jacobite community.

Smt.Sally Thomas (claimant's mother) completed her school education from Government Higher Secondary School, Kuttampuzha. In the Admission register maintained at that school, her religion is entered as R.C.S.C. Out of the marital union between Mathew Varkey and Sally Thomas, two children were born viz: Smt.Deepa and Smt.Dinya Mathew (the claimant herein).

The genealogical and documentary evidences mentioned above reveal that the claimant is an offspring of inter caste married couple, wherein her father belongs to Scheduled Tribe Malai Arayan community and mother belongs to Christian Roman Catholic community. Thus the claimant's Scheduled Tribe Malai Arayan status rest only on the community status of her father. The claimant and her mother were deserted by her father in her childhood. The claimant and her mother are now residing near her mother's residence. The representation dated 20.11.2013 from the claimant, the Certificate dated 29.11.2012 issued by the President, Adimali Grama Panchayath and the Certificate dated 11.09.2012 issued by the Village Officer, Mannamkandam, also prove the same. The investigation conducted as per Act 11 1996 revealed that she is totally devoid of the milieu and circumstances to be deemed as a member of ST Malai Arayan community.

While determining the social status of an individual who is an offspring of inter caste/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. Government have taken a lenient decision in the matter of providing Constitutional safeguards to the children of inter-caste married couples, where only one of the parents belongs to SC/ST. Accordingly, a number decisions have been taken from time to time as per then existing legal provisions.

In the wake of the judgment dated 10.08.2005 in WP(C)Nos.2483, 7039, 17317 of 2005 and connected cases (Indira Vs. State of Kerala), as per G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008, Government have 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 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 be

belongs. In the present case, the claimant is born and brought up in the social circumstances of her mother's community i.e. Christian Roman Catholic community. She is away from the socio-cultural background of the ST Malai Arayan community to which her father belongs and has not suffered any social disabilities of that community. In the case of marriage between tribal with non tribal, the main factor for consideration is whether the couple were accepted by the tribal society to which the tribal spouse belongs. The local discreet enquiry proved that the claimant and her sister were born and brought up in the cultural milieu of their mother's community and have affinity towards their mother's community. They are devoid of any tribal characteristics and do not have anthropological moorings to consider them as members of ST Malai Arayan community. The totality of the situation reveals that the claimant does not fulfill the criteria stipulated in the G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008 to consider her as a member of Scheduled Tribe. Hence the claimant's claim as a member of ST Malai Arayan community cannot be conceded.

Smt.Dinya Mathew submitted a grievance petition before the Government. Government have directed the Vigilance Cell of KIRTADS to examine the grievance petition filed by the claimant. The Vigilance Cell of KIRTADS issued a notice to the petitioner to attend the personal hearing and to submit documentary evidences in support of her Scheduled Tribe claim. In reply to this, the claimant has submitted a written statement that she is unable to attend the hearing and submitted documents such as the caste certificate issued by the Tahsilidar, Meenachil and the certificate issued by the Parish Priest, CSI Church, Melukavu etc., that she had already submitted at the time of the enquiry. As the petitioner has not submitted any other documents to prove her ST (Christian Malai Arayan) claim, KIRTADS is unable to take further steps in this matter.

A notice has been issued to the claimant to show cause as to why her claim to be a member of Malai Arayan community, which is included in the list of Scheduled Tribe communities should not be rejected. She has not furnished her reply to the Show Cause Notice.


Smt.Dinya Mathew has submitted a representation on 20.09.2022 along with the copies of documents that she had already submitted at the time of the enquiry. She has not furnished any other valid documents to prove her Scheduled Tribe claim afresh. She has also requested to allow her mother's caste ie. Christian Roman Catholic.

Hence in view of the above mentioned facts, the claim of the claimant as a member of Scheduled Tribe Malai Arayan community cannot be conceded. She belongs to Christian Roman Catholic community of her mother.

The case was taken up and discussed by the Scrutiny Committee meeting held on 01.10.2022. The claimant, Smt.Dinya Mathew did not appear before the Scrutiny Committee. The genealogical and documentary evidences prove that the claimant is an offspring of inter caste married couple, wherein her father belongs to Scheduled Tribe Malai Arayan community and mother belongs to Christian Roman Catholic community. Therefore, her ST claim has to be decided as per G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008. The anthropological investigation conducted by the Expert Agency, KIRTADS reveals that the claimant does not fulfill the criteria stipulated in the above Government Order. Hence her claim as a member of Scheduled Tribe (Malai Arayan) community cannot be conceded. She belongs to Christian Roman Catholic community of her mother. In her representation dated 20.09.2022, she has also requested to allow her mother's caste ie. Christian Roman Catholic.

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), the Scrutiny Committee rejected the Scheduled Tribe (Malai Arayan) claim of Smt.Dinya Mathew and authorized the Chairman to issue Proceedings in the case.

The Committee further decided to cancel all the Scheduled Tribe certificates issued to Smt.Dinya Mathew by the competent authority and to bring this fact before Government for appropriate action under the relevant provisions of Act 11 of 1996.


Dr.A.JAYATHILAK IAS
 Chairman
 Scrutiny Committee for Verification
 of Community Certificates.

To,

- 1) Smt.Dinya Mathew, Puliyammackal House, Irumbupalam, Padicup.P.O., Idukki – 685 561. (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 Director, Information & Public Relations Department. (For Press Release)
- 6) The District Collector, Idukki.
- 7) The Tribal Development Officer, Idukki.
- 8) The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode-17.
- 9) The Tahsildar, Devikulam.
- 10) The Private Secretary to Hon'ble Minister (Welfare of SCST& BC).
- 11) The P.A to Additional Chief Secretary, SCST&BCDD.
- 12) Stock File
- 13) Office Copy.

8/