

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

No.4753288/G3/2020/SCSTDD

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

Sub:-	Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 - Scheduled Tribe (Mala Arayan) claim of Joel Graysan George and Jiya Sara George, Kurinjankulath (Tharayil Plakkal), Konnippadu.P.O, Melukavu, Kottayam – Accepted - Orders issued- Reg.
Ref:-	1) Judgment dated 04.08.2021 of the Hon'ble High Court in W.P(C)No.25171/2020 filed by Sri.George Issac & others
	2) Enquiry Report No.KTDS/774/2021-V dated 26.04.2022 from the Vigilance Officer, KIRTADS.
	3) Minutes of the Scrutiny Committee Meeting held on 24.05.2022.

ORDER

Sri.George Issac and others filed WP(C)No.25171/2020 before the Hon'ble High Court of Kerala challenging Ext.P9 Proceedings (Proceedings No.2035057/G3/2017/SCSTDD dated 07.02.2018) of the Scrutiny Committee and seeking a direction to issue a Caste Certificate treating the petitioners as members of Mala Arayan Christian Community.

As per Judgment read as 1st paper above, the Hon'ble High Court of Kerala disposed of the above Writ Petition directing the 6th and 7th respondents (KIRTADS and the Scrutiny Committee for Verification of Community Certificates) to conduct an enquiry into the community status of the petitioners therein with reference to the earlier enquiry regarding the community status of Mrs.Ruby John and to arrive at an independent finding regarding their community status. Government have directed KIRTADS to conduct anthropological enquiry on the caste status of the petitioners (Sri.George Issac and his two children Joel Graysan George and Jiya Sara George).

As his son Sri.Joel Graysan George is an applicant of NEET and KEAM Entrance Examinations for the year 2022, Sri.George Issac requested to consider the caste claim of his two children (Joel Graysan George and Jiya Sara George) urgently. The Scrutiny Committee considered his request and decided to hear Joel Graysan George and Jiya Sara George in its sitting on 24.05.2022.

The Scrutiny Committee examined the anthropological enquiry report furnished by the Expert Agency, KIRTADS. The report revealed the following:

In the Admission register maintained at CMS HSS, Melukavu, the community of Sri.K.J.Ithakk (the paternal grandfather of Joel Graysan George and Jiya Sara George) is entered as Anglican Christian, Hillarian. The statements and genealogical proforma submitted by claimants' father also states the community status of the claimants' paternal grandfather as Malai Arayan community. Thus, admittedly, the paternal grandfather of the Claimants belonged to Malai Arayan community, which is a Scheduled Tribe community of the State.

In the Admission register maintained at N.M.L.P. School, Sabarimanka, the community of Smt.Thankamma@Saramma (the paternal grandmother of Joel Graysan George and Jiya Sara George) is entered as 'Syrian Christian, Baptist'. The statement and genealogical proforma submitted by the claimants' father also states the community status of the Claimants' paternal grandmother as Christian community of Syrian (Marthoma) denomination. Thus, admittedly, the Claimants' paternal grandmother belongs to Christian community of Syrian (Marthoma) denomination, which is a Non-Scheduled Tribe community of the State.

Out of the marital union between Late K.J.Ithakk@K.J.Issac and Late Thankamma@Saramma, five children were born, viz, Issac Wilson, Titus Issac, Daisy, Mercy, and George Issac (Claimants' father). In the Admission register of MSCLPS Kanjirathamala, SC High School Chellakkadu, Ranni, Govt LP School,

Kunnam and SSL Certificate from SC High School, Ranni, the claimants' father's Religion and caste are entered as Christian Marthoma/Marthomite. Answer to the statement 'Does the pupil belong to scheduled castes or tribes or other backward communities' in the above documents' is either left as blank or filled as 'no'. Thus, the above documents prove beyond doubt that the father of the Claimants was born and brought up and socialized in the milieu and circumstances of his mother's Christian community of Syrian (Marthoma) denomination, which is a Non-ST community of the State.

The Parish Baptism Register maintained at the Malankara Marthoma Syrian Church also states the inclination of the Claimants' father towards the community identity of his mother who is a member of Christian community of Non-Malai Arayan origin. The genealogical proforma submitted by the claimant's father states the community status of his siblings and their spouse as Christian community of Pentecostal denomination. Thus, the father of the Claimants has strong affinity towards Christian community if Non-Malai Arayan origin, to which his mother belongs to.

Sri. George Issac (claimants' father) married Smt. Ruby John, Melukavu, Kottayam. Out of the marital union between them, two children were born, viz, Joel Graysan George and Jiya Sara George (claimants herein). Smt. Ruby John's (claimants' mother) father belongs to Christian community of Malai Arayan origin, which is a Scheduled Tribe community of the State. Her mother is an offspring of inter-community married couple, wherein her father belongs to Christian community of Malai Arayan origin and mother to Christian community of CSI denomination. As per Proceedings No.2035057/G3/2017/SCSTDD, Dated:07.02.2018, the Scrutiny Committee declared the community status of Smt. Ruby John (claimants' mother) as Scheduled Tribe Malai Arayan.

In the School Admission Register maintained at Shanthal Jyothi Public School, Muttom, Idukki and in the Technical High School Leaving Certificate, Sri.Joel Graysan George's community is entered as Christian CSI Mala Araya, ST and Christian Malayaraya ST respectively. In the School Admission Register maintained at Shanthal Jyothi Public School, Muttom, Idukki, Kum. Jiya Sara George's community is entered as Christian CSI Mala Araya, ST.

