

PROCEEDINGS OF THE SCRUTINY COMMITTEE
FOR VERIFICATION OF COMMUNITY CERTIFICATES

No.3926276/G3/2019/SCSTDD

SC/ST Development (G) Department
 Thiruvananthapuram, Dated: 05.06.2023

Sub:-	Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 - Scheduled Tribe (Mala Arayan) claim of Sri.Joel Sen, S/o.Dr.Sen George, T.C.XI/1215, Puliyancode, Njandoorkonam, Opp. Lutherans Church, Chempazhanthy, Thiruvananthapuram – Rejected - Orders issued - Reg.	
Ref:-	1)	Anthropological Enquiry Report No.V.1443/2019(603) dated 27.06.2019 of the Vigilance Officer, KIRTADS.
	2)	Judgment dated 06.03.2023 of the Hon'ble High Court in W.P(C)No.7420/2023.

ORDER

Sri.Joel Sen (the claimant herein), S/o.Dr.Sen George, TC.XI/1215, Puliyancode, Njandoorkonam, Opp. Lutherans Church, Chempazhanthy, Thiruvananthapuram, who was an applicant of KEAM-2019 under Scheduled Tribe quota. The Screening Committee rejected his Scheduled Tribe (Mala Arayan) claim. Thereafter the claimant filed W.P(C)No.19131/2019 before the Hon'ble High Court to quash the report of KIRTADS and Order of Commissioner for Entrance Examinations. Vide Judgment dated, 26.07.2019, the Hon'ble Court have dismissed the above Writ petition as withdrawn.

The Vigilance Cell of KIRTADS has conducted a detailed anthropological investigation into the community status of the claimant as part of KEAM application 2019. The anthropological enquiry conducted by KIRTADS revealed that Sri.Joel Sen and his siblings do not belong to Scheduled Tribe (Mala Arayan) community but to Cheramar Christian Community.

Notice has been sent to the claimant to show cause as to why his claim to be a member of Mala Arayan community should not be rejected. The objection submitted by the claimant against the anthropological enquiry report of KIRTADS has been forwarded to the Vigilance Cell of KIRTADS for furnishing their remarks. The Vigilance Cell of KIRTADS furnished their remarks on the objections filed by the claimant.

The Scrutiny Committee meeting held on 24.05.2022 decided to grant 7 days time to the claimant for furnishing additional documents/evidences if any, to establish his ST (Mala Arayan) claim. The claimant has furnished a written submission on 11.07.2022. The Director/Vigilance Officer, KIRTADS has been directed to furnish their remarks on the written submission filed by the claimant. The Vigilance Cell of KIRTADS furnished their remarks on the written submission filed by the claimant.

The Hon'ble High Court vide its judgment dated 06.03.2023 in WP(C)No.7420/2023 filed by Sri.Joel Sen, have directed the 2nd respondent (the Chairman, Scrutiny Committee) to finalize the proceedings pertaining to Ext.P9 show cause notice, taking into account the objection and written submission made by the petitioner, at the earliest and at any rate within two months from the date of receipt of a copy of the Judgment, after securing participation of the petitioner.

The case was taken up and discussed by the Scrutiny Committee on 11.05.2023. The parents of the claimant, Dr.Sen George and Smt.Laiza Paul appeared before the Scrutiny Committee.

The parents of the claimant argued the following points:

- While determining the caste status of their son, Sri.Joel Sen (the claimant herein), the Vigilance Cell of KIRTADS considered his mother's caste status and they have ignored claimant's father's ST (Mala Arayan) caste status.

- The claimant belongs to Scheduled Tribe (Mala Arayan) community by birth. School Certificate, Caste Certificate issued by the Tahsildar and church genealogy records prove the same.
- After examining all the facts in accordance with G.O(Ms)No.109/2008/SCSTDD dated, 20.11.2008, the Tahsildar issued caste certificate to the claimant.
- The Caste certificate issued by the revenue authority is valid and issued after proper verification.
- The admission request form of the School doesn't have the column to fill up the Caste/Community status at the time of admission.
- The claimant's classmates exclaimed as that they are seeing a tribal boy first time in their life. He used to report like this during his L.P., U.P. schooling days.
- The claimant wrote his 9th standard CBSE Board Exam-2015, 10th Standard CBSE board examination (2016), NTSE exam (2016), KVPY examination (2017) and Class XII board exam (2018) under ST category.
- Christian marriages do not come under the category of inter-caste marriages. Hence the claimant's parents' marriage does not come under the category of inter-caste marriages.
- KIRTADS accused that the claimant delayed the decision on the file. The Vigilance Cell of KIRTADS did not take any action in the case from 2018 onwards. The accusation is totally false and baseless.
- As per Order No.35/1/72/R U 2.5.1970 para 2(i) where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be, in relation to that State.