Government of Kerala had 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 of decisions have been taken from time to time as per then existing legal provisions. G.O.(Ms)298/61/Rev, Dated: 23/03/1961, ordered that children born of inter-caste marriage would be allowed all educational concessions given to Scheduled Castes/Scheduled Tribe communities provided either father or mother belongs to a Scheduled Caste or Scheduled Tribe community. Later, in 1977 via G.O.(Ms)11/77/DD, Dated 25/01/1977, Government ordered that the said concession would be provided for all purposes. In 1978 via G.O(MS)No.36/78/DD, Dated: 01/03/1978, the said concessions were extended to the children born out of inter-religious marriages also, provided either of the parents belongs to Scheduled Castes or Scheduled Tribe community.

In the wake of the judgment dated 10.08.2005 in Indira Vs. State of Kerala (full bench of High Court of Kerala in WP(C)Nos.2483, 7039, 17317 of 2005 and connected cases), Government of Kerala vide G.O(Ms)No.109/2008/SCSTDD dated 20.11.2008 ordered that the Competent Authority who has to issue Scheduled Caste/Scheduled Tribe community certificate to the children born out of inter-caste married couple of which one of the parents is Scheduled Caste/Scheduled Tribe should ensure that the claimant is subjected to same social disabilities and also following the same customs and traditions and community has accepted that person

to its fold as such. The above Government Order also stipulates that the Authority to issue the caste certificate should also ensure that:

- i) each case shall be examined individually in the light of the existing fact and circumstances;
- ii) the claimant has suffered disabilities – socially, economically and educationally; and
- iii) the society has accepted the claimant to their original fold as one among them and is living in the same social tenets.

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

The paternal grandfather of the 'claimants' was a member of Christian community of Malai Arayan origin. Their maternal grandfather and maternal grandmother's mother belong to Christian community of Malai Arayan origin but maternal grandmother's father is a member of Christian community of Non-Malai Arayan origin. However, as per Proceedings No.2035057/G3/2017/SCSTDD, Dated:07.02.2018, the Scrutiny Committee declared the community status of the Claimants' mother as ST Malai Arayan. In the School Admission Register and the Secondary School Leaving Certificate, Sri.Joel Graysan George's community is entered as Christian CSI Mala Araya, ST and Christian Malayaraya ST respectively. In the School Admission Register, Kum. Jiya Sara George's community is entered as Christian CSI Mala Araya, ST. Thus, the Claimants were exposed to the ST Malai Arayan identity during their enculturation period. They were also born and brought up at the native place of their paternal and maternal grandfathers', who belong to Christian community of Malai Arayan origin, i.e., Melukavu area in Kottayam

district, which is the age-old habitation area of the ST Malai Arayan community of Christian faith.

Here, in the present case the cultural values and ethos accumulated and socialization process accomplished by the Claimants are largely from the ST Malai Arayan background of their mother, paternal & maternal grandfathers and maternal grandmother's mother. The family plays the major role in the enculturation of a child. The primary socialization unit is the family and in this case the Claimants have been socialized as Scheduled Tribe community members through the parenting of their mother, and paternal grandfather, who belong to Christian community of ST Malai Arayan origin. Hence, in the view of the above mentioned facts, the claim of the Claimants as members of ST Malai Arayan community can be conceded as per G.O(Ms)No.109/2008/SCSTDD, dated 20/11/2008.

In view of the above mentioned facts, the investigation reveals that Mr. Joel Graysan George and Kum. Jiya Sara George belong to Scheduled Tribe Mala Arayan community of Christian faith.

On going through the entire case records, the Scrutiny Committee meeting held on 24.05.2022, found that the claim of Mr.Joel Graysan George and Kum.Jiya Sara George that they belong to Scheduled Tribe Mala Arayan community of Christian faith is genuine, as they fulfill all the conditions mentioned in G.O(Ms)No.109/08/SCSTDD dated 20.11.2008, for determining caste status of offspring of inter-caste married couple. The Committee also authorised the Chairman to issue Proceedings in the case.

After careful examination of the entire case records in accordance with the provisions of Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue of Community Certificates Act, 1996 (Act 11/1996) and as per the provisions of

G.O(Ms)No.109/08/SCSTDD dated 20.11.2008, the Scrutiny Committee hereby accept the claim of Mr.Joel Graysan George and Kum.Jiya Sara George that they belong to Scheduled Tribe Mala Arayan community of Christian faith.



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

To,

- 1) Joel Graysan George, Kurinjankulath (Tharayil Plakkal), Konnippadu P.O., Melukavu, Kottayam – 686 652. (Registered with A/D)
- 2) Jiya Sara George, Kurinjankulath (Tharayil Plakkal), Konnippadu P.O., Melukavu, Kottayam – 686 652. (Registered with A/D)
- 3) The Advocate General, Kerala, Ernakulam (with C/L).
- 4) The Director, Scheduled Tribes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for Verification of Community Certificates)
- 5) The Director, Scheduled Castes Development Department, Thiruvananthapuram. (Member, Scrutiny Committee for Verification of Community Certificates)
- 6) The Director, KIRTADS, Chevayoor, Kozhikkode – 17. (Member, Scrutiny Committee for Verification of Community Certificates)
- 7) The Director, Information & Public Relations Department. (For Press Release)
- 8) The District Collector, Kottayam. (By registered post with A/D)
- 9) The District Tribal Development Officer, Kottayam.
- 10) The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode-17.
- 11) The Revenue Divisional Officer, Mini Civil Station, Pala-686 575.
- 12) The Tahsildar, Taluk Office, Meenachil, Mini Civil Station, Pala-686 575.
- 13) The Village Officer, Village Office, Melukavu, Erattupetta, Meenachil Taluk, Kottayam-686 652.
- 14) The Private Secretary to Hon'ble Minister (Welfare of SCST& BC).
- 15) The P.S to the Secretary, SCST&BCDD.
- 16) Stock File
- 17) Office Copy.