The Scrutiny Committee examined the entire case records and all the relevant documents, particularly, claimant's representation, enquiry report and remarks of the Expert Agency, facts/evidences brought out by the claimant's parents during the personal hearing and such other relevant facts of the case. On going through the entire case records and after detailed deliberations, especially keeping in view of the following important points/aspects, the Scrutiny Committee did not find the claim of Sri.Joel Sen as belongs to Scheduled Tribe (Mala Arayan) community is genuine and found that he belongs to Cheramar Christian Community:-

- The claimant's paternal grandfather, Sri.George, Areemackal, Erumapramattom, Kottayam, belongs to Scheduled Tribe Malayarayan Converted to Christianity. He is married to Smt.Saramma, who belongs to Christian Mala Arayan community.
- Father of the claimant Dr.Sen George is working as Doctor in ESI Hospital, Peroorkada. In his SSLC Book, the caste name is entered as Scheduled Tribe converted from Malayarayar.
- The genealogical analysis revealed that the claimant's paternal grandfather and his parent's being to Malayarayan Christian community.
- The claimant's maternal grandfather is Sri.Paulose, who belongs to Christian Cheramar Community. He is married to Smt.Janamma, who claims to be belong to Christian Cheramar Community.
- Smt.Laiza Paul, the mother of the claimant, is working as Senior Technical Manager in Rajeev Gandhi Center for Biotechnology, Poojappura, Thiruvananthapuram. In her SSLC Book the caste name is entered as Christian Cheramar community.
- The Claimant's maternal grandparents and mother claims to be belongs to Christian Cheramar community. But no documents of ancestors are provided

to prove the genuinity of the claim. As per Section 10 of 1996, the burden of proof rested with the claimant himself. But the claimant could not adduce the same.

- Sri.Joel Sen (the claimant) and Hannah Sarah Sen are the two children born out of the marital union between Dr.Sen George and Smt.Laiza Paul. Sri.Joel Sen completed his secondary school of education from ST.Thomas Central School, Thiruvananthapuram. The admission register maintained in that school shows that his community and religion is Christian CSI. However in the year 2018 that was changed to Christian Mala Arayan ST as per changes made on the basis of community certificate issued on 30.10.2018.
- It is also clearly delineated that “in the case of change of name, religion and community changes except clerical error to be carried out after a person leaves the school shall be ensured by Gazette Notification after obtaining certificate from competent authorities and copy of the Gazette.” In this case, the claimant has not followed or complied with any of these procedure formalities. As per G.O(P)No.49/99/SCSTDD dated 06.05.1999, when a student intend to study with SC/ST benefits, he/she should produce the SC/ST community certificate in the first standard itself. Here, the claimant has not claimed the Scheduled Tribe status until his 12th standard. There after he declared his community as Christian Cheramar in the school records.
- The enquiry proves that the claimant is born and brought up as member of Christian Cheramar community in his early childhood.
- The investigation also revealed that the claimant got baptized twice. He is an active member of the Christian Believer's Assembly (affiliated to the India Christian Ministries) and he got baptized from there on 20.08.2016. It is clear from Baptism certificate produced by the claimant that he got baptized from St.Peter's CSI Church, Erumapra on 16th June 2019. Along with the baptism records the claimant had produced his first converts details which was


produced by the Rev.Dr.Jose Philip.A, St. Peter's CSI Church, Erumapra dated 16.06.2019.

- The local enquiry conducted by the Vigilance Cell of KIRTADS revealed that the claimant is devoid of the milieu and circumstances to be deemed as a member of Scheduled Tribe, Mala Araya community.
- It is clear that the society do not accepted the claimant as a member of Scheduled Tribe Mala Arayan community and he belongs to Christian Cheramar community. The baptism details recorded in unequivocally reveal the same.
- The field enquiry revealed that the claimant and his parents are accepted members of Christian Believer's Assembly, Pananvila, and they also identified as Christian Cheramar community members.
- Further more all of them are devoid of milieu and circumstances of Christian Mala Arayan community and they belong to the faith and rituals of Christian Cheramar community.
- The genealogical and documentary evidences reveal that the claimant is an offspring of inter-caste married couple. Hence, the facts have been examined in the light of G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008 issued for determining caste status of offspring of inter-caste married couple.
- The evidences collected as part of the investigation reveal and underline the fact that the claimant and his family is living in the milieu and circumstances of Cheramar Christian community.
- The claimant has not suffered the disabilities of the Scheduled Tribe- socially, economically and educationally. The anthropological enquiry conducted by the Vigilance Cell of KIRTADS proved that the claimant has more affinity towards his mother's community and that he has been brought up as a member of Cheramar Christian 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 him as a member of Scheduled Tribe. Thus the claimant's claim for Scheduled Tribe Mala Arayan is against the facts as he has not been subjected to the same social disabilities and also not following the same customs and traditions of the Mala Arayan Community.

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 (Mala Arayan) claim of Sri.Joel Sen and authorized the Chairman to issue Proceedings in the case.

The Committee further decided to cancel all the Scheduled Tribe certificates issued to Sri.Joel Sen 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) Sri.Joel Sen, S/o.Dr.Sen George, T.C.XI/1215, Puliyancode, Njandoorkonam, Opp. Lutherans Church, Chempazhanthy, Thiruvananthapuram - 695 587. (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, Thiruvananthapuram.
- 8) The Tribal Development Officer, Thiruvananthapuram.
- 9) The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode-17.
- 10) The Tahsildar, Thiruvananthapuram.
- 11) The Private Secretary to Hon'ble Minister (Welfare of SCST& BC).
- 12) The P.A to Additional Chief Secretary, SCST&BCDD.
- 13) Stock File/Office Copy.

